

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, June 9, 2009, through Friday, June 12, 2009
Meeting Location: Homewood Suites
8745 International Drive
Orlando, Florida 32819

Attendees:
Bob McCormick, Chair
Nick Sasso, Vice Chair
Fred Dudley
Dennis Franklin
Richard Gathright
Bob Kymalainen
Rob Nagin

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)
Elise Rice, Government Analyst, DBPR
Tim Dennis, Assistant Attorney General, Office of the Attorney General
Libby Duffy, Assistant General Counsel, DBPR
Doug Harvey, Building Officials Association of Florida (BOAF)
Jane Waddel, Contractors Institute
Dianna Garcia, Court Reporter
Other Interested Parties

II. Major Issues/Actions

- The Application Review Committee approved 52 applications for licensure, denied 75 applications for licensure, and ratified an additional 28 applications for licensure. The board conducted informal hearings for licensure matters, upheld eight previously denied applications, and approved four previously denied applications.
- The Examination and Continuing Education Committee approved 47 continuing education course applications and denied three continuing education course applications.
- Regarding case number 2009.005104 against Mr. Ronald Francis Morgan, the board rejected the proposed Settlement Stipulation. The board agreed to impose the following penalties: fine of \$1,200, costs of \$183.49, probation for one year which includes his appearance at one board meeting (Thursday session only), and completion of seven additional continuing education credits in the area of laws and

- rules, within two years. Mr. Francis and his attorney, Mr. Lee Weintraub, agreed to the counter-offer proposed by the board.
- Vice Chair Nick Sasso asked that a copy of Mr. Les Gatto's provisional license application be included in the next agenda for discussion.
 - Ms. Libby Duffy, Assistant Attorney General, informed the board that there are 25 private building code cases and 15 public building code cases in Legal.
 - Vice Chair Sasso mentioned that the licensing portal does not provide the incident date on public cases. He added that the public should have the benefit of knowing this date. Mr. Fred Dudley agreed with Vice Chair Sasso. The board asked Ms. Robyn Barineau, Executive Director, to research this matter, and provide her findings at a future meeting.
 - Vice Chair Sasso indicated that he is unhappy with the speed at which the department processes cases against felons. He asked to discuss this matter further with Ms. Duffy, and Ms. Duffy asked that Deputy General Counsel April Skilling also be included in the conversation.
 - Ms. Duffy provided the board with a detailed flow chart showing the potential progression of all cases in the department.
 - Ms. Duffy reported that she is still uncertain whether or not timelines can be reported on private cases. She will continue researching this request and provide a response at the next meeting.
 - Mr. Tim Dennis, Assistant Attorney General, informed the board that the Joint Administrative Procedures Committee (JAPC) filed an objection to the proposed amendment to Rule 61G19-5.002, Florida Administrative Code – Disciplinary Guidelines. After discussion, the board agreed to change the proposed penalty of up to \$5,000 on first offenses to up to \$2,500 on first offenses. Mr. Dennis will move forward with the amended language.
 - Mr. Rob Nagin mentioned the current trend of building departments seeking approval of continuing education courses for their employees. He added that the courses appear to be more refresher-type courses. He suggested that a rule be developed to deny any municipality-specific continuing education courses. Mr. Dennis will review the board's laws and rules and determine whether or not they have the authority to develop such a rule.
 - To ensure that the most current forms of the Principles and Practice examination are being administered, the board asked Ms. Barineau to determine whether or not they could review the exam item bank in conjunction with their December meeting in Tallahassee.
 - Vice Chair Sasso read a list of all licensure applications denied by the Application Review Committee. This practice will continue at all future meetings.
 - Vice Chair Sasso mentioned that there is no longer a listing of disciplined licensees in board newsletters. He added that this is a quick and easy way to see the names and locations of individuals disciplined without having to refer to board meeting minutes. Ms. Barineau informed the board that discipline must be posted, and the department believes that posting disciplinary actions in board meeting minutes is an acceptable way to provide this information. Mr. Dudley informed the board that all building officials should be checking the department's licensing portal when it comes to their employees. The board asked Ms. Barineau to research whether or not discipline can be added back into newsletters, and report her findings at the next meeting.
 - Mr. Nagin mentioned that he understands that the Construction Industry Licensing Board (CILB) is dismissing cases whenever a Certificate of Occupancy (CO) has

been issued. Chair McCormick and Ms. Barineau will research this matter with the CILB, and provide their findings at the next meeting.

- Mr. Rob Nagin gave an overview of some of the building code industry bills that passed during the 2009 Legislative Session. He will forward his complete report of all bills to staff for e-mailing to all board members.
- The next board meeting will be conducted in Ft. Lauderdale, Florida, from Tuesday, August 4, 2009, through Friday, August 7, 2009.

III. Legislation/Rule Promulgation

- Mr. Dennis will move forward with the changes to Rule 61G19-7.002, Florida Administrative Code – Disciplinary Guidelines.

IV. Action Required

- Mr. Dennis will prepare final orders and notices of intent to deny and forward them to board staff for filing with the Agency Clerk.
- The board asked Ms. Barineau to research why a complaint incident date is not included on the licensing portal, and provide her findings at a future meeting.
- Vice Chair Sasso will discuss the handling of cases against felons with Ms. Duffy and Ms. Skilling.
- Board staff will include a copy of Mr. Gatto's licensure application in the next agenda.
- Ms. Duffy will continue her research on whether or not timelines can be provided on private cases.
- Mr. Dennis will review the board's laws and rules to determine whether or not they have authority to deny municipality-specific continuing education courses.
- Ms. Barineau will get with the Bureau of Education and Testing and determine whether or not the board could review the Principles and Practice examination item bank in conjunction with their December board meeting in Tallahassee.
- The board asked Ms. Barineau to research whether or not discipline can be added back into newsletters, and report her findings at the next meeting.
- Chair McCormick and Ms. Barineau will contact the CILB to determine whether or not they are dismissing cases against contractors when a CO has been issued, and provide their findings at the next meeting.
- Mr. Nagin will forward his report of all building code industry bills that passed during the 2009 Legislative Session to staff for e-mailing to all board members.

Robyn Barineau
Executive Director
June 17, 2009