

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, December 9, 2008, through Friday, December 12, 2008

Meeting Location: Department of Business and Professional Regulation
Professions Board Room
1940 North Monroe Street
Tallahassee, Florida 32399

Attendees:

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

Charles W. Drago, Secretary, Department of Business and Professional Regulation (DBPR)

Maureen Olson, Deputy Secretary, DBPR

April Skilling, Deputy General Counsel, DBPR

Tim Vaccaro, Director, Division of Professions, DBPR

John Washington, Director, Division of Regulation, DBPR

Libby Duffy, Assistant General Counsel, DBPR

Jerry Wilson, Chief of Investigations, Division of Regulation, DBPR

Robyn Barineau, Executive Director, DBPR

Elise Rice, Government Analyst, DBPR

Lisa Shutes, Executive Assistant, DBPR

Alexandra Auguste-Toussaint, Bureau of Education and Testing, DBPR

M. Catherine Lannon, Chief, Administrative Law Section, Department of Legal Affairs

Ann Cocheu, Assistant Attorney General, Department of Legal Affairs

Doug Harvey, Building Officials Association of Florida (BOAF)

Jane Waddel, Contractors Institute

Robert von Kampen, International Code Council (ICC)

John Faranelli, ICC

William Dumbaugh, Building Officials and Inspectors Educational Association

Joe Rebeck, Gold Coast School of Construction

Suzette Bragg Peterson, Court Reporter

Other Interested Parties

II. Major Issues/Actions

- Chair Bob McCormick introduced Secretary Charles W. Drago and his assistant, Lisa Shutes, and welcomed them to the board meeting. Secretary Drago thanked the board for the opportunity to introduce himself. He gave the board a brief overview of his professional career including 32 years in law enforcement. He mentioned some of the initiatives the department is currently pursuing. Secretary Drago added that the department is attempting to streamline processes in accordance with Governor Crist's Accelerate Florida initiative. Secretary Drago informed the board that he has met with licensees and others impacted by the department during his trips around the state in accordance with his On the Road to Better Business initiative. He also thanked the members for volunteering their time to serve on the board.
- Chair McCormick introduced Ms. Maureen Olson, Deputy Secretary for Professional Regulation, and welcomed her to the meeting. Ms. Olson gave a brief overview of her state government service and also mentioned that for 22 years she has served in the United States Navy. She also thanked the board for their service to the citizens of Florida and their profession.
- The Application Review Committee approved 64 applications for licensure, denied 61 applications for licensure, and ratified an additional 25 applications. The board conducted informal hearings for licensure matters, upheld six previously denied applications, and approved 12 previously denied applications.
- The Examination and Continuing Education Committee approved 41 continuing education course applications and denied nine continuing education course applications.
- The board took no action on the request of Mr. Jared Ashley Brown to extend his Provisional One and Two Family Dwelling license.
- Ms. Cocheu will move forward with the Notice of Change to Rule 61G19-7.002, Florida Administrative Code, to include the web address of the training program form as required by the Joint Administrative Procedures Committee (JAPC).
- Ms. Cocheu will move forward with the Notice of Change to Rule 61G19-7.0015, Florida Administrative Code, to amend the proposed language as follows:
61G19-7.0015 – Board Approved Comprehensive Initial Training Program as Alternative Eligibility Requirements for Examination for **Standard** Building Code Inspector or **Standard** Plans Examiner Certification
 - (1) Applicants seeking **first standard certification under this act** for inspector or plans examiner certification having a minimum of three years verifiable experience in construction, as defined in Rule 61G19-1.009(8), Florida Administrative Code, shall satisfactorily complete a comprehensive initial training program comprised of a 120 hour core curriculum common to all categories and not less than the following number of hours in the certification category sought:
 - Building – 450 hours
 - Electrical – 400 hours
 - Plumbing – 270 hours
 - Mechanical – 270 hours
- Ms. Cocheu will move forward publishing language to amend Rule 61G19-6.016, Florida Administrative Code, to require an examination for modular inspector and modular plans examiner licenses.
- Ms. Cocheu will move forward publishing language to amend Rule 61G19-5.002, Florida Administrative Code, to increase the maximum penalty in the disciplinary guidelines to \$5,000 per offense.

