

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, February 15, 2006, through Friday, February 17, 2006

Meeting Location: Caribe Royale
8101 World Centre Drive
Orlando, Florida 32821

Attendees:

Chuck Sheridan, Chair
Bob Kymalainen, Vice Chair
Dennis Franklin
Bob McCormick
Rob Nagin
Margaret Pass
Nick Sasso
Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)
Elise Rice, Government Analyst, DBPR
Jessica Leigh, Assistant General Counsel, DBPR
Jeffrey Jones, Assistant Attorney General, Department of Legal Affairs (DLA)

Adib Shaheed, Hendry County
Angel Perez
Barbara Jefferies, Charlotte County
Bill Dumbaugh
Billy Tyson, Clement, Rutherford & Associates
Carlton Meng, Putnam County
Carol Cowan, Hernando County School Board
Cathy Spafford, City of Palm Bay
Chad Sutton
Craig Waldron
Dale Griner
David Nardin, City of Clearwater
Debbie Chbat
Dennis Hebert, Palm Bay Building Department
Don Fuchs, Building Officials Association of Florida (BOAF)
Douglas Tillery, Walton County Building Department
Edward Fox, Orange County
Elvin Miranda, City of Temple Terrace
Fred Lindes, City of Fernandina Beach

Gary Hiatt, Representing Frank Davidge
Harold Owens, Okaloosa County
James D. Robinson, City of Rockledge
James S. Young, Suwannee County Building Department
Jamey Grant, Jackson County
Jason Abbott, Orange County Building and Safety
Jay Mesquita, City of Palm Beach Gardens
Jerry Cavender, City of Lake Alfred
Joe Hatten, City of Miami
John A. Connelly, City of Palm Bay
John A. Fahey, Pinellas County
John Miles, Orange County Building and Safety
John O'Connor, Marion County Building Department
Jonathan Bilby, Walton County Building Department
Joseph Smallwood
Kenneth Steinke
Larry Hilton, Glades County
Lawrence Pernel, Okaloosa County
Michael Chbat
Nick Batzek, Hendry County
Paula Fisher, Lake County Building Services
Randy Lamb, City of Lake Mary
Ray Byron, Charlotte County
Richard Noles
Rob von Kampen, International Code Council (ICC)
Robert E. Johnson, Lafayette County
Robert Shepherd, Brevard County
Roger Caran, Orange County Building and Safety
Ron Schwab, Lake County Building Services
Sam Baxter, Charlotte County
Sharon McNarty, BCIC
Tod Ricci, Orange County Building and Safety
Tom Allen, Port Orange
Tom Hayes, Orange County Building and Safety
Vernon Ogden, Orange County Building and Safety
Vince LaPorta, Charlotte County
Wayne Francis

II. Major Issues/Actions

- The board considered and approved 257 licensure applications and denied 159 licensure applications as reviewed by the Application Review Committee; the board considered and approved, by ratification, 92 completed licensure applications
- The board approved the following continuing education courses submitted by the School for Contractors and Trades: Continuing Education Essentials and Technical Modules of Construction
- The board agreed to table until the April 2006 board meeting the denial of the Provisional Electrical Inspector and Electrical Inspector applications for Richard L. Noles

