

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, and General Business Meeting

Meeting Date: Wednesday, August 17, 2005, through Friday, August 19, 2005

Meeting Location: Double Tree Grand Key Resort
3990 South Roosevelt Boulevard
Key West, Florida 33040

Attendees:

Chuck Sheridan, Chair
Bob Kymalainen, Vice Chair
Dennis Franklin
Bob McCormick
Rob Nagin
Margaret Pass
Nick Sasso
Bill Weber
Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)
Elise Rice, Government Analyst, DBPR
Charles Tunncliff, Assistant General Counsel, DBPR
Jessica Leigh, Assistant General Counsel, DBPR
Jeffrey Jones, Assistant Attorney General, Department of Legal Affairs (DLA)

Andrew L. Halperin
Andrew M. Johnson
Brian Duncan
Brian Iler
Charlie T. Stegall
David Herron
David Morris
Don Fuchs, International Code Council (ICC)
Edgar R. Nazario
Erin Nevius, Attorney for Cayetano Alfonso
Gary Belle
Glen D. Urquhart
Ivee Dittmer
Javier Miranda
Jeremy Hopland
Joe Agriesti
Joe April
Kenneth Everett for David Marfisi

Mark Boice
Mark Zehnal
Nick Fierro
Orland J. Diez
Peter Zara
Phil Sutherland
Rick Gold
Robert Snowden
Salvatore DiSalvo
Stephen Clarkson, Court Reporter
Stephen D. Boudreau
Stephen J. Sheridan
Stephen P. Tetlak
Steve Wharton
Terrence Mullins
Tom Allen
Travis Reese
Wayne Francis

II. Major Issues/Actions

- Chair Chuck Sheridan welcomed new member, Mr. Bob McCormick, to the board
- The board considered and approved 269 licensure applications and denied 60 licensure applications as reviewed by the Examination Committee; the board considered and approved, by ratification, 155 completed licensure applications
- The board approved the provisional building code administrator application of Abdul M. Cumber with the following stipulations: he will be assessed a \$1,500 fine for unlicensed activity which shall be paid prior to issuance of his license; he will be required to complete 28 hours of continuing education within one year; this matter will be referred to the Board of Professional Engineers for investigation of unlicensed activity; and a letter will be sent to the City of Pahokee regarding this matter
- The board considered and approved one course application for Contractors Institute; one course application for Americans with Disabilities Act Working Group; and 16 course applications for International Code Council
- The board considered and denied seven course applications for International Code Council
- Chair Sheridan appointed Mr. McCormick to the Continuing Education Committee
- Mr. Don Fuchs, International Code Council, distributed a handout outlining the ICC technical examination pencil and paper pass/fail rates for Florida applicants; Mr. Fuchs added that the pass/fail rates are about average for all states; the board expressed their concern with the low pass rate and agreed that applicants are not always prepared to take the examination although they may qualify to examine
- Mr. Fuchs announced that he will be leaving the International Code Council as he has accepted the Executive Director position with the Building Officials Association of Florida
- The board agreed to withdraw the amendment to rule 61G19-9.004, F.A.C., granting approval to those continuing education courses approved by the CILB, ECLB and the Board of Architecture and Interior Design subject to review by the Florida Building Code Administrators and Inspectors Board

- The board agreed to table for discussion at the next board meeting the rule proposal establishing minimum experience requirements for standard inspectors and asked the members to continue reviewing the draft for further discussion and development
- The board agreed not to pursue the amendment to rule 61G19-6.012, F.A.C., requiring 14 hours of continuing education per year for provisional licensees
- The board took no action on SB1012 regarding the new legislation allowing boards to reinstate the license of an individual whose license has become void if the board determines that the individual has made a good-faith effort to comply but was unable to do so because of illness or unusual hardship
- The board asked Mr. Jeffrey Jones, Assistant Attorney General, to develop rules for discussion at the next board meeting regarding the board's disciplinary authority pursuant to the recent legislation included in SB442
- Mr. Fuchs mentioned to the board that he understands that the Florida Building Commission requires that all advanced training courses must be submitted to an approved accreditor and then approved by the Florida Building Commission before they can be considered and approved for credit by the Florida Building Code Administrators and Inspectors Board
- The board moved to adopt the Recommended Order of the Administrative Law Judge in the Cayetano Alfonso case which imposes a fine of \$3,000, costs of \$427.29 and license revocation
- Chair Sheridan indicated that he will serve as the board's representative on the newly created Building Code Education and Outreach Council established by SB442
- Mr. Charles Tunncliff, Assistant General Counsel, distributed a Prosecuting Attorney Report which indicated that there are currently 17 building code cases in the Legal Section
- Mr. Tunncliff introduced Ms. Jessica Leigh who will be the board's new Assistant General Counsel; Mr. Tunncliff will continue to assist the board until Ms. Leigh has been transitioned into her new position
- The board agreed to suspend action on Standard Roofing Inspector licenses and Modular Plans Examiner licenses issued without the individuals holding another standard license until further review
- The board agreed to amend rule 61G19-6.016, Florida Administrative Code, to eliminate the sentence, "All specialty licenses require a standard certification."
- Chair Sheridan suggested the creation of a quality control survey to assess licensee testing concerns, continuing education concerns, and other licensure information
- Chair Sheridan informed the board of his response to Deputy Secretary Edwards' letter relating to budget input
- Mr. Jeffrey Jones, Assistant Attorney General, informed the board that participation on internet bulletin boards, in accordance with Attorney General Opinion 02-32, may be a violation of the Sunshine Law; he asked all members to be cautious with their participation in this type of communication
- Mr. Jones informed the board that Probable Cause Panel members should not be utilized during final action of a disciplinary case even if a quorum issue exists
- Ms. Robyn Barineau, Executive Director, informed the board of the department's newly appointed Secretary, Ms. Simone Marstiller
- Ms. Barineau reminded the board and others present of the 100 percent continuing education monitoring initiative and that all continuing education requirements must be completed prior to license renewal
- Ms. Barineau informed the board that the email addressed to the Bureau of Education and Testing relating to ICC concerns was pursuant to their request at the

