

## **EXECUTIVE SUMMARY**

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

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

Meeting Type: Application Committee, Legislative Workshop, Examination and Continuing Education Committee, Rules and Legislation Committee, Executive Committee, and General Business Meeting

Meeting Date: Tuesday, October 3, 2006, through Friday, October 6, 2006

Meeting Location: Sea Turtle Inn  
1 Ocean Boulevard  
Atlantic Beach, Florida

#### Attendees:

Bob Kymalainen, Chair  
Bob McCormick, Vice Chair  
Fred Dudley  
Dennis Franklin  
Rob Nagin  
Nick Sasso  
Chuck Sheridan

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

Elise Rice, Government Analyst, DBPR

Jessica Leigh, Assistant General Counsel, DBPR

Jeffrey Jones, Assistant Attorney General, Department of Legal Affairs (DLA)

Don Fuchs, Building Officials Association of Florida (BOAF)

John O'Connor, BOAF

Ronnie Spooner, BOAF

Rob von Kampen, International Code Council (ICC)

Michael Ashworth, Department of Community Affairs

Tena England, England Enterprises

Kim Simms, Court Reporter

Other Interested Parties

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

- Chair Bob Kymalainen excused Ms. Margaret Pass from the board meeting.
- The Application Review Committee consisting of Chair Kymalainen and Vice Chair Bob McCormick conducted an informal application training session at the beginning of the Application Review Committee meeting. There were over 60 individuals in attendance at the training session. For training purposes, handouts of applications completed by actual applicants showing common mistakes were provided to the

attendees as well as a blank application package. The attendees were given an opportunity to ask questions regarding the application process and qualifications for licensure. The attendees were grateful for the opportunity to participate in the training session and indicated that they received helpful information relating to the application process.

- Mr. Sasso asked that Assistant Attorney General Jeffrey Jones inform the board when a formal hearing is requested in an application denial matter and indicated that members of the Application Review Committee should be called upon to participate in formal hearings. Ms. Robyn Barineau, Executive Director, interjected that whenever a board member is called upon to testify in a hearing, the board's travel budget is impacted by their participation. Mr. Fred Dudley asked Mr. Jones to report to the board at each meeting the cases at the Division of Administrative Hearings (DOAH) or any other jurisdiction.
- Mr. Sasso questioned whether or not a hearing should be conducted in a denied continuing education course matter since board rules indicate the course can be resubmitted with modifications. Mr. Jones informed Mr. Sasso that appellate rights are afforded in every application denial matter. Mr. Sasso expressed his opinion that this situation is different as the denial is that of an application for a continuing education course and not an application for licensure. Mr. Dudley indicated that maybe a Final Order should be issued in a denied continuing education course application matter rather than a Notice of Intent to Deny. Mr. Jones agreed to research this matter and provide further clarification at the next board meeting.
- Ms. Leigh indicated that as of October 3, 2006, there were 25 building code cases in the Legal Section. Ms. Leigh provided the board with a more detailed Prosecuting Attorney's Report and a flowchart showing the disciplinary process
- Mr. Michael Ashworth, Department of Community Affairs (DCA), was present at the meeting and indicated he reviewed the proposed modular building inspector and modular building plans examiner requirements. He suggested that these two voluntary categories of licensure be moved to standard licenses. Mr. Jones informed Mr. Ashworth that a statutory change would be necessary to effectuate such a change. The board asked Mr. Jones to work with Mr. Ashworth and redraft the proposed rules in an underline and strikethrough format for review by the board at the next meeting. Mr. Ashworth also indicated his support of a BOAF Training Program for modular inspectors and modular plans examiners.
- Mr. Don Fuchs, BOAF Executive Director, reminded the board of BOAF's intent to develop a Building Safety Program within a Building Safety Academy. He added that it is currently difficult to find qualified candidates to work as inspectors and plans examiners and there is a shortage of available professionals. The training program would require that individuals with at least one year of related experience could enter the training program which would consist of at least 400 hours. After completion of their training program, the individual would be required to pass the technical exam and the Principles and Practice exam and would then be issued a training certificate. The trainee would work as an apprentice before standard certification would be issued. No final language has been prepared by BOAF, and they plan to draft the language at their October 16, 2006, board meeting. Chair Kymalainen indicated that the related experience requirement for the training program should be at least two years. Mr. Dennis Franklin agreed. Mr. Rob Nagin indicated two years would be worth considering. Mr. Sasso also indicated that the maximum amount of formal education experience for consideration to qualify for licensure should be limited to a

