

MINUTES
BOARD OF ARCHITECTURE AND INTERIOR DESIGN

TELEPHONE CONFERENCE CALL

February 24, 2014
3:00 p.m. Eastern Time

Call to Order

Mr. Rodriguez, Chair called the meeting to order at 3:05 p.m.

Board Members Present:

Miguel Rodriguez, Chair
Jonathan Toppe, Vice-Chair
Francisco Costoya
John Ehrig
Hector Fernandez
Aida Bao-Garciga
Kenan Fishburne
Emory Johnson
Dylan Rivers
James Blanz

Others Present:

Mary Ellen Clark, Board Counsel
Juanita Chastain, Executive Director
Terri McEwen, Government Analyst
David Minacci, Prosecuting Attorney
Gus Ashoo, Chief of the Bureau of Education and Testing
Mike Huey
Vicki Long
Nathan Butler
Melody Bishop
Dave Roberts
Shelly Siegel
Becky Wilson

General Business

Letter to the Building Code Administrators and Inspectors Board

Ms. Chastain read the letter with minor edits. After discussion the following motion was made.

Motion: Mr. Ehrig made motion that the letter be approved as presented with edits.

Second: Mr. Johnson seconded the motion and it passed unanimously.

Letter to all Florida Interior Design and Architecture Program Administrators and Educators

Ms. Chastain read the letter with minor edits. After discussion the following motion was made.

Motion: Mr. Johnson made a motion that the letter be approved as presented with edits.

Second: Mr. Ehrig seconded the motion and it passed unanimously.

Agenda Addendum

Motion: Mr. Ehrig made a motion that the board approve the addition of agenda addendum for good cause shown.

Second: Mr. Costoya seconded the motion and it passed unanimously.

Construction Contract Administration

After discussion the board made the following motion.

Motion: Mr. Ehrig moved that the board approve with the oral amendments presented.

Second: Ms. Bao-Garciga seconded the motion and it passed unanimously.

The language approved is as follows.

FLORIDA HOUSE OF REPRESENTATIVES
AND
FLORIDA SENATE
2015 Session
HB - XXXX 2015
SB - XXX 2015

A bill to be entitled

An act relating to the practice of architecture and interior design; amending s. 481.203, F.S.; defining "administration of construction contracts"; amending s. 481.221, F. S. providing that architects or interior designers are required to perform construction contract administration services; amending s 481.225 F.S.; amending s 481.2251; providing grounds for disciplinary action relating to the reporting of construction contract administrative services; amending s 481.229, F.S.; providing an exemption in certain circumstances; and providing an effective date.

Be it enacted by the Legislature of the State of Florida:

Section 1

Subsection (17) is added to section 481.203, Florida Statutes; to read: 481.203 Definitions. As used in this part: (17)"Construction Contract Administration" means:

- (a) the conducting of periodic site observation visits for the purpose of determining whether the work designed by the architect or interior designer is proceeding in general accordance with the technical submissions to the building official at the time the building permit was issued;
- (b) the processing of shop drawings and other technical submissions required of the contractor by the terms of the construction contract documents;
- (c) the notification to the owner and the building official of significant deviations that affect code compliance from the approved technical submissions which the architect or interior designer has observed during the periodic site visits.

Section 2. Addition of Subsection (13) of section 481.221, Florida Statutes; to read:

(13) An architect or interior designer who signs and seals any such final construction documents or instruments of service shall provide construction contract administration, either directly or through an individual working under her or his responsible supervision and control, unless not included in the agreement with the owner or the owner provides notice pursuant to s. 481.229(10).

Section 3. Paragraph (m) is added to subsection (1) of section 481.225 (1), Florida Statutes; to read:
481.225 Disciplinary proceedings against registered architects.—

(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken:
(m) Failing to report to the appropriate building official, in writing, if she/he is not going to be employed by the owner to perform construction contract administration services.

Section 4. Paragraph (p) is added to subsection (1) of section 481.2251 (1), Florida Statutes; to read:
481.2251 Disciplinary proceedings against registered interior designers.—

(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken;
(p) Failing to report to the appropriate building official, in writing, if she/he is not going to be employed by the owner to perform construction contract administration services.

Section 5. Subsections (9) and (10) are added to section 481.229, Florida Statutes; to read:

(9) Nothing contained in this part shall be construed to prevent the employment of qualified professional engineers to perform construction contract administration services relative to the engineering technical submissions for a project.

(10) Notwithstanding the provisions of this part or of any other law, an owner may notify the architect or interior designer of record, in writing, that said architect or interior designer will not be employed to provide construction contract administration services as defined in 481.203 (17). In that event, the architect or interior designer of record has the duty to notify the appropriate building official that she/he is not performing those services or annotate the plans accordingly.

Section 6. This act shall take effect July 1, 2015.

Mr. Rodriguez left the call at 3:59 p.m. and turned the meeting over to Mr. Toppe, Vice-Chair.

Letter to CIDQ regarding exam reviews

Mr. Johnson presented his findings and recommendations regarding NCIDQ exam reviews. Gus Ashoo with the Bureau of Education and Testing will draft the exam review agreement between the department and CIDQ. After discussion the following motion was made.

