

EXECUTIVE SUMMARY

Florida Building Code Administrators and Inspectors Board

I. General Information

Meeting Type: Application Committee, Examination and Continuing Education Committee, Legislation Committee, and General Business Meeting
Meeting Date: Wednesday, June 8, 2011, through Friday, June 10, 2011
Meeting Location: The Point Orlando Resort
7389 Universal Boulevard
Orlando, Florida 32819

Attendees:

Bob McCormick, Chair
Richard Gathright, Vice Chair
Art Barthlow
Gerry Demers
Fred Dudley
Bob Kymalainen
Orlando Lamas (Thursday only)

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

Elise Rice, Government Analyst, DBPR

Mary Ellen Clark, Assistant Attorney General, Office of the Attorney General (OAG)

Libby Henderson, Assistant General Counsel, Office of the General Counsel, DBPR

Doug Harvey, Building Officials Association of Florida (BOAF)

Robert von Kampen, International Code Council (ICC)

Linda Kalkhurst, Court Reporter

Leslie Fisk, Court Reporter

Other Interested Parties

II. Major Issues/Actions

- The board excused Mr. Dennis Carpenter, Mr. Orlando Lamas, and Mr. Nick Sasso's absences from the meeting.
- The Application Review Committee approved 40 applications for licensure and denied 26 licensure applications. Vice Chair Richard Gathright read a list of all licensure applications denied by the Application Review Committee. The board approved the actions of the Application Review Committee.
- The board conducted informal hearings for licensure matters, approved 18 previously denied applications, and upheld the denial of ten previously denied applications.
- The board approved 34 continuing education courses and denied four continuing education courses.

- Ms. Libby Henderson, Assistant General Counsel, reported that as of June 3, 2011, there were 14 public building code cases and 11 private building code cases in the Office of the General Counsel.
 - The board discussed the Petition for Declaratory Statement submitted by Mr. Paul Myers, Building Office of the Putnam County Planning and Development Services, Building Division. Mr. Myers posed the following questions:
 - Can the Building Official, within his or her jurisdiction, perform any plan review or inspection even if he or she only holds a standard license as a building code administrator issued by DBPR?
 - If the answer to the question is no, what are the limitations or restrictions placed on the Building Official in performing inspections or plans reviews?
- Ms. Mary Ellen Clark, Assistant Attorney General, advised that Section 468.603(1), Florida Statutes, addresses this issue directly and that declaratory statements are not intended to answer questions of general applicability. In that the only variables are whether or not the Building Official has been recognized as being competent to perform the inspections and plan reviews and is so authorized by the employing government, and the petition did not address these variables, she recommended that the board decline to answer the petition. After further discussion, Mr. Myers withdrew his petition.
- Chair Bob McCormick will consider utilizing a former board member to serve on the Probable Cause Panel.
 - Mr. Fred Dudley gave an overview of building code related bills that passed during the 2011 legislative session.
 - The board voted to forego submission of legislation to increase statutory fee caps.
 - Ms. Robyn Barineau, Executive Director, informed the board that the balance in their operating account as of March 31, 2011, was over \$1.2 million, and the balance in their unlicensed activity account as of the same period was over \$262k. Ms. Barineau advised the board that she will be looking closely at their financial reports for the next several quarters to see how the new methodology for surcharge calculations impacts the board's financial situation.
 - Mr. Dudley asked Ms. Barineau to inquire of the Unlicensed Activity Unit the number of individuals that had been cited for unlicensed activity, the disposition of these complaints, and provide this information at the August meeting.
 - Dr. Robert von Kampen, International Code Council (ICC), provided the board with a brief overview of ICC's mission, standards, and statistical reviews.
 - Ms. Barineau reminded all board members to immediately submit their travel reimbursement vouchers as the end of the fiscal year is June 30, 2011.
 - Ms. Barineau informed the board that workshops have been scheduled in conjunction with the next board meeting as follows:
 - Wednesday, August 10, 2011 – 1 p.m. – elimination of Provisional Building Code Administrator licenses
 - Wednesday, August 10, 2011 – 2 p.m. – reciprocity with Division of State Fire Marshal for certain continuing education hours
 - Ms. Barineau provided the board with tentative future meeting dates as follows:
 - August 9-12, 2011 – Panama City
 - 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

- There was no legislation or rule promulgation.

IV. Action Required

- Ms. Clark will prepare final orders and notices of intent to deny and forward them to board staff for filing with the Agency Clerk.
- Ms. Barineau will inquire of the Unlicensed Activity Unit the number of individuals that had been cited for unlicensed activity for the current fiscal year, the disposition of these complaints, and provide this information at the August meeting.

Robyn Barineau
Executive Director
June 13, 2011