

Florida Department of Business & Professional Regulation



A Publication from the **Building Code Administrators and Inspectors Board**

Summer 2007



FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

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Governor

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www.MyFlorida.com/dbpr

www.MyFloridaLicense.com

BOARD MEMBERS:

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Titusville

Bob Kymalainen
Port Saint Lucie

Robert Nagin
Clearwater

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Robyn Barineau, Executive Director

Elise Rice, Government Analyst

Julie Rowland, Administrative Assistant

Jessica Leigh, Prosecuting Attorney

Jeffrey Jones, Board Counsel

MESSAGE FROM THE SECRETARY Holly Benson

This spring we've been listening to our customers and to industry leaders to find ways to improve our services. One of our recent visitors was the head of eBay's call center operations. He talked at length about eBay's "community"—their customers. Then we reflected on our "community"—nearly 1,000,000 professionals and businesses statewide ranging from architects to yacht brokers, from auctioneers to veterinarians—the small businesses at the heart of Florida's economy.



And because you are essential to Florida, we have redoubled our efforts to improve our service to you. We've:

- invested \$2.4 million in a new document imaging system that will allow us to process some applications in just four days, instead of three weeks with the old system;
- filled all of the vacancies in our customer contact center and cut average hold times below two minutes;
- improved our website search capabilities so you can find licensees and take care of your business more easily and quickly;
- initiated a review of all letters and forms to make sure we communicate clearly and don't burden you with unnecessary paperwork; and
- redesigned our webpage to help make the information you need easier to find and improved our communications with weekly updates and more timely newsletters.

And there's more to come. We're forming new public-private partnerships to help prevent unlicensed activity and learning from customer focus groups how to best improve our website. Licensees have been visiting us to offer their thoughts and ideas, and we're learning trade secrets from customer service industry leaders such as Publix, Disney and, of course, eBay. Because we can't do it without our community, your feedback is essential as we work to improve our services. I hope you will share your ideas with us by e-mailing suggestions to bottomline@dbpr.state.fl.us. Millions of Floridians depend on our community for the services they need and our community depends on us.

Holly Benson

With over half of the year behind us, I eagerly await what the future holds for the licensees of the Building Code Administrators and Inspectors Board.

The 2007 Legislative Session was an eventful one for building code licensees. Of major importance was the passage of SB 404. Some of the highlights of this bill include the following:

1. Creates 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. The legislation 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 will work with the Building Officials Association of Florida to establish rules for the training program;
2. Authorizes limited licensees employed by a jurisdiction within a small county as defined in Section 339.2818, Florida Statutes, to provide building code inspection, plan review or building code administration services to another jurisdiction within a small county;
3. Clarifies that the building code enforcement officials' bill of rights applies to disciplinary investigations and proceedings against building code licensees but does not apply to disciplinary investigations and proceedings against other licenses that the building code licensee holds while performing his or her official building code duties or disciplinary proceedings unrelated to the officials' duties;
4. Authorizes disciplinary proceedings against a building code licensee for failing to properly enforce applicable building codes or permit requirements within this state which the certificateholder knows are applicable or committing willful misconduct, gross negligence, gross misconduct, repeated negligence, or negligence resulting in a significant danger to life or property. In addition, this section provides for disciplinary proceedings against a building code licensee for obstructing an investigation or providing or inducing another to provide forged documents, false forensic evidence, or false testimony to a local or state board or member thereof or to a licensing investigator. Finally, this section provides for disciplinary proceedings against

a building code licensee for accepting labor, services or materials for free or a noncompetitive rate from anyone who performs work that may be under the enforcement authority of the enforcement official who is not an immediate family member of the enforcement official; and

5. Requires certificateholders to complete three of their required 14 hours of continuing education on state law, rules, and ethics relating to professional practice standards, duties and responsibilities of the certificateholder.

The board intends to conduct a rule development workshop in conjunction with their August board meeting to initiate implementation of this new training program. Please stay tuned to the board's website at www.MyFlorida.com/dbpr for further details.

Also, another key piece of legislation, SB 2836, passed during the 2007 legislative session which will impact your profession. This legislation amends from 90 days to 120 days the period during which provisional plans examiners and provisional building code inspector applicants may work under the direct supervision of a licensed building code administrator.

