

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, February 20, 2007, through Friday, February 23, 2007

Meeting Location: Ocala Hilton
3600 Southwest 36th Avenue
Ocala, Florida 34474

Attendees:

Bob Kymalainen, Chair
Bob McCormick, Vice Chair
Linda Armstrong
Fred Dudley (February 22, 2007, only)
Dennis Franklin
Rob Nagin
Nick Sasso

Robyn Barineau, Executive Director, Department of Business and Professional Regulation
Elise Rice, Government Analyst, Department of Business and Professional Regulation
Charles Tunnick, Assistant General Counsel, Office of the General Counsel, Department of Business and Professional Regulation
Jeffrey Jones, Assistant Attorney General, Department of Legal Affairs

Don Fuchs, Building Officials Association of Florida
Doug Harvey, Building Officials Association of Florida
John O'Connor, Building Officials Association of Florida
Sam Gerace, Florida Association of Plumbing, Gas and Mechanical Inspectors, Inc.
Barbara Briley, Court Reporter
Other Interested Parties

II. Major Issues/Actions

- The Application Review Committee consisting of Chair Kymalainen, Vice Chair Bob McCormick, and Mr. Nick Sasso conducted an informal application educational session at the beginning of the Application Review Committee meeting. There were over 50 individuals in attendance at the training session. 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 educational session and indicated that they received helpful information relating to the application process.

- The Application Review Committee reviewed 338 applications for licensure and the board ratified an additional 166 applications.
- Mr. Charles Tunnicliff, Assistant General Counsel, informed the board that Ms. Jessica Leigh, Assistant General Counsel, was unable to attend the board meeting because of a scheduling conflict. He reviewed the Prosecuting Attorney's Status Report included in the agenda, and as of January 24, 2007, there were 20 building code cases in the Legal Section. Mr. Fred Dudley asked that all case statuses be included on future reports even if there are no cases in a particular status. Mr. Nick Sasso also asked that cases to the Probable Cause Panel be included on future reports as well as cases that are closed by the Probable Cause Panel.
- Mr. Rob Nagin indicated there have already been numerous bills filed relating to building code for consideration during the 2007 legislative session. He gave a brief overview of all the bills included on his Legislative Report which impact the building code industry. He will give a more detailed report of the passage of any bills at the next meeting.
- The board approved a proposed rule amendment from Mr. Sasso to prohibit the allowance of any period of unlicensed activity toward an applicant's experience requirements. The amendment to Rule 61G19-6.0025, Florida Administrative Code, will read: "(f) For the purposes of this section, any unlicensed activity shall not be recognized for purposes of providing required experience."
- To offer an additional method to qualify for a roofing inspector license, the board discussed the years of hands-on experience required for roofing inspectors prior to the applicant being able to sit for a roofing inspector examination. The board agreed to amend Rule 61G19-6.016(3), Florida Administrative Code, as follows: "Roofing Inspector means a person who is qualified to inspect residential and commercial roofs. In order to obtain this voluntary certification, the Board will require either: four (4) years of roofing experience with passage of the standardized roofing inspectors' examination as approved by the board, state certification as a roofing contractor ~~in order to qualify~~ or a state certified general contractor who was certified prior to ~~1973~~ 1974."
- The board discussed the original intent of Rule 61G-9.004(11), Florida Administrative Code, which states: "The Board approves those continuing education courses approved by the Construction Industry Licensing Board; the Electrical Contractors' Licensing Board; and the Board of Architecture and Interior Design." Mr. Rob Nagin indicated that when this rule was originally created, the intent was to allow individuals licensed by the Building Code Administrators and Inspectors Board who are dually licensed by the Construction Industry Licensing Board, the Electrical Contractor's Licensing Board, or the Board of Architecture and Interior Design to receive continuing education credit toward their building code licenses for courses taken for their construction, electrical and architecture/interior design licenses. The board discussed amending the rule to only accept credit for continuing education courses from other professions for our licensees that are dually licensed with those professions, but no action was taken.
- Vice Chair Bob McCormick indicated that the Building Code Education and Outreach Council expressed interest in asking the department to develop one master continuing education provider and course application for the building code related boards, but the council has not been successful in its effort. Vice Chair McCormick

added that there is a legislative proposal to abolish the Building Code Education and Outreach Council. The board asked that Ms. Robyn Barineau, Executive Director, suggest to the department that a member of the Building Code Administrators and Inspectors Board, the Construction Industry Licensing Board, the Electrical Contractor's Licensing Board, and the Board of Architecture and Interior Design be brought together to work on the development of the master continuing education provider and course application.