- maximum of two years. Mr. Nagin asked BOAF to provide the board with their drafted language for review by the board at their December meeting.
- The board discussed the years of hands-on experience required for roofing inspectors. Vice Chair McCormick indicated his belief that five years would be excessive for the experience requirement and that three years experience should be sufficient, and Chair Kymalainen agreed. The board agreed that four years of experience would be a suitable requirement for roofing experience. Mr. Jones will redraft the rule for discussion at the December board meeting.
  - In an effort to streamline the application process, the board asked Mr. Jones to research the possibility of allowing individuals who hold provisional certificates to only be required to complete a simple application and not provide all the currently requested documentation provided with their provisional applications such as Affidavits of Current Employment and Work Experience, since this type of information would be duplicative. Mr. Jones added that since the Affidavits of Work Experience already existed and were formerly approved for provisional certificate holders, these same affidavits could be utilized for standard license applications. Ms. Barineau indicated that she will work with the department on the business process change and the necessary documentation required of an applicant. Ms. Barineau will provide the board with an update at the December board meeting.
  - Mr. Franklin suggested that individuals apply by trade since the requirements for licensure whether it be an inspector or plans examiner are the same. Ms. Barineau indicated she would research this matter first with Mr. Jones and then with the department and get back with the board on the issue.
  - The board agreed to add the following language to Rule 61G19-6.012, Florida Administrative Code, “(7) Applicants for certification as a provisional building code administrator shall include a letter from the personnel department head attesting to the specific position that the applicant was hired to perform in compliance with subsection (1).” Ms. Barineau reminded the board that this new requirement may slow down the application process for some applicants.
  - The board again discussed their proposal to promulgate a rule outlining specific experience requirements for licensure. Vice Chair McCormick distributed the proposal to many building code trade associations for their review and comment and of the comments received, none were in favor of the proposed rule. It was agreed that no further action would be taken on this proposal.
  - The board of agreed to amend Rule 61G19-9.003, Florida Administrative Code, as follows: “(1) All providers are required to register with the Board, before providing continuing education courses, on Board-approved registration form DBPR/BCAI/10 Rev. 04/01. The instructions and form, entitled Provider Approval Application, which is hereby incorporated by referenced and will be effective June 5, 2001, may be obtained from the Board office. Renewal for course providers is required May 31 of every odd year.”
  - The board agreed to amend Rule 61G19-9.011, Florida Administrative Code, as follows: “(1) The fee for registering or renewing each continuing education provider shall be \$100.00.”
  - The board discussed the differences between the current electrical inspector's license and the formerly issued residential electrical inspector's and commercial electrical inspector's licenses. Concerns were raised by audience members at the board meeting that individuals licensed prior to the current electrical inspector category may be questioned as to whether or not they can perform residential electrical inspections when they hold a commercial electrical inspector's license.

The board agreed that individuals holding a commercial electrical inspector's license can perform residential electrical inspections. A suggestion was made to roll the former commercial and residential electrical inspectors' licenses into the current electrical inspector license. Mr. Jones indicated that a statutory change would be necessary. Mr. Fuchs added that BOAF would be willing to move such legislation through the Legislature.