I cannot stress how important it is for you to complete your continuing education prior to the end of the November 30, 2007, renewal cycle. This will be the first year that your license will not be renewed should the department not receive notification that you have completed all required continuing education. I encourage you to routinely check your reported continuing education by accessing your account through the department's website at 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.MyFlorida.com/dbpr.

I am pleased to report that your standard licenses will now list all modifiers on the face of your license. In other words, if you hold a standard inspector license in the categories of building and plumbing, abbreviated indicators for building and plumbing will print on your standard license. Each time a new modifier is added, a new license will be generated indicating all your approved categories. I am hopeful this new process will be helpful to our licensees.

Should your schedule permit, I encourage your attendance and participation at all board meetings. I welcome the opportunity to meet you and know you will be enlightened by the work of your board. The most current information relating to upcoming board meetings is posted on the board's website at www.MyFlorida.com/dbpr. I hope to see you soon.

Legislative Update now available

Many of our licensees have requested our assistance in helping them track legislation that impacts their profession or business. The Department of Business and Professional Regulation is presenting a special post-Session update with links to updates on the various bills that passed this Session that may impact you. You can access this information by visiting the department's website at:

http://www.myflorida.com/dbpr/os/communications_office/lyris/LegUpdate.html



BOARD MEETING SCHEDULE

Please note that the dates and locations of the board meetings listed below are subject to change. Please visit our web site at www.MyFlorida.com/dbpr to verify meeting dates and locations. Meeting agendas will be posted approximately two weeks prior to the meeting.

August 21-24, 2007
Naples, Florida

October 23-26, 2007
Palm Beach, Florida

December 11-14, 2007
Tallahassee, Florida

February 19-22, 2008
Fernandina Beach, Florida

April 22-25, 2008
Miami, Florida

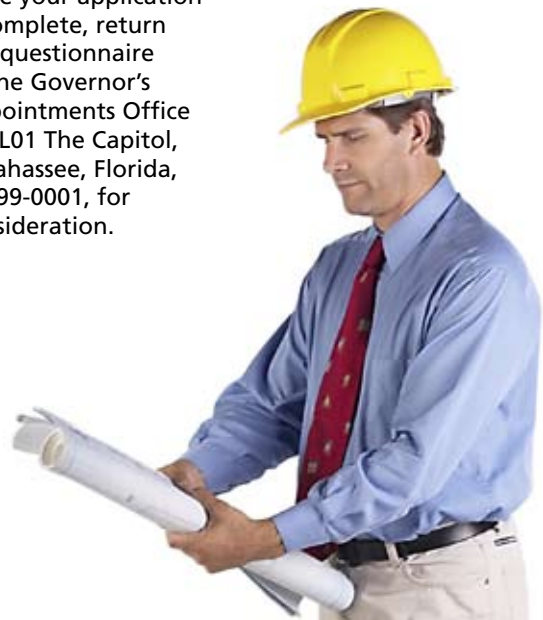
June 10-13, 2008
Naples, Florida

ARE YOU INTERESTED IN SERVING ON A PROFESSIONAL BOARD OR COUNCIL?

Interested applicants may obtain a Gubernatorial Appointments Questionnaire by contacting the Appointments Office at 850.488.2183 or by downloading the application from:

http://www.flgov.com/pdfs/appoint_questionnaire.pdf

Once your application is complete, return the questionnaire to the Governor's Appointments Office at PL01 The Capitol, Tallahassee, Florida, 32399-0001, for consideration.



WEEKLY E-NEWSLETTER WILL KEEP YOU INFORMED

In order to keep you informed on legislative issues and other issues that may impact your profession, the department has launched a weekly e-newsletter, the Bottom Line. Each week we address issues that concern you and provide information on bills before the legislature, agendas for the department's various boards, and background on rules being developed by the department.

If you are interested in subscribing, please go to www.myflorida.com/dbpr and click on the Bottom Line icon (at the left). There you can also find back issues of the Bottom Line. We are looking for other ways to share information about the department and its activities, and if you have suggestions, please send them to bottomline@dbpr.state.fl.us.

Home Improvement Expert Bob Vila Joins State Effort To Protect Consumers

The Florida Department of Business and Professional Regulation recently announced the launch of a new public service announcement featuring home improvement guru Bob Vila that encourages consumers to hire only licensed contractors to perform home repairs.