- The board agreed to amend Rule 61G19-5.002(2)(n), Florida Administrative Code (F.A.C.), as follows: “Practicing as a building code administrator, inspector or plans examiner without a valid certificate (468.607, 468.621(1)(a), F.S.)”
- The board agreed to amend Rule 61G19-9.009, F.A.C., to incorporate language requiring all licensees to maintain continuing education course completion certificates for a minimum of three years
- Per the board’s previous instruction, Mr. Jeffrey Jones, Assistant Attorney General, researched the possibility of members attending continuing education courses for auditing purposes; Mr. Jones instructed the board that Rule 61G91-2.007(f), F.A.C., already speaks to this issue and that the member be compensated for their attendance at the audited course if prior approval is received from the board
- Mr. Nick Sasso suggested that individuals found guilty of unlicensed activity be fined the maximum penalty of \$5,000 on the first offense as it would curtail unlicensed activity in the industry; Ms. Jessica Leigh, Assistant Attorney General, asked the board to allow her some flexibility in assessing an unlicensed activity fine and that they consider not assessing the maximum on the first offense; Mr. Dennis Franklin reminded Mr. Sasso that the department makes a penalty recommendation but the board has the authority to waiver from the recommended penalty
- Mr. Rob Nagin suggested the board define the “laws and rules” continuing education category to include entire Chapters 468 and 553, Florida Statutes (F.S.); portions of Chapter 471, 481 and 489, F.S., as they relate to licensure and the scope of practice; and a portion of Chapter 713, F.S., as it relates to permitting; Mr. Bob McCormick indicated that the board may be attempting to too narrowly define the “laws and rules” continuing education category and suggested the board refer to the reference list for the Principles and Practice list for guidance; Mr. Bob Kymalainen agreed the laws and rules continuing education category should be narrowed down
- The board considered and approved the following continuing education course applications:
 - Building Officials Association of Florida – Training Course Renewals
 1. Building Inspector Training Program
 2. Building Plan Review Training Program
 3. Electrical Inspector Training Program
 4. Electrical Plan Review Training Program
 5. Mechanical Inspector Training Program
 6. Mechanical Plan Review Training Program
 7. Plumbing Inspector Training Program
 8. Plumbing Plan Review Training Program
 9. 1 & 2 Family Dwelling Inspector Training Program
 - First Coast Chapter ICC-BOAF – New Provider – New Course
 1. Building Code Top Gun Competition
 - Building Officials Association of Florida – Renewal Course
 1. Florida Construction Laws and Rules
 - Building Officials Association of Florida – New Courses
 1. Florida Business Practices
 2. Fair Housing and ADA Requirements
 3. Florida Roofing – Low Sloped
 4. Florida Roofing – High Sloped
 - Broward County Board of Rules & Appeals – New Course
 1. Wall Footings Cast Monolithic with Slab
 - The University of West Florida – New Provider – New Course

1. FBC Chapter 11 – Florida Accessibility Code
- City of Jacksonville – New Courses
 1. 6FBC10.8 The 2004 Florida Building Code (Life Safety Concepts)
 2. 6FBC5.8 The 2004 Florida Building Code (Allowable Heights and Area)
 - International Association of Electrical Inspectors – New Courses
 1. Analysis of Changes Based on 2005 NEC
 2. One and Two Family Dwelling of Electrical Systems
 3. Soares Grounding and Bonding of Electrical Systems
 4. NEC 2005 Hazardous (Classified) Locations
 5. NEC 2005 Health Care Facilities
 - Building Officials & Inspectors Educational Association – New Courses
 1. Storm Damaged Electrical Equipment Repair and Inspection
 2. Introduction to the 2004 Florida Plumbing Code
 3. Florida Mechanical Code 2004
 4. Electrical Transformers Installation and Inspection
 5. Smoke Control
 6. Florida Laws and Rules for Code Professionals
 7. Jobsite Safety and Workers Compensation
 8. Florida Energy Code
 9. Residential Plumbing Code
 10. Electrical Services Installation and Inspection
 11. 2004 Building Code Changes
 12. Florida Accessibility Code
- The board considered and denied the following continuing education course application:
 - ADAAG Consulting Services, LLC
 1. ADA Title II Federal Regulations. How to Stay out of Court?
 - The board reviewed and approved the suggested changes to the Affidavit of Experience form provided by Mr. Sasso; Mr. Nagin suggested adding a check box to the form asking the applicant if the information being verified was for current employment or past experience
 - Ms. Leigh distributed a Prosecuting Attorney Report which indicated that there are currently 11 building code cases in the Legal Section
 - Ms. Leigh mentioned the building code expert's resume requested at the last board meeting which was included in the agenda; Mr. Sasso indicated it was his opinion that experts should hold a Building Code Administrator's license; Ms. Leigh solicited the board's assistance with experts and asked that should any member know of a licensee interested in serving as an expert, they should contact her for additional information
 - The board denied the request of Mr. Paul Ochman to extend the expiration date of his provisional licenses
 - Mr. Don Fuchs, Building Officials Association of Florida (BOAF), and Mr. John O'Connor, Marion County Building Department, addressed the board regarding their concerns with the legislation regarding a building code training program; Mr. O'Connor added that at the current time, there is no house sponsor for the legislative proposal; Mr. O'Connor reiterated that the training program would be a tremendous mechanism to recruit new licensees; Mr. Fuchs and Mr. O'Connor provided the board with some alternative language hoping to address the board's concerns; Mr. Jones informed the board that the legislation would grant authority to the board to structure the training program but indicated there may be a potential problem with

