

EXECUTIVE SUMMARY
Florida Building Code Administrators and Inspectors Board

I. General Information

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

Meeting Date: Tuesday, August 14, 2012, through Friday, August 17, 2012

Meeting Location: Wyndham Bay Point Resort
4114 Jan Cooley Drive
Panama City Beach, Florida

Attendees:

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

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)
Elise Rice, Government Analyst, DBPR
Stacey Buccieri, 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)
Gary Brevoort, President, BOAF
Myranda Walters, International Code Council (ICC)
Rebecca Hughes, Court Reporter
Other Interested Parties

II. Major Issues/Actions

- Chair Bob McCormick excused the absence of Wayne Francis from the board meeting.
- The Application Review Committee approved 63 applications for licensure and denied 24 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 six applications included on the August 2012 Ratification List.

- The board conducted three informal hearings for licensure. They overturned one and upheld two previous denials.
- The board conducted a development workshop to discuss the definition of “employee” when referring to an individual conducting building code administration, inspections or plan review. After discussion, the board asked Mr. Clark Jennings, Assistant Attorney General, to draft language defining “employee” to include third-party providers or independent contractors as well as individuals employed by local government and state agencies. The board asked that this pro-business legislative initiative be forwarded to the Department for consideration during the 2013 legislative session.
- In case number 2010.050502 against Mr. Donald Ford, the board agreed to impose the following disciplinary action: fine of \$750 and costs of \$418.24.
- In case numbers 2009.016104 against Mr. George Parker, the board agreed to impose the following disciplinary action: costs of \$567.70, reprimand, and appearance before the board.
- In case number 2009.002301 against Mr. Vito Di Benedetto, the board to impose the following disciplinary action: fine of \$2,500, costs of \$643.38, and permanent revocation of his standard inspector license.
- The board asked Ms. LeChea Parson, Assistant General Counsel, to include on future Prosecuting Attorney Reports any cases that exceeded the Building Code Administrators and Inspectors Board Bill of Rights.
- Ms. Parson will forward a current Prosecuting Attorney Report to Ms. Robyn Barineau, Executive Director, for distribution to all members.
- The board asked Ms. Barineau to inform them of any licenses issued by the Department through the hardship mechanism.
- The board agreed to submit a pro-business legislative suggestion to the Department to add language which prohibits a provisional building code administrator from supervising provisional inspectors or plans examiners except in cases where the provisional building code administrator holds a standard license in a category and discipline for the provisional licensee being supervised. The board asked Mr. Jennings to draft this language for the Department’s consideration.
- The board asked Mr. Jennings and Ms. Barineau to work together to determine if there is statutory language to allow individuals to take the Principle and Practices (P&P) examination before applying for a license. They also asked Ms. Barineau to research the feasibility of an individual being able to take the P&P examination before submitting an application for licensure and let them know the outcome of her research.
- For the following rule changes, the board agreed that there would be no negative impact on small business nor would there likely be any increase in regulatory costs in excess of \$200,000 in the aggregate within one year after implementation:
 - 61G19-6.012, Florida Administrative Code – Provisional Certificates.
 - (1) No change.
 - ~~(2) Provisional certificates are not renewable, and are valid for the following terms:~~
 - ~~(a) Three years for inspectors.~~
 - ~~(b) Three years for plans examiners.~~
 - ~~(c) Three years for building code administrators or building officials.~~
 - (2) ~~(3)~~ Provisional inspector or plans examiner certificates shall only be issued to applicants who demonstrate at the time of their application that they possess all of the standards and eligibility requirements for standard certification as set forth in Section 468.609(2), F.S. Provisional building code administrator certificates shall only be issued to applicants who demonstrate at the time of their application that they possess all of the standards and eligibility requirements for standard certification as set forth in Section 468.609(3), F.S.
 - (3) ~~(4)~~ Provisional certificates shall only be issued to persons employed by

an agency of government and the authority of the certificate shall be limited to the jurisdiction of the government agency with which the applicant was employed at the time the provisional certificate was originally issued.

~~(4)~~ ~~(5)~~ The Board shall restrict provisional certificate holders by limiting their work, when such restrictions are determined by the Board's evaluation of the facts of each application to be necessary to protect the public health, safety and welfare.

~~(5)~~ ~~(6)~~ Following the submission of an application for provisional certification as either an inspector or plans examiner, the applicant shall be eligible to perform duties in the category for which the application has been submitted for up to a maximum of one hundred twenty (120) days from the date the application is submitted, and subject to the following conditions:

(a) through (d) No change.

- 61G19-6.015, Florida Administrative Code – Inactive Status.

(1) Any licensee that is in an inactive status shall not engage in building code administration, inspection or plans examination.

(2) Certificate holders may place their certification on inactive status by paying a fee as prescribed in subsection 61G19-10.001(2), F.A.C.

(3) Certificate holders on inactive status may reactivate their certificates by submitting a written request, the regular renewal fee pursuant to Rule 61G19-10.001, F.A.C., and proof of completion of fourteen (14) hours of continuing education for the immediately preceding ~~each~~ inactive biennium.

(4) A licensee's election of inactive status cannot be used to circumvent disciplinary action against the licensee.

- 61G19-6.0035, Florida Administrative Code – Application for Provisional and/or Standard Certification.

(1) Each individual who wishes to obtain a provisional and/or standard certificate in any certificate category shall submit the following to the Board:

(a) A completed application form for the category in which certification is sought. The form that shall be used for this purpose shall be provided by the Department and available on the Department's website.

