

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, August 10, 2010, through Friday, August 13, 2010

Meeting Location: Four Seasons Resort
2800 South Ocean Boulevard
Palm Beach, Florida 33480

Attendees:

Nick Sasso, Vice Chair
Art Barthlow
Dennis Carpenter
Fred Dudley (Thursday only)
Richard Gathright
Bob Kymalainen
Orlando Lamas

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, Office of the General Counsel, DBPR

Doug Harvey, Building Officials Association of Florida (BOAF)

Robert von Kampen, International Code Council (ICC)

Nancy Siegel, Court Reporter

Other Interested Parties

II. Major Issues/Actions

- Vice Chair Nick Sasso excused the absences of Chair Bob McCormick, Mr. Gerry Demers, and Mr. Fred Dudley (Friday meeting).
- The Application Review Committee approved 46 applications for licensure and denied 47 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.
- The board conducted informal hearings for licensure matters, approved three previously denied applications, and upheld the denial of ten previously denied applications.
- The board approved nine continuing education courses and denied ten continuing education courses.
- The board overturned the previously denied applications for Mr. George Lind and Mr. Angelo Sperlongo.

- In case number 2008.063431 against Mr. Dale Lee, the board accepted the Settlement Stipulation in this matter, which imposed costs of \$641.64 and a reprimand.
- In case number 2008.029241 against Mr. Michael A. Lewandowski, the board accepted the Settlement Stipulation in this matter, which imposed a fine of \$500 and costs of \$595.11.
- In case number 2008.007045 against Mr. Edgar R. Nazario, the board accepted the Settlement Stipulation in this matter, which imposed a fine of \$1,200 to be paid over 12 months, costs of \$598.42, and his licenses shall stay inactive until he returns to the United States.
- In case number 2008.063428 against Mr. Stephen Pizzillo, the board rejected the Settlement Stipulation in this matter and counter-offered the following discipline: \$1,500 fine, costs of \$598.63, and 12 months probation, which will include one trip to a Thursday session of a Building Code Administrators and Inspectors board meeting.
- In case number 2009.011585 against Mr. David Swan, the board accepted the Settlement Stipulation in this matter, which imposed costs of \$457.61 and a reprimand.
- Ms. Libby Duffy, Assistant General Counsel, reported that as of August 9, 2010, there were 20 public building code cases and nine private building code cases in the Office of the General Counsel.
- In addition to monetary penalties, the board asked that Ms. Duffy include the following discipline in future Settlement Stipulations: 18 months probation, attendance at one Thursday session of a Building Code Administrators and Inspectors board meeting within 12 months, and three additional continuing education hours in the areas of laws, rules and ethics before the end of the next renewal cycle.
- The board discussed two cases currently before the Fifth District Court of Appeal relating to experience requirements. After discussion, the board asked Ms. Robyn Barineau, Executive Director, to provide the following proposed statutory change for the department's consideration in their legislative package: Section 468.609(2)(c)1, Florida Statutes – (2) A personal may take the examination for certification as a building code inspector or plans examiner pursuant to this part if the person: (c) Meets eligibility requirements according to one of the following criteria: 1. Demonstrates 5 years' combined experience in the field of construction or a related field, building code inspection, or plans review, corresponding to the certification category sought.
- The board asked Mr. Dennis to review Chapter 468, Section XII, Florida Statutes, to determine if there was a need to add rulemaking authority in the various sections. If Mr. Dennis determines that additional rulemaking authority is necessary, Ms. Barineau will forward this request to the department for consideration in their 2011 legislative package.
- The board discussed expounding the experience definition included in Rule 61G19-1.009, Florida Administrative Code – Definitions. They agreed to the following proposed changes and asked Mr. Doug Harvey, Executive Director of the Building Officials Association of Florida (BOAF), to relay these proposed changes to the BOAF membership and bring their responses back to the board for discussion: "Experience" means "hands-on" practical working experience as a trade person in ~~or~~ construction, design, or building code inspection ~~industry professional~~, for compensation, ~~corresponding to the category sought.~~

- The board tabled the discussion of amending Rule 61G19-11.001, Florida Administrative Code – Probable Cause Panel, to the October meeting. The board will discuss inviting Respondents in disciplinary cases to future Probable Cause Panel meetings when their cases are being considered. The board also asked that the Probable Cause Panel rule for the Board of Architecture and Interior Design be included in the agenda for discussion and example purposes.
- Ms. Barineau informed the board that the department is moving forward with the implementation of CS/CS/CS/HB 713. This legislation allows the department to approve qualified applicants whose military spouses are assigned to Florida duty stations to obtain a temporary license for up to six months. Ms. Barineau advised the board that the department has developed the application form and rules for this initiative.
- The board asked Ms. Barineau to include in her future Executive Director reports a status of the Ratification Lists that are emailed to board members in between meetings and how many are ratified by the board members as well as how many are pulled for review by the board at an in-person meeting. This procedure is established by Rule 61G19-6.0036, Florida Administrative Code – Application for Certification Review Procedure.
- Elections will be conducted at the October meeting.
- The board denied the request from Mr. Miguel Albarran to extend his Provisional Electrical Plans Examiner license.
- The board asked that an item be included on the October meeting agenda regarding the elimination of Provisional Building Code Administrator licenses. The board has expressed a concern with Provisional Building Code Administrators (heads of the building department) being allowed to run a building department for three years and not be required to take an examination while maintaining this license.
- Ms. Barineau informed the board that she continues to work with the department's Bureau of Education and Testing, the department's Division of Information Technology, and the Division of State Fire Marshal (DSFM) on the implementation of HB 663 relating to building safety. She will keep the board informed of the progress.
- Ms. Barineau was pleased to report that Mr. Charlie Liem was recently appointed as the Secretary of the Department of Business and Professional Regulation.
- Ms. Barineau provided the board with tentative future meeting dates as follows:
 - 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, informed the board that computer-based testing continues to work well with Florida candidates. He added that he continues to work with the department to ensure smooth data transfers.

III. Legislation/Rule Promulgations

- Ms. Barineau will relay the proposed change to Section 468.609(2)(c)1., F.S., the addition of a comma, to the department for consideration in their 2011 legislative package.
- Mr. Dennis will review the board's practice act to determine if additional rulemaking authority is necessary, and if so, Ms. Barineau will relay these proposed changes to the department for consideration in their 2011 legislative package.

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.
- Mr. Harvey will relay the board's proposed changes to Rule 61G19-1.009, Florida Administrative Code – Definitions, to the BOAF membership and bring their comments to the October meeting.
- The board tabled the discussion of Rule 61G19-11.001, Florida Administrative Code – Probable Cause Panel, until the October meeting. Staff will also include a copy of the Probable Cause Panel rule for the Board of Architecture and Interior Design in the October meeting agenda.
- At each board meeting, Ms. Barineau will inform the board of the number of applications that are ratified and the number that are pulled for review by the board at an in-person meeting, pursuant to the process set forth in Rule 61G19-6.0036, Florida Administrative Code – Application for Certification Review Procedure.
- A discussion regarding the elimination of Provisional Building Code Administrator licenses will be included on the October agenda.

Robyn Barineau
Executive Director
August 17, 2010