“In a state so often affected by the forces of Mother Nature, it is important that citizens know how to protect themselves against unlicensed and unscrupulous contractors,” said Governor Charlie Crist. “As Hurricane Season begins, we thank Bob Vila for helping remind Floridians that they should always ask to see the contractor’s license and check for references.”

The DBPR/Bob Vila partnership also includes a co-branded web page to highlight important guidelines and checklists for consumers to follow when hiring a contractor. The web page (www.bobvila.com/MyFloridaLicense/) is available through both www.MyFloridaLicense.com and www.BobVila.com. The PSA directs consumers to the web page where they can check the contractor’s license number and find other helpful tips on what to do before you hire a contractor.

“Every day we hear stories of people getting ripped off by unlicensed contractors, and we wanted to help them protect themselves,” said DBPR Secretary Holly Benson. “This message is an important one, and by working with Bob Vila, who is known by homeowners across the state, we hope to ensure that this message hits home.”

Unlicensed contracting is a misdemeanor for the first offense and a felony for any additional offenses. A state-issued contracting license ensures the licensee has proven competency in the field of contracting to work safely and legally in the state of Florida. There are more than 100,000 contractors currently licensed to work in Florida.

The Department of Business and Professional Regulation guarantees professionals and businesses are licensed efficiently and regulated fairly, ensuring the health, safety and welfare of consumers.

The screenshot shows a website for the Florida Department of Business and Professional Regulation. At the top, it says "Florida Department of Business Professional Regulation" and "on bobvila get better results" with a photo of Bob Vila. Below that is a video player with a play button and the text "Click the play button in the player above to hear what Bob has to say about hiring a licensed contractor." To the right of the video is a "Table of Contents" with three items: "Ask Before You Hire", "Watch the Work", and "Finding the Right Contractor". Below the video player is a "Resources" section with four columns: "Who Needs a License", "Storm-Ready Home", "Understanding Impact-Resistant Windows", and "Find Out More".

RULE UPDATES

Recent board rule amendments are listed below. The underlined portion represents new additions to the respective rules. Complete text of all rules can be viewed on the board's webpage at www.MyFloridaLicense.com.

61G19-5.007 Notice of Noncompliance.

In lieu of the disciplinary procedures contained in Sections 455.225 and 468.621, F.S., as an alternative to investigation and prosecuting when a complaint is received. The Department shall provide a licensee with a notice of noncompliance on a first offense for the following minor violations.

(1)(a) Engaging in building code administration, plans examination, or inspection with a certificate on inactive or delinquent status...

61G19-6.0035 Application for Provisional and/or Standard Certification.

(1) Each individual who wishes to obtain a provisional and/or standard certificate in any certificate category shall submit the following to the Board:

(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 the specific requirements in Rule 61G19-6.017, F.A.C.

61G19-9.001 Continuing Education for Biennial Renewal.

(4) "Laws and Rules" as used in subsection (1) above means the study and examination of the related subject matter as is exemplified and contained within Chapters 112, 320, 468, 553, 471, 481, 489 (as it relates to licensure and scope of practice), and 713 (as it relates to permitting), F.S., and their associated rules in the Florida Administrative Code (F.A.C.) as listed in the Board's Candidate Information Bulletin (CIB) online.

(8) A certificate holder shall maintain continuing education course completion certificates for a period of three (3) years.

61G19-6.012 Provisional Certificates.

(6) Following the submission of an application for provisional certification as either an inspector or plans examiner, the applicant shall be eligible to perform duties in the category for which the application has been submitted for up to a maximum of ninety (90) days from the date the application is submitted, and subject to the following conditions:...

61G19-5.002 Disciplinary Guidelines.

(1) Purpose. Pursuant to Section 455.2273, F.S., the Board provides within this rule disciplinary guidelines which shall be imposed upon applicants or licensees whom it regulates under Chapter 468, Part XII, F.S. The purpose of this rule is to notify applicants and licensees of the ranges of penalties which will routinely be imposed unless the Board finds it necessary to deviate from the guidelines for the stated reasons given in Rule 61G19-5.003, F.A.C. The ranges of penalties provided below include the lowest and highest penalty and all penalties falling between. The purposes of the imposition of discipline are to punish the applicants or licensees for violations and to deter them from future violations; to offer opportunities for rehabilitation, when appropriate; and to deter other applicants or licensees from violations.

