

# Florida Department of Business Professional Regulation



A Publication from the **BUILDING CODE ADMINISTRATORS AND INSPECTORS BOARD**

**SUMMER 2008**



**FLORIDA DEPARTMENT OF BUSINESS  
AND PROFESSIONAL REGULATION**

**CHARLIE CRIST**  
Governor

**CHUCK DRAGO**  
Interim Secretary

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[www.MyFloridaLicense.com](http://www.MyFloridaLicense.com)

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**Elise Rice**, Government Analyst

**Julie Rowland**, Administrative Assistant

**Jessica Leigh**, Prosecuting Attorney

**Ann Cocheu**, Board Counsel

## MESSAGE FROM THE INTERIM SECRETARY **Chuck Drago**

Dear Friend:

It has been a distinct pleasure serving you as the Interim Secretary of the Department of Business and Professional Regulation since February of this year. In my time at the Department, both as the Interim Secretary and Deputy Secretary of Business Regulation, I have participated in great changes that have resulted in enhanced customer service.

We've made tremendous progress over the past year, and I'm dedicated to maintaining this momentum. We know that serving you is the first step to providing great service to the people of Florida. That's why we've focused on changes that improve customer service, streamline processes, open communications with licensees and the public, and lead to better business practices.

One of the most crucial adjustments to business practices at the Department was the implementation of the Document Imaging System. The project is in its final phases, and it ultimately provides for a more streamlined and centralized application process that results in faster licensing and better service for you. I thank Governor Charlie Crist and the Legislature for providing \$2.5 million to complete this project in Fiscal Year 2008/2009, which helps take care of businesses and professionals throughout Florida.

Our quest to improve customer service is never over. In an effort to reach our licensees who are located throughout the state, I'm taking our business on the road in the "On the Road to Better Business" tour this summer. This tour will provide the opportunity for you to meet with me and my staff to ask questions and provide input and suggestions. I will hold office hours for customers to come and meet with me at a Department office in their communities. Please look forward to more information to come.

I continue to uphold our mission to "License Efficiently. Regulate Fairly." I understand and value that licensees have unique insight into how we do business and ways we can build upon existing practices, and I look forward to hearing your feedback.

Thank you for all that you do for the people and economy of our great state.

Sincerely,

Chuck Drago  
Interim Secretary



**E**ffective this license renewal cycle which ends November 30, 2009, Building Code Administrators and Inspectors Board (BCAIB) licensees must take a continuing education course on "ethics" at least one hour in length as a part of their normal fourteen-hour renewal requirement. That course must be based on Chapter 112, Part III, Florida Statutes, *Code of Ethics for Public Officers and Employees*, and/or relevant requirements found in Chapter 468, Part XII, Florida Statutes. A recent criminal court conviction in St. Lucie County and newspaper stories from Manatee County on the opposite coast readily demonstrate why. In the St. Lucie County case, the conviction resulted from accusations that a code official accepted gifts, services and favors from parties or entities regulated by his department. The news articles in the *Bradenton Herald* explored what the reporter found to be a fairly common practice within the building department there...accepting gifts and removing items from job sites...at least part of the time with permission from someone at the job site.

Chapter 112, Part III, Florida Statutes, has long established the guiding principles for ethical conduct of those employed in the public sector. It says public employees may not purchase goods or services at a price that is not generally available to others from an entity that does business with or is regulated by his or her agency. It also prohibits public employees from soliciting or accepting *anything* of value based on an understanding that the public employee's judgment or official action will be influenced by the gift or favor. It is a misuse of public position for a public employee to corruptly use or attempt to use his or her official position or to secure a special privilege, benefit, or exemption for himself, herself, or others. It is not clear in the Manatee County case that any favors or promises of favors were exchanged for the gifts from contractors or goods taken from job sites. Most local governments, however, have long ago forbidden such activity since there exists an appearance of impropriety whenever it occurs. Even if the exchange is claimed to be completely innocent (they were going to put those fixtures in the dumpster!), it makes the public employee vulnerable to complaints or coercion by someone

