

## EXECUTIVE SUMMARY

### **Florida Building Code Administrators and Inspectors Board**

#### **I. General Information**

Meeting Type: Application Committee, Legislative Workshop, Examination and Continuing Education Committee, Rules and Legislation Committee, Executive Committee, and General Business Meeting

Meeting Date: Tuesday, August 1, 2006, through Friday, August 4, 2006

Meeting Location: The Biltmore Hotel  
1200 Anastasia Avenue  
Coral Gables, Florida 33134

Attendees:

Bob Kymalainen, Chair  
Bob McCormick, Vice Chair  
Fred Dudley  
Dennis Franklin  
Rob Nagin  
Margaret Pass  
Nick Sasso  
Chuck Sheridan

Simone Marsteller, Secretary, Department of Business and Professional Regulation (DBPR)

Julie Madden, Deputy Secretary of Operations, DBPR  
John Washington, Director, Division of Regulation, DBPR  
Robyn Barineau, Executive Director, DBPR  
Elise Rice, Government Analyst, DBPR  
Jessica Leigh, Assistant General Counsel, DBPR  
Jeffrey Jones, Assistant Attorney General, Department of Legal Affairs (DLA)

Don Fuchs, Building Officials Association of Florida  
John O'Connor, Building Officials Association of Florida  
Lorrie Rosenfeld, International Code Council (ICC)  
Michael Ashworth, Department of Community Affairs  
Bobby Counce  
Bob Brown, City Manager, City of Perry  
Emily Ketring, Mayor, City of Perry  
Other Interested Parties

#### **II. Major Issues/Actions**

- Chair Bob Kymalainen welcomed and thanked Secretary Simone Marsteller, Deputy Secretary of Operations Julie Madden, and Director of Regulation John Washington

for attending the board meeting and for their continued interest in the business of the board.

- Ms. Robyn Barineau, Executive Director, provided the board members with a copy of Mr. John Upchurch's letter of resignation from the Building Code Administrators and Inspectors Board, which he forwarded to Governor Jeb Bush.
- Mr. Don Fuchs, Building Officials Association of Florida (BOAF), indicated he plans to post on the BOAF website the information regarding the board member vacancy and the link to the Governor's webpage for a Gubernatorial Appointments Questionnaire.
- Ms. Leigh indicated that as of August 1, 2006, there are currently 27 building code cases in the Legal Section. Mr. Fred Dudley asked Ms. Leigh to add to her Prosecuting Attorney's Report a date column indicating a status date for each of the listed cases.
- The board agreed to add the following clarifying language to Rule 61G19-6.0035, Florida Administrative Code: "(c) Each applicant for certification as an inspector or plans examiner shall demonstrate that he or she has at least one (1) year of hands-on experience in the category of certification sought, with the exception of 1 and 2 family dwelling inspector. For 1 and 2 family dwelling inspector certification, refer to specific requirements in Rule 61G19-6.017." Mr. Jeffrey Jones, Assistant Attorney General, will move forward with rule development to facilitate this change.
- The board agreed to the following change to Rule 61G19-9.003, Florida Administrative Code, so long as there is no inconsistency with the department's rules relating to continuing education providers: "~~(1) Registration for Course Providers is required May 31 of every odd year.~~ All providers are required to register with the Board, before providing continuing education courses, on Board-approved registration form DBPR/BCAI/10 Rev. 04/01. The instructions and form, entitled Provider Approval Application, which is hereby incorporated by reference and will be effective June 5, 2001, may be obtained from the Board office." Mr. Jones will move forward with rule development to facilitate this change.
- The board discussed amending Rule 61G19-9.004, Florida Administrative Code, to clarify the board's ability to audit continuing education courses as a quality control measure. The amended rule will read: "(4) The Board shall approve continuing education courses which have sufficient educational content to improve the certificate holder's inspection and technical skills, which are taught by qualified instructors, and which otherwise fulfill the requirements of this part. Course approval is valid for two (2) years from the date of approval unless the provider expires or is disciplined. Such approval and upon consent by the chair, grants the ability of a Board member to attend, unannounced for compliance purposes, continuing education programs or courses." Mr. Jones will move forward with rule development to facilitate these changes.
- The board asked Mr. Jones and Vice Chair Bob McCormick to work together to draft language relating to a proposed rule, which would incorporate language for a roofing examination and years of hands-on experience as an alternative means of licensure as a roofing inspector. Mr. Jones will notice this proposal for rule development.
- Per the board's request, Mr. Jones researched the possibility of only allowing individuals who are employed by a rural county or city to apply for provisional certificates. Mr. Jones indicated that there is no such restriction in the statute but that the board has the ability to place some limitations on provisional certificates based on the necessity for public safety. The board agreed to the following position statement: "To improve public protection, the Building Code Administrators and