June board meeting and was included in the agenda materials for informational purposes

- Ms. Barineau advised the board that a recent technology initiative will move all building code licensee addresses to private in accordance with Chapter 119 and for their protection; this initiative should be completed in the near future and she will keep the board posted on the progression of this initiative
- Ms. Barineau indicated that the department continues to review the master application form and that she brought to the department the board's concern with the elimination of the discipline question in the background information area; she will keep the board posted on the progression of this initiative
- Ms. Barineau informed the board that she and Ms. Elise Rice, Government Analyst, continue discussions with department personnel regarding the placement of all categories of licensure on an actual license; they will keep the board informed as this dialogue continues
- Ms. Barineau conveyed to former Secretary Diane Carr the board's need to have the allocation for Information Technology increased to include technological enhancements
- Ms. Barineau relayed to the department's Central Intake Unit the board's agreement to allow individuals to apply for and be issued a provisional building inspector license, if they qualify, with the scope of their provisional building inspector's license to include roofing only, and they will only be allowed to offer their services in a particular municipality; all applications of this type shall go before the board for review

III. Legislation/Rule Promulgation

- Mr. Jones will withdraw the development of rule 61G19-9.004, F.A.C. – Approval of Courses, which proposed amending the rule to allow all courses for which continuing education credit is to be received by all licensees under the Florida Building Code Administrators and Inspectors Board to be subject to review by the board, including courses approved by the CILB, ECLB and the Board of Architecture and Interior Design
- The board agreed to table for discussion at the next board meeting the proposed rule amendments to rule 61G19-6.012, F.A.C. – Provisional Certificates and rule 61G19-XXXX, F.A.C. – Required Experience
- Mr. Jones will withdraw the development of rule 61G19-6.012, F.A.C., which proposed requiring 14 hours of continuing education per year for provisional licensees
- Mr. Jones will notice for rule development and discussion at the next board meeting rule 61G19-6.016, F.A.C. – Voluntary Certification Categories

IV. Action Required

- Mr. Tunncliff and Mr. Jones will prepare final orders and forward to board staff for filing with the Agency Clerk
- Mr. Jones will send a letter to the City of Indiatlantic reminding them that provisional license applicants should be supervised while working

- Mr. Fuchs will relay to ICC the board's request for a report providing information on individuals who take the technical examinations prior to making application to the department compared to individuals who take the technical examinations after approval by the board; he will also relay to ICC the board's request for information on their examination performance in all states
- Mr. Jones will contact the attorney for the Florida Building Commission, Mr. Jim Richmond, regarding their position that accreditors must review advanced courses and then the courses must be approved by the Florida Building Commission before they are reviewed and approved by the Florida Building Code Administrators and Inspectors Board; he will also relay the board's concerns with this process
- Ms. Barineau will forward a letter to Mr. Thomas Graham informing him that he needs to make application for licensure to the department for the board to review and consider his credentials, education, certificates and other information
- Board staff will work with the Central Intake Unit to ensure that all applications are thoroughly reviewed prior to submission to the Application Review Committee
- The board asked Ms. Barineau to research whether or not funds are available to send a member [Mr. Bill Weber] to the Governor's Americans with Disabilities Act Working Group
- The board asked Ms. Barineau to research why some licensee continuing education course completion information is not current on the Internet and report her findings at the next board meeting

Robyn Barineau
Executive Director
August 24, 2005