

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, December 11, 2007, through Friday, December 14, 2007

Meeting Location: Department of Business and Professional Regulation
Professions Board Room
1940 North Monroe Street
Tallahassee, Florida 32399

Attendees:

Bob McCormick, Chair
Nick Sasso, Vice Chair
Fred Dudley
Dennis Franklin
Richard Gathright
Rob Nagin

Secretary Holly Benson, Department of Business and Professional Regulation
Ned Luczynski, General Counsel, Office of the General Counsel, Department of Business and Professional Regulation
April Dawn Skilling, Deputy General Counsel, Office of the General Counsel, Department of Business and Professional Regulation
Tim Vaccaro, Director, Division of Professions, Department of Business and Professional Regulation
Robyn Barineau, Executive Director, Department of Business and Professional Regulation
Elise Rice, Government Analyst, Department of Business and Professional Regulation
Charles Tunncliff, Assistant General Counsel, Office of the General Counsel, 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
Other Interested Parties

II. Major Issues/Actions

- Ms. Robyn Barineau, Executive Director, introduced and thanked Secretary Holly Benson, General Counsel Ned Luczynski, Deputy General Counsel April Dawn Skilling, and Assistant General Counsel Charles Tunncliff for joining the board for their meeting. Secretary Benson thanked the board for meeting in Tallahassee and

for the opportunity to introduce herself. She mentioned the department improvements to customer service such as the reduction in hold times for Customer Contact Center callers, the new OnBase system and the reduction in the number of hands an application must pass through before being reviewed, the Plain Language Initiative to make our communications more understandable to the public, and the review of our forms to make them clearer and easier to understand. Secretary Benson also mentioned her appreciation of the membership's service on the Building Code Administrators and Inspectors Board. Secretary Benson offered her continued assistance to the board.

- The board excused the absence of Chair Bob McCormick from the meeting on Friday, December 14, 2007, and Mr. Bob Kymalainen from the entire board meeting.
- The Application Review Committee reviewed 155 applications for licensure, and the board ratified an additional 40 applications. The board conducted informal hearings for licensure matters and upheld five previously denied applications and approved ten previously denied applications. The Examination and Continuing Education Committee approved 32 continuing education course applications and denied eight continuing education course applications.
- Ms. Jessica Leigh informed the board that Mr. Thomas Goldsbury, through his attorney, requested a formal hearing in case number 2006.032129 and that the matter was being removed from the agenda at this time.
- Ms. Leigh reviewed the Prosecuting Attorney's Status Report and reported that there were 33 building code cases in the legal section as of October 19, 2007. She also provided the board with a generic Probable Cause Panel Report showing the board all the cases that have been closed over the last several months. She will provide the board with updated reports at future meetings.
- The board conducted a workshop on continuing education and reciprocity with other boards. The general agreement of all speakers was that the Building Code Administrators and Inspectors Board should not eliminate their rule which allows for Building Code Administrators and Inspectors Board licensees who complete courses approved by the Construction Industry Licensing Board, the Electrical Contractors' Licensing Board, and the Board of Architecture and Interior Design to receive credit toward their Building Code Administrators and Inspectors Board continuing education requirements. Many suggested that the department influence more building-related boards to accept reciprocity for continuing education course completion. Several attendees suggested a universal continuing education application for providers to complete and submit at one time to all building-related boards for consideration. Mr. Tim Vaccaro, Director, Division of Professions, informed the board that he would speak with Secretary Benson and the Executive Directors from the various building-related boards about the possibility of creating an ad hoc committee to discuss potential subject-matter guidelines for continuing education reciprocity with all building-related boards. Director Vaccaro also mentioned that the department is working on the creation of a universal continuing education application.
- The board conducted a workshop on the development of rules for the training academy created by SB404. Mr. Doug Harvey, Building Officials Association of Florida, mentioned that an entrance examination would be required of all potential participants. The program will have an apprenticeship type component. He added that the rules need to be developed before the program is established. The board agreed that there should be a core amount of hours that should be the same for all four of the disciplines – building, electrical, plumbing and mechanical. The board agreed to the following as a starting point for the training academy criteria rule:

- minimum of 120 core hours for all disciplines
- minimum of 450 additional training hours for the building category
- minimum of 400 additional training hours for the electrical category
- minimum of 270 additional training hours for the plumbing category
- minimum of 270 additional training hours for the mechanical category

Mr. Jeffrey Jones, Assistant Attorney General, will move forward with publishing a notice of rulemaking.