- Based on the recent decision in Harden vs. Department of Business and Professional Regulation, Construction Industry Licensing Board, the board will discuss development of a rule to codify the application review committee structure.
- Ms. Barineau will continue to work with Mr. Mark Reddinger, Division of Regulation, on the development of an educational pamphlet to send to all building departments for their customers informing them about different building code issues and the roles and responsibilities of building code inspectors, plans examiners and building code administrators.
- The board agreed that if an individual holds a standard inspector license in the building, mechanical, electrical and plumbing trades, and then applies for a 1&2 family dwelling inspector license, they are still required to take the 1&2 family dwelling inspector examinations.
- The board agreed that should an application come before the Application Review Committee for review and there are concerns raised by the committee, the application will be forwarded to the full board for review.
- Ms. Barineau informed the board of the department's newly appointed Secretary, Holly Benson. Ms. Barineau indicated that Secretary Benson comes to the department with a vast knowledge of state government and is a former legislator from the panhandle. Ms. Barineau indicated that the department is thrilled with her appointment, and we look forward to working with her.
- Ms. Barineau reminded the board that she is currently working with the department on streamlining the application process for building code licensees. She also mentioned that Mr. Sasso has been assisting with this initiative. He provided some proposed Affidavit of Work Experience and Current Employment forms for review and comment. Discussion ensued regarding years of experience required for provisional licenses. Several years ago, provisional licensees were only required to have three years of experience in the category sought. The board discussed allowing individuals licensed under this requirement to have held their license for at least two years to total the current five-year experience requirement for a standard license. Mr. Jones will research and be prepared to discuss this matter at the next meeting.
- Ms. Barineau informed the board that licenses will now print with all license modifiers on the face of the license. She added that the license modifiers will be abbreviated but will be displayed on the license.
- Ms. Barineau reported that the board's operating account balance as of December 31, 2006, was \$3 million, and the balance in their unlicensed activity account as of December 31, 2006, was \$134,268.
- 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.

- The board agreed that the following members would attend and speak on behalf of the board at the following meetings:
 - South Florida Building Officials Association: Chair Bob Kymalainen, Vice Chair Bob McCormick, Dennis Franklin and Nick Sasso
 - Building Officials Association of Florida: All board members and staff
 - Florida Association of Plumbing, Gas and Mechanical Inspectors, Inc.: Chair Bob Kymalainen, Vice Chair Bob McCormick, Dennis Franklin and Nick Sasso
 The board asked Ms. Barineau to incorporate into the board's 2007-2008 travel plan allotments for several board members to attend the 2008 South Florida Building Officials Association meeting and the 2008 Florida Association of Plumbing, Gas and Mechanical Inspectors, Inc., meeting.
- Mr. Sasso asked that his discussion of privatization of discipline be pulled from this agenda and rescheduled for the April 2007 board meeting.

III. Legislation/Rule Promulgation

- Mr. Jones will move forward with rulemaking for Rule 61G19-6.0035, Florida Administrative Code, as follows: "(f) For the purposes of this section, any unlicensed activity shall not be recognized for purposes of providing required experience."
- Mr. Jones will move forward with rulemaking for Rule 61G19-6.016(3), Florida Administrative Code, as follows: "Roofing Inspector means a person who is qualified to inspect residential and commercial roofs. In order to obtain this voluntary certification, the Board will require either: four (4) years of roofing experience with passage of the standardized roofing inspectors' examination as approved by the board, state certification as a roofing contractor in order to qualify or a state certified general contractor who was certified prior to 1973 1974."
- The board will discuss the development of a rule to codify the procedure to review licensure applications.

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 relay to the department the board's desire to have a member of the Building Code Administrators and Inspectors Board, the Construction Industry Licensing Board, the Electrical Contractor's Licensing Board, and the Board of Architecture and Interior Design be brought together to work on the development of the master continuing education provider and course application.
- Ms. Barineau will continue to work with Mr. Mark Reddinger, Division of Regulation, on the development of an educational pamphlet to send to all building departments for their customers informing them about different building code issues and the roles and responsibilities of building code inspectors, plans examiners and building code administrators.
- Ms. Leigh will keep the board informed of the progress of cases referred to the State Attorney's Office for handling.
- When application concerns are raised during review by the Application Review Committee, these applications will be forwarded to the full board for review.

- Mr. Jones will research and be prepared to discuss the former three-year experience requirement for provisional licenses being utilized for the current five-year experience requirement for standard licenses at the next meeting.
- Privatization of discipline will be discussed at the April 2007 board meeting.

Robyn Barineau
Executive Director
March 5, 2007