

MINUTES
BOARD OF ARCHITECTURE AND INTERIOR DESIGN

TELEPHONE CONFERENCE CALL
October 6, 2003
10:00 A.M.

(850) 410-0966 or Suncom 210-0966

Call to Order

Ms. Del Bianco called the meeting to order at 10:05 a.m.

Board Members Present:

Mary Jane Grigsby
Kenneth Horstmyer
Joyce Shore
Ellis Bullock, Vice-Chair
Sharon Del Bianco, Chair
Miguel Rodriguez
Garrick Gustafson
Neil Hall
Rick Gonzalez
Stephen Schreiber

Board Members Absent:

Roymi Membiela

Others Present:

Jerry Hicks
Lianne Acebo, Deputy Secretary DBPR
Bob Sloyer, DBPR
Juanita Chastain, Executive Director
Terri Estes, Government Analyst
David Minacci, Prosecuting Attorney
Mary Ellen Clark, Board Counsel
Jerry Wilson, Deputy Division Director DBPR
Leon Biegalski, Special Counsel DBPR
GW Harrell, Counsel DBPR
Scott Shalley
Cindy Gainey, Alabama Board of Architecture

Discussion

Privatization

Zero based budget – Miguel Rodriguez

Mr. Rodriguez commented that he added a line item for contribution to the reserve fund for when they are in renewal and possible deficit and corresponding contribution for revenues. He commented that there were a few items that were fixed percentages.

Ms. Del Bianco asked what the expense was for continuing education and testing. Mr. Rodriguez replied that they are paying the continuing education a fee for their effort, which is greater during the renewal year. He commented that there was no charge for testing. He continued by stating that continuing education unit charged fees for auditing, record keeping, and review and processing of providers/courses for approval. Mr. Biegalski commented that they might have a fee for exam challenges for the testing and continuing education department.

Mr. Rodriguez commented that there would be a \$83,000 annual deficit for 2005, which is on average. He commented that he hopes that they cut down on expense for duplicated resources. He commented that he would take that amount and divide by the licensees, which would be approximately \$5.83 per person. He commented that they should round up to \$10.

Ms. Del Bianco commented she would like to move forward because the licensees can afford the increase. Mr. Horstmyer asked what the significance of the trust fund sweep. Mr. Rodriguez commented that there would be no significance if they sweep nothing and if they sweep everything then they would be in a deficit. Ms. Chastain commented that there would be an impact and the total amount was unknown. She commented that there was a total amount known, which was \$25 million.

Mr. Rodriguez commented that whether they privatize or not there would be an impact. He commented that if they assess the \$10 increase they would not receive those funds until 2005. Mr. Rodriguez asked if there was a special assessment available. Mr. Biegalski replied that the board would have to be in the red for a certain number of years then do by rule as a one time fee that can be done once every 4-years. Mr. Horstmyer commented that are currently in an unknown.

Mr. Rodriguez commented that they could not stop licensing architects for a year. Mr. Bullock commented that whether they privatize or not they would be faced with budget difficulties. Mr. Rodriguez commented that the benefit to privatize is that there would be a fixed fee contract.

Ms. Del Bianco commented that the next rule making agenda should include fee verbiage.

Privatization Models Overview – G.W. Harrell

Mr. Harrell commented that it was his opinion at this time that the board could not move forward under the Management Privatization Act. He commented that the Act does not allow them to move forward because the Act requires the privatization of all the functions together including prosecutorial and investigative services to a single entity. He commented that subcontracting the functions to another vendor require approval by the department.

Ms. Del Bianco asked that when the proposal is advertised that the board lists whom has the contract for the prosecutorial and investigative contract. Mr. Harrell replied no because the department does not have the jurisdiction to contract for the prosecutorial and investigative

functions based on the current contract they have with Smith, Thompson, Shaw and Manausa. He commented that jurisdiction was transferred to the board. He commented that the department does not feel that it is beneficial to fragment the board's functions. Mr. Bullock asked what was wrong with the system being fragmented. Mr. Harrell replied who would be shortchanged if they had a budget shortfall and there were no funds to pay for a contracted amount. Mr. Shalley replied that no one would be without funds because they have agreed to a contracted amount. He continued by stating there would be an appropriation that would cover the amount the board would have to spend.

Mr. Shalley asked if it could be done legally rather than if the department agrees with it being done. He continued by stating that AIA's assessment is if there is a will or way and whether the department is willing to move forward with the wishes of the board or not. He commented that it comes down to the intent and he understands the department has concerns about the fragmentation. Mr. Shalley commented that he was glad to hear the department's comments now so AIA could pursue statutory changes whether it be a model of FEMC or not. Mr. Harrell replied that statutorily precluded and the department feels it is better to have all functions together.