Inspectors Board agrees that provisionally licensed Building Code Administrators should not administer the functions of a building department.”

- Mr. Jones provided the board with proposed language regarding a military spousal exemption. The language was approved as follows: “61G19-12.002 – Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions. A licensee who is the spouse of a member of the Armed Forces of the United States and was caused to be absent from the State of Florida because of the spouse’s duties with the armed forces shall be exempt from all licensure renewal provisions during such absence. The licensee must show proof to the Board of the absence and the spouse’s military status. Such proof shall consist of copies of the military orders requiring the change of duty station and must be sent to the Board office in order to qualify for the exemption.” The board agreed on this language and asked Mr. Jones to proceed with rule development.
- In an effort to streamline the application process, the board asked Mr. Jones to research the possibility of allowing individuals who hold provisional certificates to only be required to complete a simple application and not provide all the currently requested documentation provided with their provisional applications such as Affidavits of Current Employment and Work Experience, since this type of information would be duplicative. Mr. Jones will work with Ms. Barineau to determine if a Change of Status Form and any other documents could be utilized to effectuate the appropriate change for an applicant to be approved for a standard license should they already hold a provisional license in the same category. Mr. Jones and Ms. Barineau will provide their research at the October board meeting.
- Mr. Nick Sasso asked if a form could be created and required to be submitted on behalf of provisional applicants from their respective personnel offices attesting that these individuals have been newly hired or promoted to the position for which they are applying. Mr. Jones will research and provide his findings at the October board meeting.
- Deputy Secretary Julie Madden gave an overview on how to conduct a broad name search of the licensing portal. Deputy Secretary Madden informed the board of the process for requesting an ID merge and added that over 8,000 records were merged in June 2006. Mr. Dudley complimented the department for the enterable Uniform Complaint Form available on the department’s licensing portal. Mr. Sasso inquired if the UCF could be available in Word format so that it can be saved as a Word document. Mr. Sasso expressed concern with the application statuses utilized on the licensing portal and indicated he would like to see an application date on the portal. Mr. Dudley asked about names and dates on deficiency letters. Deputy Secretary Madden indicated that she will research the date issue, and the purpose for no direct telephone numbers on deficiency letters is to encourage all callers to contact the department’s Customer Contact Center for assistance and for tracking purposes. Deputy Secretary Madden gave an overview of the department’s Document Management Project which is expected to be completed by October 2008. She added that the project requirements are currently being defined. Deputy Secretary Madden informed the board that an automatic system check has been added to the licensing system, which occurs each time an existing provisional license is replaced by a standard license. The provisional license is moved to a “null and void” status prior to the issuance of a standard license. During the month of July 2006, an additional 1,471 expired provisional licenses were set to “null and void”. Deputy Secretary Madden provided the board with a proposed letter for utilization whenever an additional category of licensure is added to an existing license.

