

EXECUTIVE SUMMARY

Florida Building Code Administrators and Inspectors Board

I. General Information

Meeting Type: Application Committee, Examination and Continuing Education Committee, Rules and Legislation Committee, Executive Committee and General Business Meeting
Meeting Date: Wednesday, June 8, 2005, through Friday, June 10, 2005
Meeting Location: Tradewinds Resort
5500 Gulf Boulevard
St. Petersburg Beach, Florida 33706

Attendees:

Charles Sheridan, Chair
Robert Kymalainen, Vice Chair
Dennis Franklin
Rob Nagin
Margaret Pass
Nick Sasso
Bill Weber
Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)
Elise Rice, Government Analyst, DBPR
Charles Tunncliff, Assistant General Counsel, DBPR
Jeffrey Jones, Assistant Attorney General, Department of Legal Affairs (DLA)

Allen Johnson
Andrew M. Johnson
Andres Rojas
Arnold Raymond
Bob Koning
Bob Lane, City of Haines City
Bob McCormick, Codeworks
Bruce Burdette, International Code Council (ICC)
Bruce Cooper, City of Satellite Beach
Carl Perdue, Town of Lantana
Carol Hurst, Alachua County
Charles Schwieder
Christ T. Sanidas, Orange County
Clark Jones
Clifford Stokes
Cy Butts
Dan Inman
David Buckles
David Conner
David Headley

David J. Herron, City of Fernandina
David Johns
David Migut, City of Ft. Myers
David Morris, Lee County
David Theen
Don Vancini, Volusia County
Donald Vancini
Donny Rees
Douglas Harvey
Everett Maier, City of Ft. Myers
Francis A. Piccirilli
Frank Morris, Tri-State Consultants
Frank O'Neill, Aarons Staff
Gary Belle
Gerald M. Engel, City of New Port Richey
Glen P. Urquhart
Henry F. Eures, City of Avon Park
J. Raymond Byron
James Appoloney, Jr., Lake County
James K. Wilkes
Janes Waddel, Contractors Institute
Jeff Nees
Jerome Sanzone, City of Pompano Beach
Jim Evetts, Charlotte County
Joe Crum, City of Port Orange
John Auer, Hamilton County
John England, England Enterprises
John Pankiewicz, City of Green Acres
Jon Hamrick, DOE
Joseph Thimm
Julia Galofre
Kenneth Delaney, City of Eustis
Kevin Malloy, City of Ft. Myers
Larry Carnley
Lewis Chandler
Manuel Zambrano, City of Tampa
Michael Grimm
Michael L. German, City of New Port Richey
Michael L. Lane, Lake County Schools
Michael Macey
Michael McCaughin
Mike Garrett
Mike Geiger
Mike Maloy
Mike Vandall, RedVector.com
Neal H. Schwartz
Neal Schwartz, City of Treasure Island
Nester Abreu
Pat Sura, Suwannee County
Patrick Hoag
Paul Vescio

Richard Blusiewicz, City of Ft. Myers
Richard Gathright, Palm Beach County
Robert G. Harris, Capri Engineering
Robert Leeke, Town of Jupiter
Roger D. Case
Ron Posey, City of Ft. Myers
Roy W. Rogers, City of Live Oak
Steve Roland, City of Deltona
Ted Lakey
Tom Braswell, City of Destin
Tom Goldsbury
William Bissett, Lake County
William E. Irvine, Brevard County

II. Major Issues/Actions

- The board considered and approved 274 licensure applications and denied 111 licensure applications as reviewed by the Examination Committee; the board considered and approved, by ratification, 91 completed licensure applications
- Chair Chuck Sheridan reminded all in attendance to submit licensure applications to the Department fully completed and to detail all work experience with no inference of unlicensed activity
- Mr. Bruce Burdette, International Code Council (ICC), gave a similar presentation to the board as provided to the Department regarding their proposal to allow building code applicants to take their technical examination by computer-based testing (CBT) through an ICC contracted vendor; Mr. Burdette informed the board that the current contract concerns include the no show rate and the examination item exposure; he informed the board that because of the problem with no show candidates, the examination confirmation letter was amended to include stronger language discouraging no shows and that because of the severe Florida hurricane season, ICC reduced the costs to the board for no shows in September 2004 to fifty percent; Mr. Burdette suggested the board approve the CBT effort effective January 1, 2006, as ICC believes the savings for no shows will be \$12,000; he added that applicants can apply to take the examination when they are ready to examine and can cancel up to four days in advance of an examination at no charge; Mr. Burdette touched on the costs associated with CBT to the applicants; he added that pen and paper examinations would only be available four times per year and would be funded completely by the applicant; Ms. Margaret Pass expressed her concern with the examination sites and the testing areas candidates would utilize as she feels strongly that the candidate space needs should be large enough to accommodate all candidate supplies/books and that the exam areas need to be well lit; Ms. Pass also mentioned her concern that if an individual does not renew their ICC certification after six years, then it expires and she suggested an addendum to the ICC contract with the Department indicating that Florida building code licensees are ICC certified and remain certified indefinitely; Mr. Rob Nagin informed the board that the current cost to the board for no show candidates is approximately \$25,000 - \$35,000 annually; Mr. Nick Sasso expressed his concern with the no show costs and Mr. Nagin informed Mr. Sasso that the building code surcharge helps offset this cost