- Mr. Nagin asked that the next board meeting agenda include an item relating to persons who are not required to be licensed in other states and how they qualify their experience for licensure in Florida.
- After a review of the feasibility study provided by ICC to create Florida-only technical examinations, the board agreed to maintain the ICC technical examinations as they currently exist. BOAF also supports maintaining the current ICC technical examinations.
- Mr. Chuck Sheridan reported that he was unable to attend the recent Building Code Education and Outreach Council meeting. He added that the council will conduct a telephone conference call on October 31. Mr. Dudley asked that Mr. Sheridan and Ms. Barineau provide the board with detailed information on the progress and actions of the council at the next board meeting. Vice Chair McCormick asked that he be advised when Mr. Sheridan is unable to attend the council meetings as he would be willing to attend on behalf of the board in Mr. Sheridan's absence.
- Ms. Barineau reported that the board's operating account balance as of June 30, 2006, was \$2,274,084, and the balance in their unlicensed activity account as of June 30, 2006, was \$124,590.
- Mr. Dudley inquired if the department is currently planning any campaigns to combat unlicensed activity. Ms. Barineau indicated that she will check with the department's Unlicensed Activity Coordinator and inform them of the department's proposal at the next meeting.
- Ms. Barineau advised the board that the next newsletter is scheduled for posting in December, and she is soliciting suggestions for newsletter articles.
- Ms. Barineau advised the board that the department is still attempting to address the board member vacancy situation. The department is seeking assistance from professional boards to locate qualified applicants to fill vacancies on all its boards and commissions. Ms. Barineau suggested that interested applicants contact the department or the Governor's Appointments Office for a Gubernatorial Appointments Questionnaire for completion and filing with the Governor's Appointments Office.
- Ms. Barineau reminded the board that individuals who do not complete their continuing education requirements prior to the end of the November 30, 2007, renewal period will not be allowed to renew their licenses. She added that whenever an individual submits payment for their renewal but the department has not been provided with proof of completion of their continuing education, the licensee will be mailed a letter in-lieu-of license which will acknowledge their payment but indicate that their renewed license will not be issued until proof of required continuing education is received. Ms. Barineau also mentioned that the department will mail a mid-cycle letter to licensees advising them of continuing education deficiencies. She added that 77 percent of licensees completed their continuing education requirements for the 2005 renewal cycle. The board suggested a reminder be included in the next newsletter to all licensees that they have the ability of checking their continuing education completion information on the department's licensing portal.

- Ms. Barineau informed the board that the Core Courses vs. Advanced Module Courses informational bulletin has been posted on the board's website.
- Ms. Barineau advised the board that the letter to licensees once an additional modifier has been added to an existing license is being finalized, and she should be able to provide a copy of the final version at the December board meeting.
- Ms. Barineau mentioned that she and Ms. Elise Rice, Government Analyst, made several revisions to the board's licensure application package. She provided a copy of the application package with the corrections as well as a copy of the finalized version of the application for the board's review. The board suggested that page 10 of the application capture the applicant's current employment information.
- Ms. Barineau advised the board that meeting materials containing confidential information such as social security numbers must be properly destroyed after each board meeting. She indicated that she and Ms. Rice can take them back to Tallahassee for destruction.
- At Mr. Dudley's request, Ms. Barineau informed the board that the department is aware of the Miami-Dade unlicensed contractor situation. Ms. Barineau met with the Director of the Division of Regulation, the Director of the Division of Professions, the ECLB Executive Director, the CILB Executive Director, several department attorneys, and other representatives from the Division of Regulation on September 18 regarding this issue. The department is being proactive and will file Emergency Suspension Orders and Administrative Complaints as the fraudulent licenses are uncovered and reported to the department by the State Attorneys Office. She added that the disciplinary process is very effective and appropriate action will be taken against the contractors and any other licensees that are involved in the matter.
- Mr. Nagin asked Ms. Barineau to research the annual spending authority for the Construction Industry Licensing Board (CILB) Recovery Fund and the maximum amount that can be transferred annually from the Building Code Administrators and Inspectors Board operating account to the CILB Recovery Fund and report her findings at the next board meeting.
- Mr. Rob von Kampen, ICC, informed the board that he has only been able to locate two individuals who would be willing to serve as subject matter experts (SMEs) for the roofing inspector examination. He added that ICC would compensate the SMEs, and they would need to meet at least two or three times to develop the examination. Vice Chair McCormick indicated a willingness to assist Mr. von Kampen with locating additional SMEs.
- Mr. von Kampen advised the board that more and more candidates are now taking their technical examinations by the computer based testing method.
- Mr. von Kampen informed the board that the SMEs for the modular inspector and modular plans examiner examination should only need about one more meeting to complete the examination updates.
- Mr. Dudley mentioned the Hurricane Mitigation Program within the Department of Financial Services that will provide matching grants up to \$5,000 to homeowners who apply for certain home upgrades. He added that there may be an influx of building permits being requested and issued.
- The board will conduct its next meeting in Tallahassee on December 12-15, 2006.