## BOARD APPOINTMENTS

### Are you interested in serving on a professional board or council?

Interested applicants may obtain a Gubernatorial Questionnaire by downloading the application from [http://www.flgov.com/pdfs/appoint\\_questionnaire.pdf](http://www.flgov.com/pdfs/appoint_questionnaire.pdf) Once your application is complete, return the questionnaire for consideration to:

**Governor's Appointments' Office**  
PL01 The Capitol  
Tallahassee, Florida, 32399-0001

who might seek special treatment or just dislikes him/her for unrelated reasons.

Now the Florida Legislature, effective July 1 of last year, has added subsection (l) to our own practice act, in Section 468.621, Florida Statutes, *Disciplinary Proceedings*. It says that accepting labor, services, or materials at no charge or at a noncompetitive rate from any person who performs work that is under the enforcement authority of the enforcement official constitutes grounds for which disciplinary actions may be taken by this board. Furthermore, as we have seen, criminal charges and penalties may result as well. This change means that it is unlawful for a licensee of this Board to accept any service or material from anyone at a job site unless the service or material is to be provided at the same cost or rate as it would be to anyone else. Although the task typically falls to attorneys to determine what constitutes *labor, services or materials* when charges result from such action, a person of normal intelligence and no legal training might reasonably surmise that they should take nothing from any job site and accept no offer of services except at rates normally charged to the general public for the same services.

Do yourself a favor ... don't accept anything from anyone your agency regulates!

**Bob McCormick, Chair**  
Building Code Administrators and Inspectors Board

## MESSAGE FROM THE EXECUTIVE DIRECTOR Robyn Barineau

**W**ith the recent requirement that our licensees complete at least three hours of the required 14 classroom hours of continuing education on state law, rules, and ethics relating to professional standards of practice, duties, and responsibilities of the certificate holder, the Board is busy finalizing rules for review and approval of these courses. Completion of this course will be required in order for you to renew your license for the November 30, 2009, renewal period. I encourage you to continue to check your reported continuing education by accessing your account through the Department's Web site at [www.MyFloridaLicense.com](http://www.MyFloridaLicense.com) or by contacting the department's Customer Contact Center at 850.487.1395. In addition, you may obtain a listing of board-approved continuing education providers and courses online at [www.MyFloridaLicense.com](http://www.MyFloridaLicense.com).

The Board conducted another rule development workshop to discuss the building code training academy requirements which came out of legislation signed into law last year. That legislation created an alternate method for individuals who are seeking licensure as a

building code inspector or plans examiner under the Building Code Administrators and Inspectors Board. It provides statutory authority for the creation of a Board-approved training program of at least 300 hours coupled with an experience requirement of at least two years in the field of building codes inspection, plan review, fire code inspections and fire plans review of new buildings as a fire safety inspector, or construction. The Board has been working with the Building Officials Association of Florida to establish rules for the training program. Please stay tuned to the Board's Web site at [www.MyFloridaLicense.com](http://www.MyFloridaLicense.com) > Direct to our Divisions > Building Code Administrators and Inspectors as we will keep you informed of the progress of this initiative.

Some members of the Board and Board staff participated in the annual Building Officials Association of Florida (BOAF) annual conference in Naples on June 11. We hosted a panel question-and-answer session, and we appreciated your participation. I hope to see you soon.

**Robyn Barineau**, Executive Director  
Building Code Administrators and Inspectors Board

### UPCOMING BOARD MEETINGS

**August 12-15, 2008**  
Tampa, Florida

**October 14-17, 2008**  
Ocala, Florida

**December 9-12, 2008**  
Tallahassee, Florida

All Board meeting dates and locations are subject to change. Please refer to the [Board Calendar](#) on our Web site, [www.MyFloridaLicense.com](http://www.MyFloridaLicense.com), to confirm meeting dates and locations.

