

## EXECUTIVE SUMMARY

### **Florida Building Code Administrators and Inspectors Board**

#### **I. General Information**

Meeting Type: Application Committee, Examination and Continuing Education Committee, Legislation Committee, Rules Workshops, and General Business Meeting  
Meeting Date: Tuesday, August 9, 2011, through Friday, August 12, 2011  
Meeting Location: Bay Point Marriott Golf Resort & Spa  
4200 Marriott Drive  
Panama City Beach, Florida 32408

Attendees:  
Bob McCormick, Chair  
Richard Gathright, Vice Chair  
Art Barthlow  
Dennis Carpenter  
Gerry Demers  
Fred Dudley

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)  
Libby Henderson, Assistant General Counsel, Office of the General Counsel, DBPR  
Brenda Lundberg, Division of Information Technology, DBPR  
Andy Janecek, Bureau of Education and Testing, DBPR  
Karl Thompson, Division of State Fire Marshal  
Doug Harvey, Building Officials Association of Florida (BOAF)  
Robert von Kampen, International Code Council (ICC)  
Michelle Porter, ICC  
Autumn Sailor, ICC  
Sharon McAllister, Court Reporter  
Patsy Wilson, Court Reporter  
Other Interested Parties

#### **II. Major Issues/Actions**

- The board excused Mr. Orlando Lamas' absence and Mr. Nick Sasso's absence from the meeting.
- The Application Review Committee approved 58 applications for licensure and denied 19 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 conducted a fact-finding workshop to solicit information from the public regarding Rule 61G19-6.012, Florida Administrative Code – Provisional Certificates. Mr. Robert Keegan, Sumter County Building Official, expressed opposition to the provisional building code administrator license since these individuals are allowed to administer a building department and go untested for three years. He added that all provisionally-licensed building code administrators need to be tested and suggested that they be required to take the technical examination and the principle and practices examination within six months after receiving the provisional license. In opposition to provisional building code administrator licenses, Mr. Luther Council indicated that extreme public harm can be caused by provisional building code administrators who are not currently required to take any examination for three years. He added that provisional building code administrator licenses should be limited to the jurisdiction in which they were employed when they receive the license. Mr. David Hodges added that further restrictions should be placed on provisional building code administrators. On behalf of Walton County, Mr. Gerry Demers added that he knows the board closely reviews all provisional building code administrator applications. Mr. Demers indicated that the examination is not always the best gauge of whether or not an individual will be a great building official.
- The board conducted a fact-finding workshop to solicit information from the public regarding Rule 61G19-9.0025, Florida Administrative Code – Reciprocity with Division of State Fire Marshal for Certain Continuing Education Hours. Mr. Andy Janecek, Bureau of Education and Testing, and Ms. Brenda Lundberg, Division of Information Technology, distributed a packet of information outlining the proposed process flow from the Department of Business and Professional Regulation to facilitate continuing education reciprocity with the Division of State Fire Marshal. Mr. Karl Thompson, Division of State Fire Marshal, gave a brief overview of the way courses are approved by his agency. The board asked several questions, and they agreed that they are still interested in seeing courses for which building code licensees are seeking continuing education credit.
- The board continued three motions for reconsideration until the October meeting, two were withdrawn by the applicant, and one was approved by the board which resulted in the application being approved.
- The board conducted informal hearings for licensure and continuing education matters, and the following actions were taken:
  - Two applications were continued to the October meeting;
  - Two previously denied applications were approved; and
  - Three previously denied applications were upheld.
- The board approved 13 continuing education courses, denied six continuing education courses, and continued two courses for consideration at the October meeting.
- Ms. Libby Henderson, Assistant General Counsel, reported that as of August 9, 2011, there were 16 public building code cases and eight private building code cases in the Office of the General Counsel.
- The board discussed the outcome of the workshop regarding Rule 61G19-9.0025, Florida Administrative Code – Reciprocity with Division of State Fire Marshal for Certain Continuing Education Hours, and agreed that Chair McCormick will serve on an ad-hoc committee to work with the Department and the Division of State Fire Marshal on this matter. Mr. Clark Jennings, Assistant Attorney General, will also be added to the workgroup. The workgroup will meet, discuss outstanding issues, and provide an update at the October meeting.