(b) An affidavit describing in detail each separate period of work experience listed in the application form, signed by a licensed architect, engineer, contractor, fire marshal, or building code administrator who has knowledge of the applicant's duties and responsibilities during the period indicated. The form that shall be used for this purpose shall be provided by the Department and available on the Department's website. Each affidavit must include the name and address of the applicant's employer during the work experience period, the dates of employment, and a description of the applicant's duties and responsibilities during the employment including any supervisory responsibilities, in sufficient detail to enable the Board to determine whether or not the applicant has the experience required for certification.

(c) Each applicant for certification as an inspector or plans examiner shall demonstrate that he or she has at least one (1) year of hands-on experience in the category of certification sought, with the exception of 1 and 2 family dwelling inspector. For 1 and 2 family dwelling inspector certification, refer to the specific requirements in Rule 61G19-6.017, F.A.C.

(d) Each applicant seeking to qualify for certification through a combination of postsecondary education and work experience shall submit an official copy of all college or university transcripts which document the applicant's education in addition to all required affidavits of work experience.

(e) Each applicant who is not employed by a local government agency having responsibility for building code inspection, building construction regulation, and

enforcement of building, plumbing, mechanical, electrical, gas, fire prevention, fire safety, energy, accessibility, and other construction codes at the time of the application shall submit payment of all applicable application, examination and certification fees as specified in Chapter 61G19-10, F.A.C.

(f) For the purposes of this section, any unlicensed activity shall not be recognized for the purposes of providing required experience.

(2) In addition to all other required items, each applicant for an inspector or plans examiner certificate shall submit with the application a statement from the applicant's current employer which shall indicate the applicant's present status with the employer. Each applicant employed by a local government agency having responsibility for building code inspection, building construction regulation, and enforcement of building, plumbing, mechanical, electrical, gas, fire prevention, fire safety, energy, accessibility, and other construction codes at the time the application is submitted must include on the statement the signature and license number of the building code administrator, ~~or building official,~~ or fire marshal for the applicant's employing agency.

(3) In addition to all other required items, each applicant for a building code administrator certificate shall submit with the application a statement from the applicant's current employer which shall indicate the applicant's present status with the employer.

- o 61G19-10.001, Florida Administrative Code – Fees: Application, Examination, Certification and Renewal.

(1) No change.

(2) (a) through (c) No change.

(d) The initial certification fee is \$25.00.

~~(e) The inactive certificate renewal fee is \$25.00.~~

~~(f)~~ (e) The active and inactive certificate renewal fee is \$25.005.00.

~~(g)~~ (f) Delinquent Fee. A delinquent status licensee shall pay a delinquency fee of \$5.00 when the licensee applies for active or inactive status.

~~(h)~~ (g) The examination review fee is \$25.00.

- Mr. Jennings provided the board with a draft Letter of Agreement to facilitate the continuing education reciprocity agreement between the Office of State Fire Marshal (OSFM) and the Building Code Administrators and Inspectors Board. The board approved the Letter of Agreement and Chair McCormick signed the document on behalf of the board. Mr. Jennings will forward a copy to the OSFM for signature.
- The board asked Mr. Jennings to move forward with development of Rule 61G19-9.004, Florida Administrative Code – Approval of Courses, allowing for continuing education reciprocity with the OSFM.
- The board approved 19 continuing education courses and denied three continuing education courses.
- Ms. Myranda Walters, International Code Council (ICC), advised the board that there were 233 technical examinations administered since January 1, 2012, which is a slightly upward trend. She added that there are 16 exams scheduled for the next 30 days. Ms. Walters informed the board that ICC continues to monitor the performance of the electronic exhibits. New examination plans sets will be launched January 2013.
- Mr. Fred Dudley asked that a report be provided to the board regarding the one-stop permitting process required by HB 5501.
- Ms. Barineau, Mr. Jennings and Ms. Parson provided board member training.

Ms. Barineau provided the board with tentative future meeting dates as follows:

- October 10-12, 2012 – Fernandina Beach
- December 5-7, 2012 – Tampa
- February 6-8, 2013 – Orlando
- April 10-12, 2013 – Tampa
- June 5-7, 2013 - Orlando

III. Legislation/Rule Promulgations

- The board asked Ms. Barineau to provide the following pro-business legislative suggestions for the Department’s consideration during the 2013 legislative session:
 - Redefine “employee” to include third-party providers or independent contractors as well as individuals employed by local government and state agencies.
 - Add language which prohibits a provisional building code administrator from supervising provisional inspectors or plans examiners except in cases where the provisional building code administrator holds a standard license in a category and discipline for the provisional licensee being supervised.
- Mr. Jennings will notice 61G19-9.004, Florida Administrative Code – Approval of Courses, for 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.
- Ms. Parson will include on future Prosecuting Attorney Reports any cases that exceed the Building Code Administrators and Inspectors Board Bill of Rights.
- Ms. Parson will provide Ms. Barineau with a current Prosecuting Attorney Report for distribution to the board members.
- At future meetings, Ms. Barineau will inform the board of any licenses issued by the Department through the hardship mechanism.
- Ms. Barineau and Mr. Jennings will work together to determine if an applicant can take the P&P examination prior to making application for licensure, and provide their findings at a future meeting.
- Mr. Jennings will forward the Letter of Agreement to the OSFM for signature.
- Ms. Barineau will provide the board with an update on the one-stop permitting process at the next meeting.

Robyn Barineau
Executive Director
August 21, 2012