- The board considered and approved six course applications for the City of Jacksonville Building & Zoning Inspection Division; four course applications for Palm Beach County Planning, Zoning & Building; six course applications for Tri-State Consultants; one course application for the Department of Education, Educational Facilities; two course applications for Development Services Sarasota County; four course applications for Gold Coast School of Construction; seven course applications for International Code Council; one course application for the Department of Community Affairs; and one course for RedVector.com, Inc.
- The board considered and denied one course application for the City of Jacksonville Building & Zoning Inspection Division; one course for International Code Council; three course applications for Gold Coast School of Construction; and tabled one course application for RedVector.Com, Inc.
- The board agreed to continue pursuing the amendment to rule 61G19-9.004, F.A.C., granting approval to those continuing education courses approved by the CILB, ECLB and the Board of Architecture and Interior Design subject to review by the Florida Building Code Administrators and Inspectors Board
- The board agreed to table for discussion at the next board meeting the amendment to rule 61G19-6.012, F.A.C., requiring 14 hours of continuing education per year for provisional licensees
- The board agreed to table for discussion at the next board meeting the rule proposal establishing minimum experience requirements for standard inspectors
- Mr. Nagin gave a brief overview of all legislation relating to the building code trade that passed during the 2005 legislative session; he mentioned that SB442 was signed by the Governor but approximately \$1 million was withdrawn from the funding appropriation
- The board agreed to delegate continuing education provider and course application approval to the Continuing Education Committee should there be a consensus of all the committee members; should there not be a consensus on a continuing education provider or course application, that application would come before the full board for review
- Chair Sheridan appointed Mr. Bob McCormick as the board's representative on the newly created Building Code Education and Outreach Council established by SB442
- The board agreed to table the creation of a committee to study private providers
- In response to an email included in the agenda from Mr. Dennis Franklin, the board agreed that a properly licensed and insured private code administration, plan review and inspection firm could contract with a municipality, county, school board of any other governmental jurisdiction, services of full building department code endorsement responsibilities; that a standard plumbing inspector could not apply by endorsement for a standard plumbing plans examiner license as the examinations for these two licenses are different; and that the board has the legal right to deny the issuance of a license to an applicant whose civil rights have not been restored
- Mr. Franklin agreed to submit a declaratory statement regarding issues relating a contractual agreement between a local jurisdiction and a private provider
- The board agreed to allow individuals to apply for and be issued a provisional building inspector license, if they qualify, with the scope of their provisional building inspector's license to include roofing only, and they will only be allowed to offer their services in a particular municipality; all applications of this type shall go before the board for review
- Mr. Jeffrey Jones, Assistant Attorney General, gave a brief overview of the Sunshine Laws and a board member's responsibilities under the Sunshine Laws; he reminded