- naming a specific association in the legislation (BOAF) to work with the board to establish development and implementation of the educational program; Mr. Fuchs indicated BOAF's willingness to work with the board in development of this legislation and the training program; most of the board again expressed concern with diluting the current requirements for licensure; Mr. Kymalainen suggested BOAF withdraw the current legislation and work with the board to develop an agreed upon proposal for the 2007 legislative session; the board agreed to conduct a workshop in conjunction with the next board meeting to workshop a training program concept and BOAF agreed that a workshop would be beneficial
- At the last meeting, the board agreed that core courses should be taken by building code licensees within two years after initial licensure; they agreed that sections 468.609(2)(d) and (3)(d), F.S., requiring that core courses be taken prior to taking the licensure examination should be stricken from the current practice act; the board agreed to strike the following statutory language as proposed by BOAF:
~~-Section 468.609(3)(d), F.S., "After the Building Code Training Program is established under s. 5543.841, demonstrates successful completion of the core curriculum approved by the Florida Building Commission, appropriate to the licensing category sought."~~
 - Chair Chuck Sheridan mentioned that the next meeting of the Building Code Education and Outreach Council will take place on Tuesday, February 28, 2006, in Tallahassee
 - The board approved sending the following members to participate in the BCAIB Update/Panel discussion at the 18th Annual South Florida Building Code Education: Dennis Franklin, Bob McCormick, and Nick Sasso
 - Mr. Jones mentioned the progress of the null and void application and fee rule; the requirement for a null and void application and fee came out of the 2005 legislative session (CS for SB1012); he mentioned there are some issues with the null and void application with the Joint Administrative Procedures Committee (JAPC) at this time
 - Mr. Jones mentioned recent opinions issued by several District Courts of Appeal relating to licensee applications being denied for the lack of restoration of an applicant's civil rights; Mr. Jones recommended that non-restoration of an applicant's civil rights not be the sole reason the board denies an application for licensure
 - Ms. Robyn Barineau, Executive Director, advised the board that the department is currently attempting to address the board member vacancy situation; the department is seeking assistance from boards to assist with locating qualified applicants to fill vacancies on all its boards and commissions; Ms. Barineau suggested that interested applicants contact the department or the Governor's Appointments Office for a Gubernatorial Appointments Questionnaire for completion and filing with the Governor's Appointments Office
 - Ms. Barineau mentioned that the department mailed a continuing education deficiency letter to licensees who renewed their licenses on or before the November 30, 2005, renewal deadline but who failed to complete their continuing education requirements prior to the end of the renewal deadline; Ms. Barineau added that licensees who are not compliant with continuing education requirements prior to the end of the next renewal cycle of November 30, 2007, will not be allowed to renew their licenses; she will keep the board informed as to the progress of this initiative
 - Ms. Barineau informed the board that the Complaints Report; Complaints and Investigative Statistics Report for July 2005 – December 2005; OGC Unlicensed Activity Report for January 1, 2005 – December 31, 2005; Building Code Administrators and Inspectors Board January 2006 Newsletter; BOAF Today; Press