Mr. Shalley commented that he would advise or recommend to the board that the department has an opinion that the Management Privatization Act does not work then they should regroup and move to statutory changes. He commented that the FEMC like model would be better than profit incentive because of the licensees paying fees.

Mr. Harrell commented that the department is prepared to work with the board and profession to move forward in a supportive fashion. Ms. Del Bianco commented that they are looking at one year from today's date before they would have statutory changes. Mr. Shalley replied in the positive and implementation mode would be the summer of next year.

Mr. Bullock commented that they should get an independent decision regarding the legalities rather than just the department's. Mr. Shalley replied that if the department feels this is not debatable and his conversations with his legal counsel that has a different opinion of interpretation of the statute.

Mr. Hall commented that the board challenges the department's position regarding privatization. Ms. Del Bianco commented that the department feels that the Management Privatization Act is not viable because of their contract with Smith, Thompson, Shaw, and Manausa. Mr. Biegalski commented that the problem is that it would be the department's contract and they would incur the liability and risk. Ms. Del Bianco commented that the department's risk is the board's risk.

Mr. Biegalski commented that he wanted to make the board aware that there was a distinction between the contract with the board and a contract with the department. He commented that it was a contract that the department is eligible to enter into to provide services for the board. Mr. Horstmyer stated that there appears to be a philosophical difference between the board and the department.

Mr. Harrell commented that the department is not opposed to privatization but from the past experience with privatization they would like to see a consistent approach. Mr. Hall asked if the

board needed to conclude the contract for enforcement. Mr. Harrell replied that any further privatization would require statutory change as Mr. Shalley stated and it would depend on how the board would like to frame it.

Ms. Del Bianco commented that she was leery of backtracking and feels that the Management Privatization Act could put the board in a bad position. She commented that when they tried to privatize previously that there was a philosophical difference in the board's and department's intentions. She commented that they wanted strengthening with the prosecutorial and investigative area. She commented that the board would not have the control over the enforcement area, as they would like, if they went forward with the Management Privatization Act.

Ms. Del Bianco commented that if the board went forward with a FEMC model or not that they would like the privatization to be cohesive so it works. Mr. Harrell commented that the department's interest was that the contract work for the board, department, and the public. Ms. Del Bianco stated so it does not put the department at risk.

Mr. Hall commented that their current contract with Mr. Minacci is over in October 2004. Mr. Shalley stated that legislatively that could be resolved and they could create solutions. Ms. Del Bianco commented that if they seek statutory change and when it is implemented the current prosecutorial contract would be up for renewal and they would be recontracting at the same time. She asked Mr. Shalley if FEMC had a separate prosecutorial contract. Mr. Shalley replied that they are entirely synchronized and on staff.

Mr. Shalley commented that they needed to craft language. Ms. Del Bianco asked if he would be looking at a new model or revision to the current statute. Mr. Shalley commented that they would need revisions to the current statute to create authority. He commented that AIA liked the FEMC model and watched it grow and improve by having the agreement revised. He commented that they have the authority to contract to subcontract for services if they are not satisfied with the current services. Mr. Shalley commented he was not concerned with the department's concern with the fragmentation. He commented that there is fragmentation within the department. He stated that there would be an umbrella for accountability. Mr. Shalley commented that responses to an ITN would be a profit incentive and they would serve the board and department. He commented that the board would never have more money than they would need and the good aspects of the FEMC model is the profit incentive and the board would be getting the most for their money. He commented that even though this process is frustrating the board would be ending up with a better way of performing services.

Deputy Secretary Acebo commented that the department was not here to make a profit but to give the most efficient services. Mr. Shalley responded that he was speaking about respondents to the ITN.

Mr. Gonzalez asked that there be a plus or minus white paper of the options as they relate to the practice of architecture and interior design. Mr. Harrell commented that a discussion would be the best way to approach. Ms. Del Bianco commented that she would like to know how the FEMC model was working and hear from someone regarding the model and the department's relation.

Ms. Del Bianco commented they would like to hear from someone that is not a department employee. She stated that no other profession has utilized the Management Privatization Act. She asked Mr. Shalley if he was involved with the language implemented regarding the Management Privatization Act. Mr. Shalley responded in the positive. He commented that it appeared that the board would need to move in the direction of the FEMC model.

Ms. Clark commented that it would be helpful to have FEMC come and talk to the board but how would they convince them to appear. Mr. Shalley offered to cover the expense.