Motion: Mr. Ehrig made a motion that the board approves the recommendations as presented.

Second: Mr. Johnson seconded the motion and it passed unanimously.

NCARB Mutual Recognition Agreement with Canada

For information only.

NCARB Implementation of Resolution 2009-2

For Information only.

Rules Report

Rule 61G1-25.003, F.A.C.

Ms. Clark presented the letter from the Joint Administrative Procedures Committee (JAPC) regarding their concerns with changes to the Rule 61G1-25.003, F.A.C. She presented revised draft language to the board. After discussion the following motion was made.

Motion: Mr. Johnson made a motion that the board approves the revised draft language as presented.
Second: Mr. Costoya seconded the motion and it passed unanimously.

Ms. Clark asked the board if the proposed rule would have an adverse impact on small business or be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within 1 year after the implementation of the rule.

Motion: Mr. Ehrig made a motion that the proposed rule would not have an adverse impact.
Second: Mr. Costoya seconded the motion and it passed unanimously.

The language approved is as follows.

61G1-25.003 Certification Qualifications Program for Threshold Building Inspectors.

(1) The minimum qualifying criteria for threshold building inspectors established by the Board shall be as follows:

(a) Proof of current licensure in good standing as an architect in the State of Florida.

(b) Three years of experience in performing structural field inspections on at least three threshold type buildings, obtained ~~This experience must be within ten calendar years preceding submission of the application and evidenced by letters of recommendation from three architects or engineers in the State of Florida, one of whom must be certified as a threshold building inspector.~~

(c) Self-certification as to the competency of the applicant to perform structural inspections on threshold buildings.

~~(2) All licensed architects who are special inspectors and on the Roster of Special Inspectors maintained by the Department of Community Affairs, pursuant to Rule 9B-3.043, F.A.C., as of June 30, 2000 shall be qualified pursuant to this rule and shall be certified threshold or building inspectors.~~

~~(3) Applications for certification shall be made on an application prescribed by the Department.~~

~~(a) The instructions and application form for threshold building inspectors, form DBPR/FBOAID/TBI/04/01 is hereby incorporated by reference, effective 5-23-01, entitled "Threshold Building Inspector Application and Instructions". Copies of form DBPR/FBOAID/TBI/04/01 may be obtained from the Board by writing to the Florida Board of Architecture and Interior Design, 1940 N. Monroe Street, Tallahassee, Florida 32399-0766.~~

~~(b) All applications for certification as a threshold building inspector shall be submitted to the Board on form DBPR/FBOAID/TBI/04/01, referenced above, by mailing to the address listed above along with an initial certification fee of \$100.~~

~~(c) Applications shall contain the following basic information pertaining to the applicant:~~

~~1. Name;~~

~~2. Address;~~

~~3. Phone number;~~

~~4. Florida license number;~~

~~5. Educational and experience dates and sufficient description of each to clearly demonstrate that the minimum qualification criteria has been met;~~

~~6. Name and address of current employer;~~

~~7. Letters of recommendation from three architects or engineers in the State of Florida, one of whom must be certified as a threshold building inspector;~~

~~8. The signature, date and seal by the applicant attesting to the competency of the applicant to perform structural inspections on threshold buildings; and~~

9. Completed form DBPR/BOAID/TBI/04/01, referenced in paragraph (3)(a) above.

~~(d) Upon a determination that the application contains all of the information requested by these rules, review of the application shall be scheduled for consideration by the Board. Such applications shall be approved, rejected or deferred for further information by the Board. If the Board defers an application for additional information, it shall notify the applicant of the information needed. Applicants shall be notified in writing of the Board's actions as soon as practicable and, in the case of rejected applications, the Board shall set forth the reasons for such rejection.~~

~~(3)~~ (4) Roster of Threshold Building Inspectors. The Board shall maintain a roster of all Florida licensed/registered architects ~~persons~~ certified as threshold building inspectors pursuant to the criteria established in these rules and the law. The roster shall be made available to interested parties upon request. The roster shall be updated on a continuing basis and additions or deletions to the latest published roster may be verified by contacting the Florida Board of Architecture and Interior Design.

~~Rulemaking Specific Authority 481.2055, 481.213(7), 481.225, 481.225(2) FS. Law Implemented 120.52(9), 455.213(2), 455.219(1), 481.207, 481.213(7) FS. History—New 5-23-01, _____.~~

Consider date change for the October 2014 meeting

Motion: Mr. Costoya made a motion to change the meeting to October 27 and 28, 2014 for General Business and October 29, 2014 for Probable Cause Panel.

Second: Ms. Bao-Garciga seconded the motion and it passed unanimously.

New Business

Ms. Chastain presented a letter from Mr. Lopez with the New York Board of Architecture to the National Council of Architectural Registration Boards (NCARB) in opposition to the proposal that Regional Directors must hold NCARB certification. Mr. Ehrig suggested that the board obtain more information at the NCARB Regional Meeting before deciding to support or oppose the proposal.

Old Business

No old business.

Adjourn

Motion: Mr. Ehrig made a motion to adjourn the meeting.

Second: Mr. Johnson seconded the motion and it passed unanimously.

The meeting adjourned at 4:15 p.m.