

MINUTES

BUILDING CODE ADMINISTRATORS AND INSPECTORS
2601 Blair Stone Road
Building B, Secretary's Conference Room
Tallahassee, FL 32308
June 1, 2017 – 8:30 A.M.

RULES COMMITTEE

CALL TO ORDER

The Rules Committee meeting was called to order at approximately 8:36 a.m. by Chair Tim Bolduc.

Members Present

Tim Bolduc, Chair
Richard Gathright
Bob McCormick

Other Persons Present

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)
Clark Jennings, Assistant Attorney General, Office of the Attorney General (OAG)
TJ Izzo, DBPR, Office of the General Counsel, Rules Attorney
Linda Gray, Government Analyst, DBPR

Matilde Miller, Interim Secretary, DBPR
Tim Vaccaro, Deputy Secretary, DBPR
GW Harrell, DBPR, Director, Division of Professions
Jeff Kelly, DBPR, Deputy Director Division of Professions

Interim Secretary Miller, Deputy Secretary Vaccaro, Director Harrell, and Deputy Director Kelly introduced themselves and thanked the members for their service on the Board.

Review HB 1021

The Committee discussed HB 1021 as it relates to Rule 61G-19, F.A.C.

Review Rule 61G19, F.A.C.

Upon review of HB 1021 and Rule 61G19, F.A.C., the Committee recommended the following amendments to the rules.

61G19-1.009 Definitions.

- (1) "Board" means the Florida Building Code Administrators and Inspectors Board.
- (2) "Department" means the Department of Business and Professional Regulation.
- (3) "Voluntary certification program" means those certification programs operated by the Southern Building Code Congress International, Building Officials Association of Florida, Council of American Building Officials, South Florida Building Code (Dade and Broward), and the voluntary certification program formerly operated by the Florida Department of Community Affairs.
- (4) "Certificate" means a certificate issued by the Department as provided in this part.

(5) "Course" means an educational class, lesson, seminar, conference, program, or demonstration, whether taught by personal appearance, correspondence, electronic media, or other means.

(6) "Certificate" or "Certificate holder" shall for the purposes of Chapter 61G19, F.A.C., be synonymous with the terms "License" and "Licensee" respectively.

(7) "Employee" means a person who receives compensation from, and is under supervision and control of, an employer who regularly deducts the F.I.C.A. and withholding tax and provides workers' compensation, all as prescribed by law.

(8) "Experience" means practical working experience as a trade person or construction, design or inspection industry professional, for compensation.

(9) "Supervisory Experience" means that an applicant meets the supervisory experience requirement, an applicant for certification under this part shall have performed management or supervisory responsibilities that shall have included operational control and direction of persons in the production of construction design, actual construction, or construction inspection, or other category of work acceptable to the board.

(10) "Verifiable Experience" means experience which can be confirmed and/or substantiated by board-approved attestation, evidence or testimony. Postsecondary education substituted in lieu of verifiable experience shall be documented through copies of official transcripts.

(11) "Cross Training" means board-approved training provided to individuals already certified in at least one discipline by this board or as a firesafety inspector and providing an alternative to the typical prerequisite experience/education.

(12) "Initial Training" means board-approved training provided to individuals not already certified by this board in any category or as a firesafety inspector, and providing an alternative to the typical prerequisite experience/education.

(13) "Internship Certification Program" means board-approved program or programs for individuals employed full-time by a governmental jurisdiction, which emphasizes on-the-job-training and provides an alternative to the typical prerequisite experience/education for licensure as an inspector or plans examiner.

61G19-6.0035 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, 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.

(4) The Board shall reciprocate license certifications from another state for an applicant when examinations for such certifications are administered by the International Code Council, have passed the principle and practice exam, and the applicant meets the requirements of 468.609(2).

61G19-6.012 Provisional Certificates.

(1) The Board shall issue a provisional certificate to any newly employed or newly promoted building code administrator, ~~plans examiner, or building code inspector~~ subject to the provisions of Section 468.609, F.S., and the provisions of this rule. The board shall issue a provisional certificate to any building code inspector or plans examiner who meets the eligibility requirements subject to the provisions of Section 468.609, F.S., and the provisions of this rule.

(2) 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) 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.

