

EXECUTIVE SUMMARY

Florida Building Code Administrators and Inspectors Board

I. General Information

Meeting Type: Application Committee, Examination and Continuing Education Committee, Rules and Legislation Committee, Executive Committee, and General Business Meeting
Meeting Date: Tuesday, April 7, 2009, through Friday, April 10, 2009
Meeting Location: Hyatt Regency Jacksonville-Riverfront
225 East Coastline Drive
Jacksonville, Florida

Attendees:

Bob McCormick, Chair
Nick Sasso, Vice Chair
Richard Gathright
Bob Kymalainen
Rob Nagin

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)

Elise Rice, Government Analyst, DBPR

Ann Cocheu, Assistant Attorney General, Office of the Attorney General

Tim Dennis, Assistant Attorney General, Office of the Attorney General

Libby Duffy, Assistant General Counsel, DBPR

Doug Harvey, Building Officials Association of Florida

Jane Waddel, Contractors Institute

Sharon Mignardi, Cutstone Learning, LLC

John Faranelli, International Code Council

Tom Ricci, BT Builders

Jeffrey Lee Collins, Respondent

Frank Lee Roby, Respondent

John Wiley, Respondent

Paul Carrafa, Respondent

Kristy Gavin, Attorney for Mr. Collins and Mr. Roby

William Furlow, Attorney for Mr. Wiley

Robert Stanz, Attorney for Mr. Carrafa

Denise Taylor, Court Reporter

Lori McDonald, Court Reporter

Other Interested Parties

II. Major Issues/Actions

- The Application Review Committee approved 70 applications for licensure, denied 49 applications for licensure, and ratified an additional 31 applications. The board conducted informal hearings for licensure matters, upheld 14 previously denied

applications, approved five previously denied applications, and one application was withdrawn.

- The Examination and Continuing Education Committee approved 42 continuing education course applications and denied ten continuing education course applications. The board conducted an informal hearing for a continuing education course application denial and approved the previously denied application.
- Regarding case number 2008.031637 against Mr. Paul J. Carrafa, the board imposed the following penalties: fine of \$1,200, costs of \$664.95, probation for one year which includes his appearance at one board meeting, and completion of seven additional continuing education credits in the area of laws, rules and ethics, within one year.
- Regarding case number 2008.061742 against Mr. Jeffrey Lee Collins, the board imposed the following penalties: fine of \$432.36, costs of \$317.64, and completion of seven additional continuing education credits in the area of laws, rules and ethics, within one year.
- Regarding case number 2008.061283 against Mr. Frank Lee Roby, the board imposed the following penalties: fine of \$269.33, costs of \$480.67, and completion of seven additional continuing education credits in the area of laws, rules and ethics, within one year.
- Regarding case number 2007.062795 against Mr. John R. Wiley, the board imposed the following penalties: costs of \$296.15 and a reprimand.
- Ms. Duffy provided the board with a Prosecuting Attorney's Report which indicated that as of April 7, 2009, there were 28 private cases in the Legal Section and 15 public cases in the Legal Section. Mr. Rob Nagin asked Ms. Duffy if she could provide timelines on the private portion of the report. She will research his request and provide a response at the next meeting.
- Ms. Duffy informed the board that Deputy General Counsel April Skilling is completing the requested flow chart showing the progression of LicenseEase status codes and should be able to provide it to all members within the next couple of weeks.
- Mr. Rob Nagin indicated that he is aware of 35 bills that have been filed relating to the building code industry. He will forward his report of all bills to staff for e-mailing to all board members.
- The board asked Ms. Robyn Barineau, Executive Director, to relay to the department their concerns with SB 2598. They are concerned with the proposed language which allows for individuals holding a license in another state for at least two years to pass a Florida laws and rules examination to obtain a Florida license. The board agreed that unlike Florida, many other states do not have any experience requirements, and applicants only have to pass a technical examination.
- Board staff will forward to Ms. Ann Cocheu, Assistant Attorney General, the revised initial training program form which will include the effective date of the form and the corresponding rule number, Rule 61G19-7.002, Florida Administrative Code, pursuant to the comments made by the Joint Administrative Procedures Committee (JAPC).
- The board inquired about the creation of a master continuing education provider and course application to be used by all building code related professions.
- The board conducted a Rule Development Workshop for Rules 61G19-5.006 and 61G19-5.007, Florida Administrative Code. No comments were made and no action was taken on these rules.

- The board discussed the creation of a definition of good moral character but took no action.
- The board asked Ms. Barineau to research whether or not there is statutory authority to require all applicants and licensees to report to the department where they are employed. Ms. Barineau indicated that she thought a statutory change would be necessary to require such information. She will research this matter and provide information at the next meeting.
- The board asked Ms. Barineau to relay to the department their concerns with SB 1606. They are concerned that there are courses approved by the State Fire Marshal that would not be relevant for licensees of the Building Code Administrators and Inspectors Board.
- The board agreed to continue accepting board member compensation for attendance at meetings.
- The board agreed that if licensees took more than one ethics course, the additional credit should rollover to the general credit category.
- Chair Bob McCormick indicated that he worked with Acting General Counsel Reggie Dixon on a reminder that limited certificates are invalid if the limited certificateholder's employer or duties and/or responsibilities have changed. The reminder has been posted on the Building Officials Association of Florida (BOAF) Web site, on the board's Web site, and will be included in upcoming renewal notices
- Ms. Barineau indicated that she has been working with Dr. Rob von Kampen, International Code Council (ICC), and the Bureau of Education and Testing (BET) to determine if ICC could offer computer-based testing (CBT) examinations four times in a six-month period to all candidates if the pencil-and-paper administrations were eliminated. ICC has agreed to this proposal and board staff and BET will facilitate this transition with ICC.
- The board excused the absences of board members Mr. Dennis Franklin and Mr. Fred Dudley.
- The next board meeting will be conducted in Orlando, Florida, from Tuesday, June 9, through Friday, June 12, 2009.

III. Legislation/Rule Promulgation

- No additional action necessary.

IV. Action Required

- Ms. Cocheu and Mr. Dennis will prepare final orders and notices of intent to deny and forward them to board staff for filing with the Agency Clerk.
- Ms. Duffy will determine whether or not timelines can be added to the private case portion of the Prosecuting Attorney's Report and provide additional information at the next meeting.
- Ms. Skilling will provide the requested flow chart showing the progression of LicenseEase status codes to all members within a couple of weeks.
- Mr. Nagin will forward his report of all building code industry bills filed, to date, to staff for e-mailing to all board members.
- Ms. Barineau will relay to the department the board's concerns with SB 2598 and SB 1606.

- Board staff will forward to Ms. Cocheu the revised training program form which will include the effective date of the form and the corresponding rule number, Rule 61G19-7.002, Florida Administrative Code.
- Ms. Barineau will determine if the board has authority to require applicants and licensees to report where they are employed and provide this information at the next meeting.
- By January 1, 2010, Board staff, BET and ICC will work together to transition most pencil-and-paper examination to computer-based testing administrations only.

Robyn Barineau
Executive Director
April 14, 2009