

EXECUTIVE SUMMARY

Florida Building Code Administrators and Inspectors Board

I. General Information

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

Meeting Date: Tuesday, October 23, 2007, through Friday, October 26, 2007

Meeting Location: Marriott Courtyard Naples
3250 U.S. 41 North
Naples, Florida 34103

Attendees:

Bob McCormick, Chair
Nick Sasso, Vice Chair
Richard Gathright
Bob Kymalainen
Rob Nagin

Robyn Barineau, Executive Director, Department of Business and Professional Regulation

Elise Rice, Government Analyst, Department of Business and Professional Regulation

Jessica Leigh, Assistant General Counsel, Office of the General Counsel, Department of Business and Professional Regulation

Jeffrey Jones, Assistant Attorney General, Department of Legal Affairs

Doug Harvey, Building Officials Association of Florida (BOAF)

Rob von Kampen, International Code Council

Karen Johnson, International Code Council

Arian Bailey, International Code Council

Tom Beverly, Attorney for Thomas Goldsbury

Maryann DeMars, Court Reporter

David Hodges, Fine Tooth Comb Investigations, Inc.

Other Interested Parties

II. Major Issues/Actions

- Chair Bob McCormick welcomed new member, Mr. Richard Gathright, to the Building Code Administrators and Inspectors Board.

- The board excused the absence of Mr. Dennis Franklin from the board meeting.
- The Application Review Committee reviewed 151 applications for licensure and the board ratified an additional 67 applications. The Application Review Committee participated in informal hearings for licensure matters and upheld 11 previously denied applications and approved ten previously denied applications. The Examination and Continuing Education Committee approved 47 continuing education course applications and denied nine continuing education course applications.
- The board tabled case number 2006.032129 against Thomas Goldsbury to the December 2007 meeting.
- Ms. Jessica Leigh, Assistant General Counsel, reviewed the Prosecuting Attorney's Status Report and reported that there were 29 building code cases in the legal section as of September 21, 2007.
- The board agreed to amend Rule 61G19-9.001, Florida Administrative Code, Continuing Education for Biennial Renewal, to implement the new continuing education requirement for ethics training as follows:

"1) Except as noted below, prior to the end of each biennial certification period, all certificate holders shall complete a minimum of fourteen (14) classroom or interactive distance learning hours of continuing education courses, which shall include a minimum of two (2) hours in the area of accessibility, and, ~~effective in the licensure renewal biennium that begins December 1, 2003,~~ a minimum of two (2) classroom or interactive distance learning hours in the area of Florida laws and rules (other than accessibility and ethics) and, effective in the licensure renewal biennium that begins December 1, 2007, one (1) classroom or interactive distance learning hour in the area of ethics as a condition of the biennial renewal of all certifications held by the certificate holder.

(4) "Laws and Rules" as used in subsection (1) above means the study and examination of the related subject matter as is exemplified and contained within Chapters ~~112, 320, 468, 553, 471, 481, 489~~ (as it relates to licensure and scope of practice), and 713 (as it relates to permitting), F.S., and their associated rules in the Florida Administrative Code (F.A.C.) as listed in the Board's Candidate Information Bulletin (CIB) online. "Ethics" as used in subsection (1) above means the study and examination of the subject matter contained within Chapter 112, F.S., and other ethical principles specifically relevant to the role of licensees of this board."
- Mr. Jones indicated that the Joint Administrative Procedures Committee (JAPC) commented on the board's proposal to amend Rule 61G19-9.003, Florida Administrative Code, Registration of Course Providers. Mr. Jones added that the comments relate to technical changes, and he should be able to make the changes as required. He will keep the board apprised of any additional JAPC comments to this rule.
- Based on comments made during the recent BOAF panel discussion, the board conducted a workshop to discuss a previously suggested rule proposal establishing minimum experience requirements for standard inspectors. After

much discussion, since the majority was opposed to this proposal, the board again agreed to forego this initiative.