### III. Legislation/Rule Promulgation

- Mr. Jones and Mr. Ashworth will work together on reformatting the proposed modular building inspector and modular building plans examiner requirements and provide the redraft to the board at the next board meeting.
- BOAF will provide the board, for discussion at their December meeting, with a copy of their drafted legislation relating to the proposed training program.
- For discussion at the December meeting, Mr. Jones will redraft the roofing inspector rule to require four years of hands-on experience and passage of a roofing inspector examination as an alternate means of licensure.
- Mr. Jones will proceed with rule development to amend Rule 61G19-6.012, Florida Administrative Code, as follows: “(7) Applicants for certification as a provisional building code administrator shall include a letter from the personnel department head attesting to the specific position that the applicant was hired to perform in compliance with subsection (1).”
- Mr. Jones will proceed with rule development to amend Rule 61G19-9.003, Florida Administrative Code, as follows: “(1) All providers are required to register with the Board, before providing continuing education courses, on Board-approved registration form DBPR/BCAI/10 Rev. 04/01. The instructions and form, entitled Provider Approval Application, which is hereby incorporated by referenced and will be effective June 5, 2001, may be obtained from the Board office. Renewal for course providers is required May 31 of every odd year.”
- Mr. Jones will proceed with rule development to amend Rule 61G19-9.011, Florida Administrative Code, as follows: “(1) The fee for registering or renewing each continuing education provider shall be \$100.00.”
- Mr. Fuchs indicated a willingness by BOAF to sponsor legislation rolling the commercial electrical inspector’s license and residential electrical inspector’s license into the current electrical inspector license.
- At the next meeting, the board will discuss reducing the number of years a provisional certificate may be issued for and the number of days a provisional inspector or plans examiner may perform their duties after their application has been submitted.

### IV. Action Required

- Mr. Jones will prepare final orders and forward to board staff for filing with the Agency Clerk.
- Mr. Jones will advise the board at each meeting of the cases at DOAH or in any other jurisdiction.
- Mr. Jones will research whether or not a Final Order or a Notice of Intent to Deny should be issued in a matter involving a denied continuing education course application and provide his research to the board at the next board meeting.
- Ms. Barineau will provide the board, at the next meeting, with an update on streamlining the application process for provisional certificate holders who apply for a standard license.
- Ms. Barineau will research whether or not an individual can apply for a single trade and if qualified by their experience, be approved for both an inspector’s license and plans examiner’s license since the requirements for both are the same. She will report her findings to the board at a future meeting.

- The next board meeting agenda will include an item relating to persons who are not required to be licensed in other states and how they qualify their experience for licensure in Florida.
- Mr. Sheridan and Ms. Barineau will provide the board with detailed information on the progress and actions of the Building Code Education and Outreach Council at the next board meeting.
- Ms. Barineau will contact Mr. Mark Reddinger regarding the department's current unlicensed activity plan and provide the board with an update at the December board meeting.
- Ms. Barineau will include information in the next newsletter informing licensees that they can check their continuing education credit information on the department's licensing portal and providing information on how to access this information.
- At the December meeting, Ms. Barineau will provide the board with a copy of the finalized version of the letter mailed to licensees once an additional modifier has been added to their existing license.
- Ms. Barineau will determine the maximum amount that can be transferred from the board's operating account to the CILB Recovery Fund and the maximum spending authority of the CILB Recovery Fund to claimants and report her findings at the December board meeting.
- Ms. Barineau will amend page 10 of the board's licensure application to reflect the applicant's current employment information. The board will again review the application package at the December board meeting.

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Robyn Barineau  
Executive Director  
October 19, 2006