Mr. Minacci commented that he served as the Executive Director under the FEMC contract with the department and would be able to offer some pertinent information.

Ms. Del Bianco requested that a conference call be planned shortly after November 15, 2003.

Alabama licensure renewal and continuing education requirements – Juanita Chastain

Ms. Chastain referred the board to the agenda for an overview. She commented that based on the NCARB Reciprocity Impediments questionnaire that some states will not renew licensees based on Florida's response to that answer. She commented that the board was to discuss and determine what the appropriate steps should be to correct the situation. She commented that when licensees were audited previously that the board verified each certification that it was approved by the board i.e. AIA, NCARB, or board approved.

Ms. Del Bianco asked if the Florida Building Code was the issue. Ms. Chastain responded that it was not the Florida Building Code issue. Ms. Gainey confirmed. Ms. Gainey commented that Alabama's requirements are that they will accept continuing education from another state as long as the resident state will accept Alabama's continuing education without exception and it equal to theirs.

Ms. Chastain commented that the handbook reads that the board will only accept certain courses i.e. AIA CES courses, NCARB jurisdictions as long as content meets that of Florida's, and board approved courses. She stated that Alabama does not review for course content for standards. Ms. Gainey commented that Alabama allows self directed activities and they are not monitored. She stated that the biggest issue is those activities are not preapproved providers of service and Florida will not accept them.

Mr. Rodriguez commented that the board would need to write in an option of proof of meeting another state's requirements in the continuing education handbook. Ms. Gainey commented that currently an individual licensee that would like to renew must submit a copy of their wallet card to show proof of registration. She commented that if they are audited they are required to submit information to verify that they have completed continuing education but that information is not verified.

Ms. Gainey commented that the biggest problem is that they states renew at different times in the year. Mr. Rodriguez commented that Florida's rule would need to be modified to accept verification that a licensee has met renewal requirements in their home state and in the case of an audit to accept the materials that would be required in their home state.

Mr. Bullock requested that the Alabama board look at Florida circumstances regarding the years and give Florida leeway. Ms. Gainey commented that the board does not have authority to do what they are requesting. She commented that Alabama could not have meetings by phone.

Ms. Del Bianco requested Ms. Clark to draft language to accomplish this reciprocity. Mr. Rodriguez commented that they needed to look at language that allows for an option to complying with continuing education. He commented that the board would accept continuing education that has mandatory continuing education and the licensee could provide proof of complying with the resident state. Ms. Grigsby commented that it should reflect the requirement of the number of hours.

Mr. Minacci commented that every other state requires more hours than Florida. Mr. Biegalski reminded the board that they could not lower the number of hours due to the statute. He commented that the board should discuss the number of hours required for the Florida Building Code advanced course.

Mr. Rodriguez commented that he was going to propose zero hours for the advanced Florida Building Code course requirement. Mr. Biegalski commented that the statute says hours. Ms. Del Bianco commented that indicates plural. Mr. Rodriguez commented that the requirement was going to be given to the board to determine the number of hours.

Ms. Clark was directed to create language that would allow the board to accept other jurisdiction continuing education.

MOTION: Mr. Bullock moved to notice all rule sections.

SECOND: Mr. Gonzalez seconded the motion and it passed unanimously.

Ratification List – (faxed/e-mailed)

Architect Certificate of Authorization

MOTION: Mr. Gustafson moved to approve items 1-9.

SECOND: Ms. Grigsby seconded the motion and it passed unanimously.

Architecture Exams Passed

MOTION: Mr. Rodriguez moved to approve items 1-4.

SECOND: Mr. Bullock seconded the motion and it passed unanimously.

Architecture Endorsement

MOTION: Mr. Rodriguez moved to approve items 1-33.

SECOND: Ms. Grigsby seconded the motion and it passed unanimously.

Architecture Business Name Change

MOTION: Mr. Rodriguez moved to approve items 1-3.

SECOND: Mr. Schreiber seconded the motion and it passed unanimously.

Interior Design Certificate of Authorization

MOTION: Ms. Rodriguez moved to approve items 1-3.

SECOND: Ms. Grigsby seconded the motion and it passed unanimously.

New Business

The board requested the information regarding the upcoming NCIDQ meeting. Ms. Estes informed the board that the travel authorization had been submitted but was waiting for approval from the Secretary's office.

Old Business

No old business.

Adjourn

MOTION: Mr. Rodriguez moved to adjourn.

SECOND: Ms. Grigsby seconded the motion and it passed unanimously.

The meeting adjourned at 12:35 p.m.