(2) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Sections 120.569 and 120.57(1) and (2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses is descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

VIOLATION

(n) Practicing as a building code administrator, plans examiner, or inspector without a valid active certificate. (468.607, 468.621(1)(a), F.S.)

RECOMMENDED RANGE OF PENALTY

(n)1. In the case of an applicant, the usual action of the Board shall be licensure with an Administrative fine and probation or denial. In the case of a licensee, the usual action by the Board shall be to impose a penalty from reprimand to probation and a fine of up to \$1,500.

(n)2. After the first offense, in the case of an denial. For a licensee, the penalty shall be revocation and a fine of up to \$5,000.

Helpful Reminders for Licensees

Some helpful board rule reminders are listed below for your convenience. Complete text of all rules can be viewed on the board's webpage at www.MyFloridaLicense.com.

- If you have not already complied, licensees are required to complete a building code core course. For additional information on core courses, contact the Department of Community Affairs at 850.487.1824.
- 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 61G19-9.001(1), Florida Administrative Code, requires licensees to complete a minimum of fourteen hours of continuing education, which shall include a minimum of two hours in the area of accessibility and a minimum of two hours in the area of Florida laws and rules, prior to the end of each 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.

Reminders to Continuing Education Providers

- >> 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.
- >> 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.
- >> All individual license numbers should be included in the electronic file transfer to the department to ensure proper credit for licensees.
- >> After a licensee's completion of a course, the information must be submitted to the department electronically no later than 30 calendar days thereafter or prior to the licensee's renewal date, whichever occurs first – please see Section 455.2178(1)(b), Florida Statutes.

Building Code Administrators and Inspectors Board licensees can now perform the following online:

- > Update contact information
- > Renew individual licenses
- > Check continuing education credits

First time users must follow these steps to activate their personal, secure online accounts with DBPR:

- > From www.MyFloridaLicense.com, select > Activate My Account on the left-side navigation bar.
- > You will be prompted to enter the following:
 - **License Board/Division:** Building Code Administrators and Inspectors
 - **License Profession:** Select the appropriate professional license type
 - **License Number:** As it appears on your license
 - **Initial Pin:** Last four digits of your SSN
 - **Select >** Continue
- > For security purposes, you will be prompted to enter a new PIN Number:
 - **Enter PIN:** Enter a new unique PIN number
 - **Confirm PIN:** Enter your unique PIN number again
 - **Select >** Continue
- > You will then be prompted to enter a hint question and answer. Most people use questions in which the answer never changes, such as "What is my mother's maiden name?"
 - **Enter Hint Question:** What is my mother's maiden name?
 - **Enter Hint Answer:** Smith
 - **Confirm Hint Answer:** Smith
 - **Select >** Continue

NOTE: The hint answer is case sensitive. For example, Smith is not the same as smith or SMITH.

At this point, the system will automatically generate a seven-digit User ID Number for you. Please be sure you write down your User ID Number and the four-digit PIN you created. Each time you log on to your account, you will be prompted for your User ID and PIN.

Congratulations, your account has been activated. Select > **Continue** to view your Account Summary page.

Here you can:

- > **Renew a license**
- > **Maintain Account**
- > **Maintain/Renew This License**
 - Renew This License
 - View/Maintain Related Licenses
 - Maintain Profile
- > **Change Your Address**
- > **View Messages**
- > **Change Your PIN**
- > **View Continuing Ed**

Returning users, if you have forgotten your User ID or PIN, from the log on page select > **Forgot Your User ID** or **Forgot Your PIN**. In order to retrieve your User ID, the system will prompt you for license information. In order to retrieve your PIN, you must correctly answer the hint question you created when you activated your account. If you attempted to log on to your account or answer your hint question three times unsuccessfully, the system will lock you out. This is a security feature designed to ensure that unauthorized persons do not have access to your account information. If you get locked out, please call our Customer Contact Center at 850.487.1395. An agent will issue you a one time PIN to enter your account. Once you log on, the system will again prompt you to change your PIN.

If you have any questions or need assistance accessing DBPR's Online Services, please call our Customer Contact Center at 850.487.1395.