Release regarding new funding recommendations for hurricane preparedness, response and recovery; and Press Release regarding the launching of the department's unlicensed activity complaint line were included in the agenda for informational purposes

- Mr. Rob von Kampen, International Code Council (ICC), reported that the contract with the department to administer the technical examinations by computer-based testing (CBT) is currently being signed and should be effective shortly; he added that the department is readying its licensing system to accommodate the technical examinations by CBT; Mr. von Kampen mentioned that Promissor was recently purchased by Pearson Vue who has an excellent reputation in the industry; Pearson Vue will maintain their current examination sites at this time
- Ms. Barineau mentioned that the department and ICC are currently discussing the proposal for the creation of a roofing inspector examination in lieu of the current requirement that roofing inspector applicants hold a roofing contractor's license; she will have further details at the next board meeting; Mr. Jones will continue to explore the necessary rule changes to facilitate the implementation of a roofing inspector examination in lieu of the requirement that roofing inspector applicants hold a roofing contractor's license and be prepared to discuss his findings at the next board meeting
- Ms. Barineau solicited the board's assistance with articles for inclusion in upcoming newsletters
- The board elected Mr. Bob Kymalainen as Chair of the Building Code Administrators and Inspectors Board and Mr. Bob McCormick as Vice Chair of the Building Code Administrators and Inspectors Board
- The board will conduct its next meeting and workshop in Panama City, Florida, on April 25-28, 2006

III. Legislation/Rule Promulgation

- The board asked Mr. Jones to proceed with rule development of Rule 61G19-5.002(2)(n), Florida Administrative Code (F.A.C.), to read as follows: "Practicing as a building code administrator, inspector or plans examiner without a valid certificate (468.607, 468.621(1)(a), F.S.)."
- The board asked Mr. Jones to proceed with rule development of Rule 61G19-9.009, F.A.C., to incorporate language requiring all licensees to maintain continuing education course completion certificates for a minimum of three years
- The board asked Mr. Jones to proceed with rule development of Rule 61G19-2.007(f), F.A.C., to eliminate language requiring board members to seek board approval prior to attending a continuing education course for auditing purposes
- The board asked Mr. Jones to attempt to draft some language defining the "laws and rules" continuing education category and present the language to the board at the next meeting
- Mr. Jones will proceed with rule development for a rule creating an application and fee for reinstatement of a null and void license
- Mr. Jones will continue to explore the necessary rule changes to facilitate the implementation of a roofing inspector examination in lieu of the requirement that roofing inspector applicants hold a roofing contractor's license and be prepared to discuss his findings at the next meeting

IV. Action Required

- Mr. Jones will prepare final orders and forward to board staff for filing with the Agency Clerk
- Mr. Jones will research the process for disciplining a continuing education provider and whether or not the board's disciplinary guidelines should be updated to include provisions for disciplining a continuing education provider; Mr. Jones will be prepared to discuss his findings at the next board meeting
- The board asked board staff to incorporate the changes to the Affidavit of Work Experience form for dissemination to applicants
- The board asked board staff to send Mr. Ochman a letter denying his request to extend the expiration date of his provisional licenses
- The board will conduct a workshop in conjunction with their April board meeting to discuss the building code training program for building code inspectors and plans examiners proposed by BOAF
- The board asked Mr. Jones to research the implications of the newly enacted gift law and provide his findings at the next board meeting
- Chair Sheridan will provide board staff with the newly filed bill number relating to home inspectors for distribution to board members
- Ms. Barineau will report on the status of the creation of a roofing examination through ICC at the next board meeting
- Mr. Jones will continue to explore the necessary rule changes to facilitate the implementation of a roofing inspector examination in lieu of the requirement that roofing inspector applicants hold a roofing contractor's license and be prepared to discuss his findings at the next meeting
- Board staff will research whether or not the link on the board's webpage to the Florida Administrative Code can be narrowed down to only the board's rule and not the entire Chapter 61 and report their findings at the next meeting

Robyn Barineau
Executive Director
February 23, 2006