- The board discussed the outcome of the workshop regarding Rule 61G19-6.012, Florida Administrative Code – Provisional Certificates. Chair McCormick mentioned that the board's Application Review Committee currently limits all provisional licenses to the employing jurisdiction when originally licensed. Mr. Art Barthlow added that a change to the statute to eliminate the supervisory experience requirement should be suggested and that all building code administrators should be required to have worked in a building department for five years before being issued a license. Vice Chair Gathright informed the board that he does not feel there is a problem with the issuance of provisional building code administrator licenses. Mr. Doug Harvey, Executive Director, Building Officials Association of Florida (BOAF), indicated that BOAF supports the elimination of provisional building code administrator licenses. Mr. Dennis Carpenter added that he is opposed to the elimination of provisional building code administrator licenses and supports the Application Review Committee's current practice of placing limitations on these licenses. Mr. Demers suggested decreasing the life of a provisional building code administrator license from the current three to five years to 18 months to five years. The board agreed to suggest to the Department that they include in their 2012 legislative package an amendment to Chapter 468, Part XII, Florida Statutes, to decrease the life of a provisional license from the current three to five years to 18 months to five years. BOAF also expressed a willingness to propose similar legislation.
- Mr. Demers suggested that the application form be updated so that individuals applying for a provisional license should also apply for a standard license at the same time. He will work with staff to come up with some form suggestions, and provide the updated forms for consideration at the October meeting.
- The board previously discussed recordkeeping requirements for building departments. They asked Mr. Harvey to work with former board member and expert witness, Mr. Rob Nagin, on the development of a survey relating to this issue and provide the results to the board. Mr. Harvey indicated that a survey was distributed to BOAF members. He added that based on the results, he would like the opportunity to expand the survey questions, and he hopes to have larger participation on a second survey. The results of the second survey will be provided to board staff for inclusion in the October meeting agenda.
- The board agreed to repeal the following rules and that these repeals would have minimal, if any, negative impact on small business:
  - 61G19-6.004, Florida Administrative Code – Abandonment of Applications
  - 61G19-6.007, Florida Administrative Code – Standard Certificates; in General
  - 61G19-6.011, Florida Administrative Code – Limited Certificates
  - 61G19-12.001, Florida Administrative Code – Delinquent Status
- The board discussed the previously withdrawn rule development of Rule 61G19-5.002, Florida Administrative Code – Discipline; Final Orders. The board will discuss this rule again at the October meeting as penalties need to be established for licensees that do not timely report a criminal conviction to the Department.
- Ms. Robyn Barineau, Executive Director, was previously asked to inquire of the Department's Unlicensed Activity Unit the number of individuals that had been cited for unlicensed activity during the last fiscal year relating to building code licensing, the disposition of these complaints, and provide this information to the board. Ms. Barineau informed the board that during the 2010-2011 fiscal year, there were five reported cases of unlicensed activity. Of these five cases, one has been received in legal, one was involved in settlement negotiations, and three were closed with no violations.

- Dr. Robert von Kampen, International Code Council (ICC), introduced other ICC staff persons, Ms. Michelle Porter and Ms. Autumn Sailor. He provided the board with a brief overview of psychometrics and reporting of pass/fail rates.
- The board asked Mr. Jennings to respond to the inquiry included in the agenda from Mr. Paul Bollenback informing him that if he is unclear as to the duties of building code licensees, he should petition the board for a declaratory statement.
- Ms. Barineau provided the board with tentative future meeting dates as follows:
  - October 26-28, 2011 – Ocala
  - December 7-9, 2011 – Orlando
  - February 8-10, 2012 – Jacksonville
  - April 4-6, 2012 – Daytona Beach
  - June 6-8, 2012 – Orlando

### **III. Legislation/Rule Promulgations**

- The board asked Ms. Barineau to forward their legislative recommendation to the Department to amend Chapter 468, Part XII, Florida Statutes, to decrease the life of a provisional license from the current three to five years to 18 months to five years.
- Mr. Jennings will move forward with the procedure to repeal the following rules:
  - 61G19-6.004, Florida Administrative Code – Abandonment of Applications
  - 61G19-6.007, Florida Administrative Code – Standard Certificates; in General
  - 61G19-6.011, Florida Administrative Code – Limited Certificates
  - 61G19-12.001, Florida Administrative Code – Delinquent Status
- The board will discuss Rule 61G19-5.002, Florida Administrative Code – Discipline; Final Orders, at the October meeting as penalties need to be established for licensees that do not timely report a criminal conviction to the Department. Mr. Jennings will move forward with rule development.

### **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 workgroup regarding reciprocity with Division of State Fire Marshal for certain continuing education hours will establish a meeting date/time to discuss current issues and provide a status to the board at the October meeting.
- Mr. Demers will work with staff on updating application forms and provide a draft for consideration at the October meeting.
- Mr. Harvey will develop a second survey relating to building department recordkeeping, distribute the survey to BOAF members, and provide the results of the survey to board staff for inclusion in the October agenda.
- Mr. Jennings will respond to the inquiry from Mr. Bollenback.

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Robyn Barineau  
Executive Director  
August 18, 2011