

EXECUTIVE SUMMARY

Florida Building Code Administrators and Inspectors Board

I. General Information

Meeting Type: Probable Cause Panel Meeting, Application Committee, Examination and Continuing Education Committee, Rules and Legislation Committee, Executive Committee, and General Business Meeting
Meeting Date: Tuesday, June 8, 2010, through Friday, June 11, 2010
Meeting Location: Renaissance Tampa Hotel
International Plaza
4200 Jim Walter Boulevard
Tampa, Florida 33607

Attendees:

Bob McCormick, Chair
Nick Sasso, Vice Chair
Art Barthlow
Dennis Carpenter
Gerry Demers
Fred Dudley
Richard Gathright
Bob Kymalainen
Orlando Lamas

Charlie Liem, Interim Secretary, Department of Business and Professional Regulation (DBPR)

Robyn Barineau, Executive Director, DBPR

Elise Rice, Government Analyst, DBPR

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

Libby Duffy, Assistant General Counsel, Office of the General Counsel, DBPR

Doug Harvey, Building Officials Association of Florida (BOAF)

Robert von Kampen, International Code Council (ICC)

Kristina Haeck, Court Reporter

Other Interested Parties

II. Major Issues/Actions

- Chair Bob McCormick introduced and welcomed Interim Secretary Charlie Liem. Secretary Liem thanked the members for their service on the Building Code Administrators and Inspectors Board. He asked the members to provide their suggestions for legislation for submission to the Governor's Office in August.
- Secretary Liem and Chair McCormick presented former board member Mr. Rob Nagin with a plaque honoring his years of service on the Building Code Administrators and Inspectors Board.
- The Application Review Committee approved 23 applications for licensure and denied 43 licensure applications. Vice Chair Nick Sasso read a list of all licensure

applications denied by the Application Review Committee. The board approved the action of the Application Review Committee and ratified an additional eight applications for licensure.

- The board conducted informal hearings for licensure matters, approved five previously denied applications, and upheld the denial of three previously denied applications.
- The board approved 12 continuing education courses.
- The board overturned the previously denied hardship application for Mr. Edward Davis and asked that proof of his continuing education be placed on the August board meeting agenda.
- The board tabled case no. 2008.007045 against Mr. Edgar R. Nazario as he is currently out of the country.
- The board approved the Settlement Stipulation in case no. 2009.054181 against Mr. Larry Lee Shuler.
- Ms. Libby Duffy, Assistant General Counsel, reported that as of June 9, 2010, there were 14 public building code cases and 15 private building code cases in the Office of the General Counsel. Ms. Duffy will send a current Prosecuting Attorney Report to all members.
- The board discussed inviting Respondents in disciplinary cases to future Probable Cause Panel meetings when their cases are being considered. There was mixed support for this proposal. The board moved to have Mr. Tim Dennis, Assistant Attorney General, open Rule 61G19-11.001, Florida Administrative Code – Probable Cause Panel, for further discussion at the August meeting.
- The board conducted a rules workshop and solicited input regarding Rule 61G19-6.0035, Florida Administrative Code – Application for Provisional and/or Standard Certification. Since the Building Officials Association of Florida (BOAF) had previously suggested that there is confusion with the five years of experience requirement, which includes one year of hands-on experience, the board asked for public comment regarding this rule. The board agreed to forego any action on this rule until the two cases before the Fifth District Court of Appeal relating to this rule are resolved.
- Mr. Richard Gathright provided the board with a list of bills which were filed during the 2010 Legislative Session relating to the building/building code industry and their statuses. Mr. Fred Dudley also provided a similar list.
- The board discussed Rule 61G19-6.0036, Florida Administrative Code – Application for Certification Review. The board previously agreed that all endorsement applications, all building code administrator applications, all provisional applications, and all voluntary category applications should be forwarded to the board for review. Mr. Dennis incorporated these changes into the rule along with several other technical changes. The board moved to have Mr. Dennis proceed with rulemaking to incorporate the proposed changes to Rule 61G19-6.0036, Florida Administrative Code – Application for Certification Review, for further discussion at the August meeting.
- The board discussed defining the term “hands-on experience” in Rule 61G19-1.009, Florida Administrative Code – Definitions. Mr. Dennis will research this term and bring back suggestions to the August meeting.
- The board briefly discussed CS/CS/CS/HB 713 and CS/CS/SB 1330 – Department of Business and Professional Regulation bills.
- Ms. Robyn Barineau, Executive Director, informed the board that she has reached out to the Division of State Fire Marshal (DSFM) regarding the implementation of HB

663 relating to building safety. She plans to set up a telephone conference call with their representatives, Mr. Dennis, the department's Bureau of Education and Testing, and the department's Division of Information Technology to discuss the reciprocity standards with DSFM and the board, how the transmission of information will work, and other items. She will keep the board informed of the progress.

- Ms. Barineau informed the board that the building code surcharge reporting form is currently being revised to include the new collection amounts according to HB 663. She reminded the board that 1 ½ cents of the cost of each permit would be paid to the department as surcharge. She added that the proposal includes a split of the amount collected with the Florida Homeowners' Construction Recovery Fund. She will closely monitor the amount collected to ensure that the board's expenses are covered.
- Ms. Barineau informed the board that as of March 31, 2010, the board's operating account balance was \$1.2 million and the board's unlicensed activity account balance was \$250,000.
- Ms. Barineau provided the board with tentative future meeting dates as follows:
 - August 10-13, 2010 – Palm Beach
 - October 27-29, 2010 – Gainesville
 - December 1-3, 2010 – Orlando
 - February 16-18, 2011 – Fernandina Beach
 - April 6-8, 2011 – Panama City
 - June 8-10, 2011 - Orlando
- Dr. Robert von Kampen, ICC, gave a brief overview of ICC's role in examinations, psychometrics, standards, item terminology and statistical reviews.

III. Legislation/Rule Promulgations

- Mr. Dennis will open Rule 61G19-11.001, Florida Administrative Code – Probable Cause Panel, for further discussion at the August meeting.
- Mr. Dennis will proceed with rulemaking to incorporate the proposed changes to Rule 61G19-6.0036, Florida Administrative Code – Application for Certification Review, for further discussion at the August meeting.

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.
- Board staff will include proof of required continuing education for Mr. Edward Davis on the August agenda.
- Ms. Duffy will send a current Prosecuting Attorney Report to all members.
- Mr. Dennis will research the term "hands-on experience" and bring back suggestions to the August meeting.
- Ms. Barineau will set up a meeting with the DSFM and others regarding the implementation of HB 663 – Firesafety, and she will keep the board informed of the progress.

Robyn Barineau
Executive Director
June 14, 2010