- The board agreed to take no action to increase the current three-year life of a provisional license to five years.
- The board discussed increasing the current requirement of 14 hours of continuing education hours each biennium for licensees but took no action.
- Ms. Cocheu mentioned the application denial matter which is now before the District Court of Appeals. She indicated that she filed an Answer Brief in this matter (Lanny Walker), and she will keep the board informed if an oral argument is scheduled.
- Ms. Barineau advised the board that the automation project has been suspended indefinitely because of the current and projected budget shortfall. This project will be reevaluated at a later date. Vice Chair Sasso asked if the agendas could be placed on a secure location on the Internet for downloading by board members and others. Mr. Tim Vaccaro, Director of the Division of Professions, indicated that he will research this matter with the department's Information Technology area and provide feedback at the next meeting.
- Ms. Robyn Barineau, Executive Director, informed the board that as of June 30, 2008, the board's operating account balance was \$351,753, and the board's unlicensed activity account balance was \$201,690.
- Dr. Rob von Kampen, International Code Council (ICC), informed the board that more and more building code applicants are taking technical examinations via computer-based testing (CBT) at multiple Florida locations, and fewer applicants are taking the examination by paper-and-pencil administration. The board previously asked if the paper-and-pencil administrations were eliminated, could ICC offer more CBT administrations to candidates. Dr. von Kampen will continue to research this issue and provide more information at the next board meeting. Dr. von Kampen indicated that Exam Development Committees for all ICC exams will meet in 2009. He provided the board with pass/fail rates of all ICC exams. Dr. von Kampen will continue to attempt to locate the outline of the first Coastal Construction examination per the board's request.
- Mr. Fred Dudley expressed his concern with the current practice of allowing applicants who are architects, engineers, contractors or building code administrators to certify their own work experience. The board asked Ms. Cocheu to research this matter and provide her findings and advice at the next meeting.
- Ms. Libby Duffy provided a Prosecuting Attorney Report to the board and mentioned that there are 53 building code cases in Legal. Ms. Duffy informed the board that she continues to search for an additional expert witness for building code cases. The board asked that the case statuses be chronologically ordered in future reports. Vice Chair Nick Sasso asked Ms. Duffy for a flow chart of the entire disciplinary process. Deputy General Counsel April Skilling informed the board that the Office of the General Counsel is currently working on a new and improved report that will provide activity dates on cases. Deputy General Counsel Skilling agreed that they would work with the Division of Regulation and bring back to the board a report of the types of cases received in the Complaints Section that are not legally sufficient. The Office of the General Counsel and the Division of Regulation will work together to bring back to the board at the next meeting a list of minor violations which could be considered for and addressed by citations and notices of non-compliance rather than the current disciplinary process. The board agreed to workshop the citation and notices of non-compliance rules at the next board meeting.

- Mr. John Washington, Director of the Division of Regulation, introduced himself and Mr. Jerry Wilson, Chief of Investigations, Division of Regulation, and thanked the board for the opportunity to speak to them. He mentioned the three-step complaint process for all complaints:
 - Division of Regulation staff (Mr. Wilson) analyzes all building code complaints within approximately 24 hours of receipt of the complaint to determine legal sufficiency.
 - If legal sufficiency is determined, the case is sent to a field office for investigation.
 - Once the investigative report is completed, the report is sent to the Office of the General Counsel.

Mr. Washington advised the board that the Division of Regulation's goal is to have the investigative report to the Office of the General Counsel within 90 days from the receipt of the complaint, but the division's current, average processing time is actually 67 days. Mr. Washington informed the board that the department received 111 building code cases during the 2007-2008 fiscal year.

- The board asked Ms. Cocheu to research the term "employee" and determine whether or not a legislative change is necessary to include a definition in the board's practice act.
- Ms. Barineau, Ms. Cocheu and Ms. Duffy conducted board member training.
- The next board meeting will be conducted in Orlando, Florida, from Tuesday, February 10, through Friday, February 13, 2009.

III. Legislation/Rule Promulgation

- Ms. Cocheu will move forward with the Notice of Change to Rule 61G19-7.002, Florida Administrative Code.
- Ms. Cocheu will move forward with the Notice of Change to Rule 61G19-7.0015, Florida Administrative Code.
- Ms. Cocheu will move forward with publishing language to amend Rule 61G19-6.016, Florida Administrative Code.
- Ms. Cocheu will move forward with publishing language to Rule 61G19-5.002, Florida Administrative Code.
- Ms. Cocheu will move forward with the Rule Development Workshop notice for Rules 61G19-5.006 and 61G19-5.007, Florida Administrative Code.

IV. Action Required

- Ms. Cocheu will prepare final orders and notices of intent to deny and forward to board staff for filing with the Agency Clerk.
- Mr. Vaccaro will research the possibility of placing board meeting agendas on a secure Internet site with the department's Information Technology division and provide feedback at the next board meeting.
- Dr. von Kampen will continue to research the possibility of adding more computer-based examinations in the future and provide his research at the next meeting.
- Dr. von Kampen will continue to attempt to locate the outline of the first Coastal Construction examination and provide this document to the board at the next meeting.

- Ms. Cocheu will research the board's current practice of allowing applicants who are architects, engineers, contractors or building code administrators to certify their own work experience and provide her findings and advice at the next meeting.
- Ms. Cocheu will provide the board with the case number in the Lanny Walker matter and advise if/when oral argument scheduled by the District Court of Appeals.
- Ms. Duffy will chronologically order the case statuses in future Prosecuting Attorney Reports.
- Ms. Duffy will provide a flow chart of the entire disciplinary process.
- Deputy General Counsel April Skilling will work with the Division of Regulation and bring back to the board a report of the types of cases received in the Complaints Section that are not legally sufficient.
- The Office of the General Counsel and the Division of Regulation will work together to bring back to the board at the next meeting a list of minor violations which could be considered for and addressed by citations and notices of non-compliance rather than the current disciplinary process.
- Ms. Cocheu will research the term "employee" and determine whether or not a legislative change is necessary to include a definition in the board's practice act.

Robyn Barineau
Executive Director
December 15, 2008