- The board discussed their concerns with reciprocal continuing education credit received by building code licensees for courses approved and completed through the Construction Industry Licensing Board, Electrical Contractors' Licensing Board, and the Board of Architecture and Interior Design. The board agreed that this topic should be further discussed at a workshop at the December board meeting so that providers could be present for the discussion. The board asked Ms. Barineau to send notification of this workshop to all affected continuing education providers, Bureau of Education and Testing staff, and the Executive Directors of the Construction Industry Licensing Board, Electrical Contractors' Licensing Board, and the Board of Architecture and Interior Design.
- The board asked Ms. Robyn Barineau, Executive Director, to research Mr. Fred Dudley's board meeting absences and take appropriate action.
- The board denied the requests from Mr. David Hodges for declaratory statements regarding Chapter 468.13, Florida Statutes, as he does not have standing to ask for a declaratory statement because he is not a licensee of the Building Code Administrators and Inspectors Board and the matter does not affect him personally.
- Chair McCormick appointed Vice Chair Nick Sasso as Chair of the Application Review Committee.
- Based on the recent decision in Harden vs. Department of Business and Professional Regulation, the board previously discussed the necessity to develop a rule to codify the application review committee structure. Mr. Jones reported that the case is still in the appellate briefing stage at the First District Court of Appeals. He suggested the board hold off on the development of such a rule pending the outcome of the appeal.
- Ms. Barineau again reminded the board of the continuing education compliance initiative which will impact licensees who have not completed their continuing education for the current biennium and who attempt to renew their licenses on or before November 30, 2007. She added that as of October 25, 2007, 78% of the approximately 3,000 licensees that had not renewed their licenses were continuing education deficient. Mr. Doug Harvey, BOAF, indicated that he would add another reminder to the BOAF website relating to continuing education for building code licensees. The board asked that a list of delinquent licensees be posted as a link on the board's website. They also asked that Ms. Barineau remind the Division of Regulation that \$500 citations should be issued within six months after a complaint has been filed against licensees who are practicing and have not completed their continuing education requirements.
- Ms. Barineau indicated that pursuant to the board's direction, she posted information on the board's website regarding permits for swimming pools which was approved by the Executive Directors of the Construction Industry Licensing Board and the Electrical Contractors' Licensing Board.

- Ms. Barineau reminded the board members that comments relating to the proposed building safety academy which is to be established pursuant to legislation included in SB404 are to be forwarded to her by November 1, so that she can send them to the BOAF for compilation and discussion at another rule development workshop in conjunction with the December 2007 board meeting.
- Ms. Barineau reported that the board's operating account balance as of June 30, 2007, was just over \$2 million, and the balance in their unlicensed activity account as of June 30, 2007, was just over \$143,000.
- Dr. Rob von Kampen, International Code Council, informed the board that more and more building code applicants are taking technical examinations via computer-based testing. He added that the new modular inspector and plans examiner examination forms have been launched and the first administration of this new examination will be administered by pencil and paper in December. He awaits final word from Ms. Barineau once the roofing rule is finalized to launch the new roofing inspector examination.
- Vice Chair Sasso suggested that the board's disciplinary guidelines be amended to increase fine amounts and add additional penalties such as the imposition of additional continuing education. Ms. Barineau suggested that Ms. Leigh be allowed to comment and participate in any discussions with regard to amending the disciplinary guidelines. Vice Chair Sasso will review the disciplinary guidelines and provide his suggestions to Ms. Barineau for inclusion in the December board meeting agenda.
- The board asked Ms. Barineau to research how the State Attorneys can be encouraged to pursue matters where building code licensees have been threatened while acting under the scope of their license which is a violation of Section 468.629(1)(f), Florida Statutes.
- The next board meeting will be conducted in Tallahassee, Florida, from Tuesday, December 11, through Friday, December 14, 2007.

III. Legislation/Rule Promulgation

- Mr. Jones will notice for development the board approved language for Rule 61G19-9.001, Florida Administrative Code, Continuing Education for Biennial Renewal, to implement the new continuing education requirement for ethics training.
- Mr. Jones will respond to the comment letter from JAPC regarding Rule 61G19-9.003, Florida Administrative Code, Registration of Course Providers.
- The board will conduct another rule development workshop to discuss the building code safety academy in conjunction with the December 2007 board meeting.

IV. Action Required

- Mr. Jones will prepare final orders and notices of intent to deny and forward to board staff for filing with the Agency Clerk.
- Ms. Barineau will advise continuing education providers for the Building Code Administrators and Inspectors Board, the Construction Industry Licensing Board, the Electrical Contractors' Licensing Board, and the Board of Architecture and Interior Design of the December workshop. She will also notify the Bureau of Education and the impacted Executive Directors of this workshop and the Building Code Administrators and Inspectors Board's intention to discuss the possible elimination of reciprocal continuing credit from courses approved by the Construction Industry Licensing Board, the Electrical Contractors' Licensing Board, and the Board of Architecture and Interior Design.
- Ms. Barineau will research Mr. Dudley's absences and take appropriate action.
- Ms. Barineau will remind the Division of Regulation that \$500 citations should be issued within six months after a complaint has been filed against licensees who are practicing and have not completed their continuing education requirements.
- All members should provide additional comments relating to the building code safety academy and related rules Ms. Barineau by November 1, so that she can forward the comments to the BOAF for compilation and discussion at another rule development workshop in conjunction with the December 2007 board meeting.
- Vice Chair Sasso will provide Ms. Barineau with proposed changes to the board's disciplinary guidelines for inclusion in the December board meeting agenda.
- Ms. Barineau will research how the State Attorneys can be encouraged to pursue matters where building code licensees have been threatened while acting under the scope of their license which is a violation of Section 468.629(1)(f), Florida Statutes.

Robyn Barineau
Executive Director
November 2, 2007