(a) Provisional certificates for building code inspectors or plans examiners may be issued for the duration of a sponsored internship with a maximum length of four years.

(b) When an internship is partially completed with multiple jurisdictions, the intern must apply to the Board notifying the Board of the new employer and for the continuance of the provisional license with the new Building Official within 30 days of change of employment.

(4) 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) 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) Prior to beginning the performance of duties under this rule, the building code administrator for the agency employing the applicant shall have determined that the applicant possesses the qualifications for a provisional certificate.

(b) All duties performed by the applicant under this exception shall be performed under the direct supervision of the building code administrator for the agency employing the applicant. The building code administrator shall hold a current, valid standard certificate as a building code administrator at all times when he or she is supervising the applicant. However, direct supervision may be provided by a building code administrator who holds a limited or provisional certificate in any county with population of less than 75,000 and in any municipality located within such a county.

(c) Prior to beginning the performance of duties under this exception, applicants for plans examiner and inspector shall provide the building code administrator for the agency which employs them a copy of the completed application for provisional certification submitted to the Board by the applicant.

(d) Upon being notified that he or she has been determined by the Board to be not qualified for a provisional certificate in the category sought, an applicant shall immediately cease performing duties as a plans examiner or building code inspector under this exception.

61G19-6.012 Provisional Certificates.

(1) The Board shall issue a provisional certificate to any newly employed or newly promoted building code administrator, ~~plans examiner, or building code inspector~~ subject to the provisions of Section 468.609, F.S., and the provisions of this rule.

(2) 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) 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.

(a) A provisional certificate issued in conjunction with an internship certification program shall be valid for the length of the internship, but shall not exceed four years.

(4) 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) 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) Prior to beginning the performance of duties under this rule, the building code administrator for the agency employing the applicant shall have determined that the applicant possesses the qualifications for a provisional certificate.

(b) All duties performed by the applicant under this exception shall be performed under the

direct supervision of the building code administrator for the agency employing the applicant. The building code administrator shall hold a current, valid standard certificate as a building code administrator at all times when he or she is supervising the applicant. However, direct supervision may be provided by a building code administrator who holds a limited or provisional certificate in any county with population of less than 75,000 and in any municipality located within such a county.

(c) Prior to beginning the performance of duties under this exception, applicants for plans examiner and inspector shall provide the building code administrator for the agency which employs them a copy of the completed application for provisional certification submitted to the Board by the applicant.

(d) Upon being notified that he or she has been determined by the Board to be not qualified for a provisional certificate in the category sought, an applicant shall immediately cease performing duties as a plans examiner or building code inspector under this exception.

61G19-7.005 Approval of Internship Training Programs.

(1) Each participating jurisdiction shall apply for approval of an internship training program. The application must be submitted on Board-approved form DBPR BCAIB 7, Application for training program Course and Provider, effective July 10, 2012, incorporated in DBPR Rule 61-35.008, F.A.C., copies of which may be obtained from the Board office. The application for approval shall demonstrate the educational and on-the-job-training (OJT) content sufficient to bring the intern's inspection or plans examiner skills and technical skills to qualify the individual for licensure in the category sought. On-the-job training will be provided by individuals who hold the requisite standard license in the training category.

(2) Program approval shall be valid for ten (10) years from the date of approval barring any modifications in applicable law or failure on the part of the jurisdiction to administer the program consistent with Board-approval. All training shall be consistent with the current code cycle.

(3) The Board shall approve or deny any application for program approval at the first Board meeting held more than thirty days after the date the application is received by the Board.

(4) Any internship program which has been rejected by the Board may be resubmitted with modifications.

(5) If an internship program is approved, the Board shall assign the program a number. The Board-assigned number must be included on all documentation used in connection with the program.

(6) Applicants seeking a standard certification as an inspector or plans examiner shall satisfactorily complete a comprehensive internship program comprised of no fewer than 40 hours of code training in the certification category sought.

(7) The Building Official shall be responsible for verification of an applicant's experience prior to admission into a program and shall provide attestation verifying compliance with the approved internship application.

Old Business

There was no old business to come before the Committee at this time.

New Business

There was no new business to come before the Committee at this time.

Adjournment

There being no further business to come before the Committee, the meeting was adjourned at approximately 4:30 p.m.