- The board suggested that a statement be included in the next renewal notice for limited licensees reminding these licensees that they are only allowed to practice in the jurisdiction in which they were originally licensed.
- Ms. Barineau reminded the board that individuals who do not complete their continuing education requirements prior to the end of the November 30, 2007, renewal period will not be allowed to renew their licenses. She added that whenever an individual submits payment for their renewal but the department has not been provided with proof of completion of their continuing education, the licensee will be mailed a letter in-lieu-of license which will acknowledge their payment but indicate that their renewed license will not be issued until proof of required continuing education is received. Ms. Barineau also mentioned that the department will mail a mid-cycle letter to licensees advising them of continuing education deficiencies. Vice Chair McCormick asked if language could be added to the bottom of the letter in-lieu-of license reminding licensees that they are prohibited from working with a delinquent license. Ms. Barineau will work with Deputy Secretary Madden on this issue.
- Vice Chair McCormick mentioned the previously proposed required experience rule and his offer to be the liaison between the board and the associations. As a tool for the Central Intake Unit staff when processing licensure applications, the proposal provides specific suggestions or verbiage for application experience requirements. He provided the proposed language to several professional associations for their review and comment and, to date, has not received any response. He is hopeful that the associations will respond in the near future.
- Chair Bob Kymalainen made the following committee appointments:
  - Application Review: Margaret Pass (Chair), Bob McCormick, Bob Kymalainen, and Nick Sasso (alternate)
  - Rules and Legislation: Rob Nagin (Chair), Bob Kymalainen, Chuck Sheridan, Fred Dudley, and Dennis Franklin (alternate)
  - Examination and Continuing Education: Dennis Franklin (Chair), Bob McCormick, Nick Sasso, and Chuck Sheridan (alternate)
  - Probable Cause Panel (effective September 1, 2006): Rob Nagin (Chair), Fred Dudley and alternate between former board members Peggy Bertolami, Luther Council and George Rogers.
- Division of Regulation Director John Washington gave an overview of the complaint intake process. Director Washington indicated that over the last five to six years, there have been an average of 75 building code complaints received by the department. During the most recent fiscal year, 91 building code complaints were received by the department and 41 of those complaints were found legally sufficient. A random audit of 50 complaints was conducted, and for those cases that were closed, the decision to close the complaints was a solid one. Director Washington mentioned the close working relationships between the complaint analysts, the field investigators and the prosecuting attorneys. Director Washington advised the board that witness information is acceptable to support a building code complaint. Mr. Dudley inquired if a sworn statement would make for a better quality investigation, and Director Washington indicated he would get back to Mr. Dudley on this issue. Director Washington advised the board of the intensive review of the complaint process currently underway. He added that a task force has been established to review every phase of the complaint process. Director Washington informed the board that the Unlicensed Activity Bureau is very diligent with their efforts as the department is serious about combating unlicensed activity. Ms. Pass commended the efforts of the regional investigative offices.

- The board expressed their concern with Executive Orders allowing licensed out-of-state contractors to work in Florida without a Florida license. The board suggested a requirement be placed on licensed out-of-state contractors such as local or state registrations or bonding requirements. Ms. Pass indicated that Miami-Dade did not utilize unlicensed Florida contractors even when an Executive Order was issued allowing licensed out-of-state contractors to work in Florida.
- The board agreed to extend the provisional Building Code Administrator's license of Mr. Bobby Counce until April 27, 2007.
- Mr. Michael Ashworth, Department of Community Affairs (DCA), addressed the board and provided an overview of the manufactured buildings program under the DCA. He asked the board for assistance in locating modular inspectors and plans examiners. Mr. Ashworth was provided with a copy of the proposed modular building inspector and modular building plans examiner requirements rule for his review and comment at the October board meeting.
- Mr. Sasso will attend and speak on behalf of the board at the upcoming Florida Association of Plumbing, Gas and Mechanical Inspectors, Inc., meeting, and Mr. Franklin will attend and speak on behalf of the board at the upcoming Florida School Plan Management Association's Annual Conference.
- The board collectively thanked Ms. Pass for the dinner she hosted on Thursday, August 3, 2006, at the Biltmore Venetian Pool.
- Ms. Barineau informed the board that the ICC technical examinations are now available by computer-based testing for those individuals who are approved by the board to take the technical examinations. For these same individuals, the technical examinations will still be available by pen-and-paper administration four times per year.
- Ms. Lorrie Rosenfeld, ICC, reminded the board of the Modular Exam Development Committee's recommendation for the exam content areas. She added that ICC is currently working on forming an Exam Development Committee for the roofing inspector examination. Ms. Rosenfeld mentioned the feasibility study provided by ICC and gave an overview of the study. Ms. Pass reminded the board to be cautious in considering a move to a Florida-only examination as this move would impact city and county insurance service office (ISO) and community rating services (CRS) ratings which could ultimately affect homeowner's insurance costs for city and county residents and property owners. The feasibility study will be included in the next board meeting agenda for discussion.
- Mr. Nagin provided the board with a document, which provided information related to core courses and advanced module courses. The board asked that this document be included in the next available newsletter.
- Ms. Barineau advised the board that the department is still attempting to address the board member vacancy situation. The department is seeking assistance from professional boards to locate 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 added that she completed and posted on the board's website the Summer 2006 newsletter at the end of June.
- The board will conduct its next meeting in Atlantic Beach, on October 3-6, 2006.