## HELPFUL REMINDERS

- Rule 61G19-6.016(3), Florida Administrative Code, allows individuals with four years of roofing experience with passage of the standardized, board-approved roofing inspectors' examination to be issued a roofing inspector's license. An alternate method of licensure as a roofing inspector is proof of certification as a roofing contractor or a state certified general contractor who was certified prior to 1974.
  - Rule 61G19-6.0035(1)(b), Florida Administrative Code, requires all affidavits of work experience be signed by a licensed architect, engineer, contractor or building code administrator **who has knowledge of the applicant's duties and responsibilities during the period indicated.**
  - Rule 61G19-6.0035(1)(c), Florida Administrative Code, requires applicants for licensure as an inspector or plans examiner provide proof that they have at least one year of hands-on experience in the category of certification sought.
  - Rule 61G19-6.0035(1)(d), Florida Administrative Code, requires applicants seeking to qualify through a combination of postsecondary education and work experience must submit an official copy of all college or university transcripts which document the applicant's education, in addition to all required work experience affidavits.
  - Rule 61G19-6.004, Florida Administrative Code, deems an application abandoned whenever an applicant fails to return an application rejected for incompleteness or insufficiency within 90 days; the applicant may file a new application after abandonment along with the required fee.
  - Rule 61G19-9.001(4), Florida Administrative Code, requires that licensees, **who are first licensed when there is more than one-half of their initial biennial licensure period remaining,** must complete only a minimum of seven hours of continuing education, which shall include a minimum of one hour in the area of accessibility, prior to the end of their initial biennial licensure period.
  - Rule 61G19-9.001(5), Florida Administrative Code, exempts licensees from continuing education requirements **if they have been licensed for one-half or less of their initial biennial licensure period.**
  - Rule 61G19-9.004(9), Florida Administrative Code, requires that licensees maintain their continuing education course completion certificates for three years.
  - Rule 61G19-9.004(9), Florida Administrative Code, also allows licensees the opportunity to receive up to three hours of continuing education credit by attending a meeting of the Building Code Administrators and Inspectors Board if the licensee contacts the board office at least seven days in advance of the meeting. Licensees shall check in with board staff and must sign in and out for breaks and credit will be awarded on an hour-for-hour basis.
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- ### Reminders to Continuing Education Providers
1. Course providers shall notify the Board in writing within 30 days of the effective date of any changes in information required to be listed in the initial registration – please see Rule 61G19-9.003(4), Florida Administrative Code. This includes changes to telephone numbers or addresses, notice that you are no longer offering a course, and other important information.
  2. After a course has been approved by the Board, any substantive changes in the course content requires reapplication of the course to be submitted for approval by the Board – please see Rule 61G19-9.004(10), Florida Administrative Code.
  3. All individual license numbers should be included in the electronic file transfer to the Department to ensure proper credit for licensees.
  4. After a licensee's completion of a course, the information must be submitted to the Department electronically no later than 30 calendar days thereafter. **However, the continuing education provider shall electronically report to the Department completion of a licensee's course within 10 business days beginning on the 30<sup>th</sup> day before the renewal deadline or prior to the renewal date, whichever occurs first** – please see Section 455.2178(1)(b), Florida Statutes.

## The State of Florida Partners with Google

The Department of Business and Professional Regulation's Web site provides information to the public about licensees. Consumers turn to the Department for information about professionals, and many look to the Web site for information about results of restaurant inspections. Although the Web site has tremendously useful information for consumers, it has not always been easy for consumers to find the information.

On December 3, 2007, Governor Crist announced an important partnership between the state of Florida and Google. Google has been helping DBPR and several other agencies catalog the information on their Web sites in order to make them more user-friendly.

The partnership between Google and Florida developed as officials from both entities recognized that the public is increasingly turning to search engines to access government services. However, a significant share of information on state agency Web sites could not be found using standard search engines because the information was stored behind a database, hindering citizens from easily finding online state government services. Now, with improved technology, search engines will access and index the records in online databases, making them available to anyone using a search engine.