- all members that there should be no discussions between board members about information that may potentially come before them for discussion; and he added that emails are subject for review under the public records law
- The disciplinary case against Mr. Cayetano F. Alfonso was continued until a later board meeting with no additional continuances to be granted
 - The board considered and rejected the Settlement Stipulation in the disciplinary case against Mr. Robert Gerald Harris and moved to amend the Settlement Stipulation assessing costs of \$503.89 and imposing a requirement of 14 additional hours of continuing education within one year from the date of the final order
 - The board agreed to impose discipline against Mr. Michael L. Lane assessing costs of \$1,295.90 and requiring 14 additional hours of continuing education within one year from the date of the final order
 - Mr. Charles Tunnick, Assistant General Counsel, distributed a Prosecuting Attorney Report which indicated there are currently 12 building code cases in the Legal Section
 - Ms. Pass interjected her feeling that provisional licenses should be eliminated
 - The board agreed to table discussion until the next board meeting regarding a requirement for applicants to provide license certification information, in or outside of Florida, on themselves or for those completing affidavits on their behalf; this requirement would be detailed on the application instruction pages
 - Chair Sheridan made the following committee appointments:
 - Application Review Committee: Margaret Pass, Chair; Bob Kymalainen; and Chuck Sheridan
 - Examination and Continuing Education Committee: Dennis Franklin, Chair; Nick Sasso; and Bill Weber
 - Rules and Legislation Committee: Rob Nagin, Chair; Bob Kymalainen; and Chuck Sheridan
 - Probable Cause Panel: Rob Nagin, Chair; Chuck Sheridan; and a past board member to be determined by Chair Sheridan
 - Ms. Robyn Barineau, Executive Director, informed the board that a recent technology initiative will move all building code licensee addresses to private in accordance with Chapter 119 and for their protection
 - Ms. Barineau informed the board that after the November 2005 renewal cycle, the Department will run a report and mail deficiency letters to licensees who have renewed and are not compliant with all continuing education requirements; she added that after the November 2007 renewal cycle, those licensees who attempt to renew but have not met all continuing education requirements may not be allowed to renew
 - Ms. Barineau indicated that the Department is reviewing the master application form and that she brought to the Department the board's concern with the elimination of the discipline question in the background information area
 - Ms. Barineau informed the board that she and Ms. Elise Rice, Government Analyst, have met several times with Department personnel regarding the placement of all categories of licensure on an actual license; they will keep the board informed as this dialogue continues
 - The board asked Ms. Barineau to convey to Secretary Carr the need to have the allocation for Information Technology increased to include technological enhancements
 - The board asked that wireless a Internet card be purchased solely for the Florida Building Code Administrators and Inspectors Board

- Ms. Barineau reminded all board members to forward any outstanding travel reimbursements to her office as soon as possible since June 30 is the end of the current fiscal year and all outstanding reimbursements need to be paid from current year funds

III. Legislation/Rule Promulgation

- Mr. Jones will continue to develop rule 61G19-9.004, F.A.C. – Approval of Courses; this rule amendment will allow all courses for which continuing education credit is to be received by all licensees under the Florida Building Code Administrators and Inspectors Board to be subject to review by the board, including courses approved by the CILB, ECLB and the Board of Architecture and Interior Design
- The board agreed to table for discussion at the next board meeting the proposed rule amendments to rule 61G19-6.012, F.A.C. – Provisional Certificates and rule 61G19-XXXX, F.A.C. – Required Experience
- Mr. Jones will notice for rule development and discussion at the next board meeting rule 61G19-6.016, F.A.C. – Voluntary Certification Categories

IV. Action Required

- Mr. Tunncliff and Mr. Jones will prepare final orders and forward to board staff for filing with the Agency Clerk
- Mr. Jones will send a letter to the City of Indiatlantic reminding them that provisional license applicants should be supervised while working
- Mr. Burdette will provide to the board office an itemized listing of the CBT examination site specifications
- Per the board's request, Ms. Barineau will send an email to the Bureau of Education and Testing (BET) outlining their concerns with space requirements and sufficient lighting for CBT examination sites; that there be four pen and paper examination administrations annually in addition to the CBT examinations; and that the cost of the pen and paper examination be the same as the cost of the CBT examination; the board also asked that they be copied on the email to the BET
- Mr. Jones will research and report at the next board meeting whether or not continuing education for provisional licenseholders could be prorated like the current requirements for standard licenseholders
- Board staff will contact the Bureau of Education and Testing and inform them of the board's decision to delegate approval of continuing education provider and course applications to the Continuing Education Committee; if there is no approval consensus on the applications, the applications must be sent to the full board for review
- Ms. Barineau will contact Mr. McCormick regarding his appointment as the board's representative to the newly created Building Code Education and Outreach Council
- Board staff will meet with the Central Intake Unit on the board's decision to allow individuals to apply and be issued a provisional building inspector license, if they qualify, with the scope of their provisional building inspector's license to include roofing only, and they will only be allowed to offer their services in a particular municipality; all applications of this type shall go before the board for review

- Mr. Jones will issue a Notice of Intent to Deny Mr. Steven Wharton's application for a standard roofing inspector's license
- Board staff will order and provide board members with a copy of the Government In the Sunshine manual
- Mr. Jones will research and report at the next board meeting on whether or not board member participation on Internet bulletin boards constitutes a public record
- Mr. Jones will research and report at the next board meeting whether or not a Probable Cause Panel member of the board can be utilized for final action if a quorum problem exists
- Board staff will provide Chair Sheridan with a list of former board members and he will select who should be contacted to determine whether or not they might have an interest in serving on the Probable Cause Panel
- Per the board's direction, Ms. Barineau will convey to Secretary Carr the need to have the allocation for Information Technology increased for technological enhancements
- The board asked that a wireless Internet card be purchased solely for the Florida Building Code Administrators and Inspectors Board

Robyn Barineau
Executive Director
June 20, 2005