DISCIPLINARY ACTIONS OCTOBER 2006 TO MAY 2007

The board has taken disciplinary action concerning the licensees listed below. Although we make every effort to ensure that the information is correct, before making any specific decision based on this information, you may want 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 for this information. As you review actions taken by the board, you may find a range of penalties for similar offenses. Penalties applicable to each specific ground for disciplinary action are designated by established guidelines. The guidelines specify a meaningful range of penalties based on severity and repetition of specific offenses. Specific findings of mitigating or aggravating circumstances, as well as multiple complaints, violations or counts may be considered in determining a penalty.

October 2006

Ranier J. Aunio

Case Number 2005-064091
Respondent violated Section 455.227(1)(o), Florida Statutes, by practicing beyond the scope permitted by law and performing professional responsibilities the licensee is not competent to perform. Respondent agreed to pay a fine of \$1,000.00, plus costs of \$114.24, and the Respondent's license is reprimanded for the actions as set forth above.

December 2006

Floyd D. Green

Case Number 2005-045483
Respondent violated Section 468.629(1)(a), Florida Statutes, by falsely holding himself out as a certificate holder without being properly licensed by the Department of Business and Professional Regulation. Respondent agreed to pay a fine of \$500.00, plus costs of \$273.14, and the Respondent's license shall be placed on probation for a period of one year. As a condition of probation, Respondent agrees to complete ten hours of continuing education in principles and practice which is separate and in addition to the normally required continuing education hours of 14 hours.

January 2007

Charles Edward Taylor

Case Number 2005-048219
Respondent violated Section 468.621(1)(c), Florida Statutes, by knowing and assisting Matthew Adair to work as a Building Inspector without being properly licensed with the Department of Business and Professional Regulation. Respondent agreed to pay a fine of \$1,000.00, plus costs of \$210.00, and the Respondent agreed to place all licenses under the auspices of the Board on probation for one year. As a condition of probation, Respondent agrees to complete 14 hours of continuing education related to the profession.

February 2007

Timothy C. Griffith

Case Number 2006-017255
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 pay costs of \$147.70, and the Respondent's license shall be revoked.

May 2007

Malcolm Randy Falls, Jr.

Case Number 2006-003000
Respondent violated Section 468.621(1)(i), Florida Statutes, by failing to execute duties and responsibilities as a building inspector; and Respondent violated Section 468.621(1)(g), Florida Statutes, by failing to properly enforce applicable building codes by committing willful misconduct, gross negligence, gross misconduct, repeated negligence, or negligence resulting in a significant danger to life or property in performing his duties as a building code administrator. 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 \$479.80, and Respondent agrees to place all licenses under the auspices of the Board on probation for one year. As a condition of the probation, Respondent agrees to complete 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.

ADDRESS CHANGES

Please help us by notifying the Building Code Administrators' and Inspectors' Board when your address changes. Service by regular mail to a licensee's last known address of record constitutes adequate and sufficient notice to the licensee for any official communication, so it is important to notify us.

You may change your mailing address using our online services at www.MyFloridaLicense.com or you may submit a written address change request by fax to 850.487.9529 or by mail to **DBPR, Attention: Licensure Maintenance, 1940 North Monroe Street, Tallahassee, Florida, 32399-0783**. If you have any questions regarding this requirement, or need assistance using the online services menu, please telephone the Customer Contact Center at 850.487.1395 or send an email to Callcenter@dbpr.state.fl.us.

REQUEST FOR ADDRESS CHANGE

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

SELECT TRANSACTION TYPE

- Change Mailing Address (If you use a P.O. box you must also provide a physical address)
Pay \$25 if requesting a new license, otherwise no charge
- Change Physical Address **Pay \$25 if requesting a new license, otherwise no charge**
- Change Contact Information (phone and/or e- mail) **No charge**

LICENSEE INFORMATION

License Number

Licensee Name

NEW MAILING ADDRESS

Street Address or P.O. Box

City

State Zip Code (+4 optional)

County (if Florida address) Country

NEW CONTACT INFORMATION

Primary Phone Number

Primary E-Mail Address

NEW PHYSICAL ADDRESS (IF DIFFERENT THAN MAILING ADDRESS)

Street Address

City

State Zip Code (+4 optional)

County (if Florida address)

Country

NEW ADDITIONAL CONTACT INFORMATION (OPTIONAL)

Alternate Phone Number

Fax Number

Alternate E-Mail Address

I affirm that I have provided the above information completely and truthfully to the best of my knowledge.

Licensee Sign Here: _____ Date: _____