Under the old system, if a consumer went to Google, Yahoo or MSN to search for a contractor using the name and location, the search results would not include information from the Department's Web site. While that search might return many results from the search engine,



*"This public-private partnership is an innovative way to improve the accessibility of state information for all Floridians. I am grateful for this chance to join with Google to further develop Florida's leadership in delivering open government services to the people of Florida. By empowering Floridians with the tools they need for easier access to state agency Web sites, we are allowing them to truly take ownership of state government."*

—Governor Charlie Crist

useful information from the Department would not be included even though meaningful information on the contractor exists.

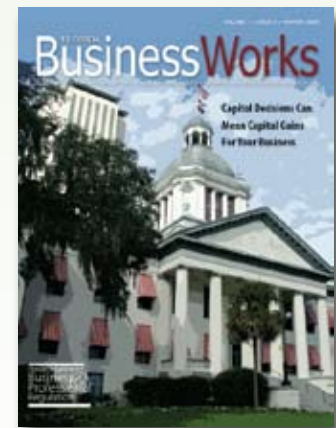
Under the new improved system, DBPR is working with Google to develop sitemaps that will allow search engines to more intelligently mine data from our Web site. Sitemaps are essentially spreadsheets for the Web site that prioritize the information on the DBPR Web site for the search engines. The Department is busy putting hundreds of thousands of records into sitemaps to make the information more useful.

## Subscribe to DBPR Newsletters

You can now subscribe on-line at [www.MyFloridaLicense.com](http://www.MyFloridaLicense.com) to receive your profession's newsletter as well as other Department publications via e-mail. Subscribing is quick and easy.

1. Go to <http://www.MyFloridaLicense.com>
2. Click on **"Subscribe to Department Newsletters"** located under The Bottom Line.
3. Type in your name and e-mail.
4. Choose which newsletters or publications you would like to receive via e-mail.
5. Click **"Subscribe."**

When the newsletters you have subscribed to are available, you will receive an e-mail from the Department with a link to your newsletter.



### REPORT UNLICENSED ACTIVITY

To report unlicensed activity, please call the Department's **UNLICENSED ACTIVITY HOTLINE** at **1.866.532.1440**, Monday–Friday, 8 a.m. to 6 p.m. (Eastern Time) or e-mail the information to [ULA@dbpr.state.fl.us](mailto:ULA@dbpr.state.fl.us).

## DISCIPLINARY ACTIONS

The Board has taken disciplinary action against the following licensees. Although we make every effort to ensure information is correct before making any specific decision based on this information, you may choose to request a copy of the administrative complaint and final order to ensure accuracy. Contact the department's Agency Clerk at [sarah.wachman@dbpr.state.fl.us](mailto:sarah.wachman@dbpr.state.fl.us) for this information. The listing of disciplinary actions does not reflect pending appeals or requests for rehearing.

### June 2007

#### **Donald Edward Rees**

##### **Case Number 2006-033598**

Respondent violated Section 468.621(1)(b), Florida Statutes, by obtaining certification through fraud, deceit or perjury. Respondent agreed in the future not to violate Chapters 455 and 468, Florida Statutes, and the rules promulgated pursuant thereto. Respondent agreed to voluntarily relinquish his Provisional Building Inspector license, license number PBI 1115.

#### **James Hiram Phillips**

##### **Case Number 2005-059307**

Respondent violated Section 468.621(1)(i), Florida Statutes, by failing to execute duties and responsibilities as a building inspector. Respondent agreed in the future not to violate Chapters 455 and 468, Florida Statutes, and the rules promulgated pursuant thereto. Respondent agreed to pay an administrative fine in the amount of \$1,000.00, plus costs of \$465.54, and Respondent agreed to place all licenses under the auspices of the Board on probation for one (1) year. As a condition of the probation, Respondent agreed to complete fourteen (14) hours of continuing education related to the profession; those credits shall be in addition to the normal continuing education requirements set by the Board.

