

EXECUTIVE SUMMARY

Florida Building Code Administrators and Inspectors Board

I. General Information

Meeting Type: Probable Cause Panel, Application Committee, Examination and Continuing Education Committee, Legislation and Rules Committee, and General Business Meeting

Meeting Date: Wednesday, April 4, 2012, through Friday, April 6, 2012

Meeting Location: Plaza Resort and Spa
600 North Atlantic Avenue
Daytona Beach, Florida 32118

Attendees:

Bob McCormick, Chair
Richard Gathright, Vice Chair
Art Barthlow
Tim Bolduc
Dennis Carpenter
Fred Dudley
Wayne Francis
Rick Holmes
Orlando Lamas

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

Elise Rice, Government Analyst, DBPR

Clark Jennings, Assistant Attorney General, Office of the Attorney General (OAG)

LeChea Parson, Assistant General Counsel, Office of the General Counsel (OGC), DBPR

Doug Harvey, Executive Director, Building Officials Association of Florida (BOAF)

Michelle Porter, International Code Council (ICC)

Bob Koning

Trish Berard, Court Reporter

Mary Graybosch, Court Reporter

Marcia Craft, Court Reporter

Other Interested Parties

II. Major Issues/Actions

- Chair Bob McCormick welcomed new members Tim Bolduc and Rick Holmes to the Building Code Administrators and Inspectors Board.
- The Application Review Committee approved 44 applications for licensure and denied 42 licensure applications. Vice Chair Richard Gathright read a list of all licensure applications denied by the Application Review Committee and any limitations placed on approved provisional licenses. The board approved the actions

of the Application Review Committee. The board also approved three applications included on the April 2012 Ratification List.

- The board conducted nine informal hearings for licensure. They overturned six and upheld three previous denials.
- The board approved 48 continuing education courses and one course application was withdrawn by the applicant.
- In case number 2010.031512 against Mr. Milton Massanet, the board agreed to the following disciplinary action: impose a fine of \$1,500, costs of \$234.60, one year probation, and two additional hours of continuing education in the area of laws and rules.
- In case number 2010.055675 against Mr. Larry Brown, the board agreed to the terms of the Settlement Stipulation which imposes the following discipline: a fine of \$250, costs of \$357.17, and voluntary relinquishment of license number PX774.
- In case number 2010.034088 against Mr. Robert Downs, the board agreed to the terms of the Settlement Stipulation which imposes the following discipline: costs of \$341.48, a reprimand, and an appearance before the board.
- Case number 2010.050502 against Mr. Donald Ford was continued to a future meeting.
- Case number 2009.016104 against Mr. George Park was continued to a future meeting.
- Case number 2009.002301 against Mr. Vito Di Benedetto was continued to a future meeting.
- In case number 2010.059715 against Mr. Robert Fought, the board agreed to the following disciplinary action: impose a fine of \$1,500, costs of \$257.50, and revocation of license number SFP186.
- In case number 2010.051819 against Mr. Ronald Morgan, the board agreed to the following disciplinary action: impose a fine of \$1,500 and costs of \$136.93.
- Ms. LeChea Parson, Assistant General Counsel, reported that as of March 29, 2012, there were 18 public building code cases and nine private building code cases in the Office of the General Counsel.
- Mr. Fred Dudley mentioned that SB 704, which contains language related to Building Code Administrators and Inspectors Board licensees, was signed by Governor Scott, and will become law on July 1, 2012. Specifically, it will allow building code administrators to accept plans electronically, allow a fire safety inspector with five years of verifiable experience in inspection or plan review to be considered eligible for examination and licensure if they complete the 200 hour building code inspector or plans examiner training program, and it reduces the life of a provisional certificate to one year unless the board renews the certificate for just cause, for no longer than three years. He also gave an overview of other construction-related legislation.
- The board asked Mr. Clark Jennings, Assistant Attorney General, to open all necessary rules to implement the recent legislative changes.
- The board previously approved language to create a rule to limit provisional licenses to the jurisdiction where the licensee is employed when receiving their provisional license. The board agreed that this rule would have no negative impact on small business or would likely increase regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule.
- The board again discussed a continuing education reciprocal agreement with the Office of State Fire Marshal (OSFM). Mr. Doug Harvey, Executive Director of the Building Officials Association of Florida (BOAF), indicated that he would take the

latest version of the agreement to the OSFM for their review and comment, and further discussion will take place at the June meeting. The draft agreement states:

The Florida Building Code Administrator and Inspectors Board and the Office of the Florida State Fire Marshal agree that reciprocity of beneficial continuing education hours and classes will benefit their license holders, the municipalities and companies they work for, and the public as a whole.

Therefore, in order to facilitate joint recognition of continuing education hours for renewal of licenses and certificates as directed by s. 633.081 (7), F.S., the Building Code Administrators and Inspectors Board (hereinafter referred to as "BCAIB") and Office of State Fire Marshal (hereinafter referred to "OSFM") hereby agree as follows with respect to individuals who are dually licensed as both fire safety inspectors and certificate holders licensed under s. 468.609, F.S.:

1. All continuing education courses approved by BCAIB which OSFM determined to be related to fire safety.
 2. All continuing education courses based on the Florida Fire Prevention Code, NFPA 1, and NFPA 101, approved and designated by OSFM for recertification of fire safety inspectors shall be recognized by BCAIB for purposes of renewal of licenses up to a maximum of 3 hours in each renewal period.
 3. BCAIB and OSFM shall each modify such respective rules as may be necessary to implement this agreement.
 4. This agreement may be modified at any time by agreement of both BCAIB and OSFM, and may be terminated upon 90 days written notice by either BCAIB or OSFM to the other party.
- After discussion, the board agreed that they had no authority to answer the declaratory statement submitted by Mr. Bob Koning as to whether or not one and two family dwelling inspectors have the authority to conduct home inspections.
 - Ms. Robyn Barineau, Executive Director, informed the board that as of December 31, 2011, the balance in the board's operating account was over \$1.92 million and the balance in the unlicensed activity account for the same period was over \$307,000.
 - Ms. Michelle Porter, International Code Council (ICC), advised the board that there were 98 technical examinations administered in the first quarter of 2012.
 - Ms. Barineau provided the board with tentative future meeting dates as follows:
 - June 5-7, 2012 – Orlando
 - August 15-17, 2012 – Panama City
 - October 10-12, 2012 – Fernandina Beach
 - December 5-7, 2012 – Tampa

III. Legislation/Rule Promulgations

- Mr. Jennings will move forward with rulemaking on all recent legislative changes contained in Chapter 468. Part XII, Florida Statutes.

IV. Action Required

- Mr. Jennings will prepare final orders and notices of intent to deny and forward them to board staff for filing with the Agency Clerk.

- The board will further discuss the continuing education reciprocity initiative at their June meeting.

Robyn Barineau
Executive Director
April 11, 2012