- Mr. Rob Nagin gave an overview of the ten building code-related bills which have already been filed for consideration during the 2008 legislative session.
- Mr. Jones gave an overview of his rules report. He mentioned that the Joint Administrative Procedures Committee commented on two of the proposed rules but that he has addressed their concerns and has submitted a written response to remedy these matters.
- Based on his comments at the October 2007 board meeting, Vice Chair Nick Sasso submitted a copy of proposed increases to the penalty ranges for the disciplinary guidelines rules. Vice Chair Sasso commented that the current penalty ranges are not a deterrent to wrongdoers and that increasing these amounts would give the board prosecutor more bargaining power. Ms. Leigh commented that the board already has the ability to increase fine amounts if they list aggravating factors. Mr. Nagin agreed with Ms. Leigh's comments. The board agreed to move forward with rulemaking to increase the penalty ranges up to \$5,000. Mr. Jones expressed his concern with increasing the penalty ranges to the maximum amount but agreed to move forward with noticing the rule for development.
- The board discussed the email from Mr. Pete Quintela dated November 8, 2007, regarding energy requirements and who is responsible for enforcement. The board agreed that there was not enough detail to respond and suggested that Mr. Quintela be informed to proceed with a declaratory statement to address his questions. Mr. Jones will correspond with Mr. Quintela regarding the declaratory statement process.
- Mr. Fred Dudley suggested the Application Review Committee take a look at the application review processes and make recommendations for improving the process for the full board's consideration.
- The board asked Ms. Barineau to speak with Mr. Michael Green regarding the Unlicensed Activity Plan and any further plans for future projects related to the Building Code Administrators and Inspectors Board.
- Ms. Barineau reported that the board's operating account balance as of September 30, 2007, was over \$2.3 million, and the balance in their unlicensed activity account as of September 30, 2007, was just over \$173,000. She mentioned that their financial report for the period ending December 31, 2007, will likely reflect a transfer to the Construction Industry Licensing Board's Recovery Fund of \$1.3 million. Mr. Dudley mentioned that the account balance will still remain too high and the board should consider ways to reduce the fund. Ms. Barineau reminded Mr. Dudley that the total fee paid for government employees for their application, licensure and examination fees is \$5 and that \$5 is the renewal fee for all licensees under this board. Vice Chair Sasso indicated that non-government applicant fees could be reduced from the current \$105 to \$5. He also mentioned that the board has a statutory requirement to cover the cost of the examination which cannot be covered with the current payment by government employees of \$5. He also mentioned the possibility of increasing examination fees and decreasing other fees. Mr. Dudley asked Ms. Barineau to research and report back to the board areas where costs are

not being covered or recouped, areas where fees could be reduced, and the impact of possible reductions.

- 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 December 13, 2007, 86% of the board's licensees had completed their continuing education and successfully renewed their licenses.
- Ms. Barineau mentioned her recent letter sent to Mr. John Hogenmuller, Executive Director of the Florida Prosecuting Attorneys Association, asking their association for assistance with prosecution of cases against individuals who attempted to coerce licensees of this board to violate portions of the Board's practice act. She will report back to the board once she hears from Mr. Hogenmuller.
- Ms. Barineau mentioned that the board currently has no penalty included in their rules for licensees who do not comply with completion of the core course requirement. Mr. Nagin indicated that the core course is merely a history lesson and has very little value anymore. He added that this requirement may be something the board wants to eliminate completely which would require a statutory change. The board agreed to discuss this matter during the next board meeting. Mr. Dudley asked Ms. Barineau to poll the other building-related boards' Executive Directors to see if their boards feel the same way, and if so, maybe this idea should be brought to the department's attention.
- Mr. Dudley asked Ms. Barineau to contact the Customer Contact Center to see if they can determine the types of calls comprising the total 1,258 received for the quarter ending September 30, 2007. Ms. Barineau will report her findings to the members by email.
- Dr. Rob von Kampen, International Code Council, provided a report informing 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 will be launched after a quality control check with individuals from the Department of Community Affairs. He indicated that the roofing examinations will be launched in March 2008.
- The board discussed the email from Mr. Doug Wise regarding signatures on permits. The board agreed that Mr. Wise should be informed to proceed with a declaratory statement to address his questions. Mr. Jones will correspond with Mr. Wise regarding the declaratory statement process.
- The next board meeting will be conducted in Fernandina Beach, Florida, from Tuesday, February 19, through Friday, February 22, 2008.

III. Legislation/Rule Promulgation

- Mr. Jones will notice for development the board approved language for the training academy rules.
- Ms. Jones will notice for development Rule 61G19-5.002, Florida Administrative Code, Disciplinary Guidelines.

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.

- Mr. Jones will correspond with Mr. Quintela on the process for seeking a declaratory statement.
- The Application Review Committee will review the application review process and make recommendations to the full board as to any improvements for consideration.
- Ms. Barineau will conduct research on increasing certain fees and decreasing other fees and the potential impact on the board's financial situation. She will report her findings at a future meeting.
- Ms. Barineau will poll all the building-related boards' Executive Directors to see if their boards believe that the core course is no longer a valuable tool and would consider elimination of this requirement. She will report her findings at the next board meeting.
- Ms. Barineau will seek to determine if the 1,258 calls received by the Customer Contact Center for the quarter ending September 30, 2007, can be broken down by type and provide this information to the board members by email.
- Mr. Jones will correspond with Mr. Wise on the process for seeking a declaratory statement.

Robyn Barineau
Executive Director
December 14, 2007