### September 2007

#### **Roger W. Sanders**

##### **Case Number 2006-011305**

Respondent violated Section 468.621(1)(g), Florida Statutes, by failing to properly enforce applicable building codes, by committing willful misconduct, gross negligence, or negligence resulting in a significant danger to life or property. Respondent agreed in the future not to violate Chapters 455 and 468, Florida Statutes, and the rules promulgated pursuant thereto. Respondent agreed to pay an administrative fine in the amount of \$1,000.00, plus costs of \$386.84, and Respondent agreed to place his standard plans examiner

license, license number PX 651, on probation for six (6) months. As a condition of the probation, Respondent agreed to complete fourteen (14) hours of continuing education related to the profession; those credits shall be in addition to the normal continuing education requirements set by the Board.

#### **Paul E. Millette, Jr.**

##### **Case Number 2006-067667**

Respondent violated Section 468.621(1)(a), Florida Statutes, through a violation of Section 455.227(1)(o), Florida Statutes, by performing building inspections exceeding the limits of his competency. Respondent agreed in the future not to violate Chapters 455 and 468, Florida Statutes, and the rules promulgated pursuant thereto. Respondent agreed to pay an administrative fine in the amount of \$500.00, plus costs of \$409.05, and Respondent agreed to place all licenses under the auspices of the Board on probation for one (1) year. As a condition of the probation, Respondent agreed to complete fourteen (14) hours of continuing education related to the profession; those credits shall be in addition to the normal continuing education requirements set by the Board.

#### **Ken Woodruff**

##### **Case Number 2006-067668**

Respondent violated Section 468.621(1)(a), Florida Statutes, through a violation of Section 455.227(1)(o), Florida Statutes, by performing building inspections exceeding the limits of his competency. Respondent agreed in the future not to violate Chapters 455 and 468, Florida Statutes, and the rules promulgated pursuant thereto. Respondent agreed to pay an administrative fine in the amount of \$500.00, plus costs of \$396.98, and Respondent agreed to place all licenses under the auspices of the Board on probation for one (1) year. As a condition of the probation, Respondent agreed to complete fourteen (14) hours of continuing education related to the profession; those credits shall be in addition to the normal continuing education requirements set by the Board.

#### **Bruce Allen Cannon**

##### **Case Number 2004-009373**

Respondent violated Section 468.621(1)(g), Florida Statutes, by failing to properly enforce applicable building codes, by committing willful misconduct, gross negligence, or negligence resulting in a significant danger to life or property, including failing to report applicable code violations in a structure; and Respondent violated Section 468.621(1)(f), Florida Statutes, by making or filing a report or record which Respondent knew to be false, including submitting false information in a final inspection report, which led to a Certificate of Occupancy for an uninhabitable structure. Respondent agreed in the future not to violate Chapters 455 and 468, Florida Statutes, and the rules promulgated pursuant thereto. Respondent agreed to pay an administrative fine in the amount of \$2,000.00, plus costs of \$439.90, and Respondent agreed to place all licenses under the auspices of the Board on probation for one (1) year. As a condition of the probation, Respondent agreed to complete fourteen (14) hours of continuing education related to the profession; those credits shall be in addition to the normal continuing education requirements set by the Board.

### October 2007

#### **Dennis P. King**

##### **Case Number 2006-067660**

Respondent violated Section 468.621(1)(a), Florida Statutes, through a violation of Section 455.227(1)(o), Florida Statutes, by performing building inspections exceeding the limits of his competency. Respondent was ordered to pay an administrative fine in the amount of \$500.00, plus costs of \$392.11, and Respondent shall have all licenses under the auspices of the Board on probation for one (1) year. Respondent shall be required to complete fourteen (14) hours of continuing education related to the profession; those credits shall be in addition to the normal continuing education requirements set by the Board.