### III. Legislation/Rule Promulgation

- Mr. Jones will proceed with rule development to amend Rule 61G19-6.0035, Florida Administrative Code, to read as follows: “(c) Each applicant for certification as an inspector or plans examiner shall demonstrate that he or she has at least one (1) year of hands-on experience in the category of certification sought, with the exception of 1 and 2 family dwelling inspector. For 1 and 2 family dwelling inspector certification, refer to specific requirements in Rule 61G19-6.017.”
- Mr. Jones will proceed with rule development to amend Rule 61G19-9.003, Florida Administrative Code, to read as follows: : “(1) ~~Registration for Course Providers is required May 31 of every odd year.~~ All providers are required to register with the Board, before providing continuing education courses, on Board-approved registration form DBPR/BCAI/10 Rev. 04/01. The instructions and form, entitled Provider Approval Application, which is hereby incorporated by reference and will be effective June 5, 2001, may be obtained from the Board office.”
- Mr. Jones will proceed with rule development to amend Rule 61G19-9.004, Florida Administrative Code, to read as follows: (4) The Board shall approve continuing education courses which have sufficient educational content to improve the certificate holder's inspection and technical skills, which are taught by qualified instructors, and which otherwise fulfill the requirements of this part. Course approval is valid for two (2) years from the date of approval unless the provider expires or is disciplined. Such approval and upon consent by the chair, grants the ability of a Board member to attend, unannounced for compliance purposes, continuing education programs or courses.
- Mr. Jones will proceed with rule development to require a roofing examination and years of hands-on experience as an alternative means of licensure as a roofing inspector.
- Mr. Jones will proceed with rule development to create Rule 61G19-12.002, Florida Administrative Code, to read as follows: “61G19-12.002 – Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions.  
A licensee who is the spouse of a member of the Armed Forces of the United States and was caused to be absent from the State of Florida because of the spouse's duties with the armed forces shall be exempt from all licensure renewal provisions during such absence. The licensee must show proof to the Board of the absence and the spouse's military status. Such proof shall consist of copies of the military orders requiring the change of duty station and must be sent to the Board office in order to qualify for the exemption.”

### IV. Action Required

- Mr. Jones will prepare final orders and forward to board staff for filing with the Agency Clerk.
- Mr. Jones and Ms. Barineau will work together to determine if a Change of Status Form and any other documents could be utilized to effectuate the appropriate change for an applicant to be approved for a standard license should they already hold a provisional license in the same category without duplicating all documentation already contained in their provisional license application file.

- Mr. Jones will research whether or not a form could be required from a provisional applicant's personnel office attesting that the applicant has been newly hired or promoted.
- Ms. Barineau will include information in the November 2007 renewal notices reminding limited licensees that they are only allowed to practice in the jurisdiction in which they were originally licensed.
- Ms. Barineau will work with Deputy Secretary Madden on adding language to the bottom of the letter in-lieu-of license reminding licensees that they are prohibited from working with a delinquent license.
- Director Washington will get back with Mr. Dudley on the investigation sworn statement issue.
- Mr. Ashworth will review and provide his comments on the proposed modular building inspector and modular plans examiner requirements rule for discussion at the next board meeting.
- A copy of the ICC feasibility study will be included in the October board meeting agenda for discussion.
- Ms. Barineau will include in the next newsletter the document provided by Mr. Nagin regarding core courses and advanced module courses.

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Robyn Barineau  
Executive Director  
August 24, 2006