

## **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 19, 2008, through Friday, February 22, 2008

Meeting Location: Hampton Inn and Suites  
19 South Second Street  
Fernandina Beach, Florida 32034

#### Attendees:

Bob McCormick, Chair  
Nick Sasso, Vice Chair  
Fred Dudley  
Dennis Franklin  
Richard Gathright  
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  
Ann Cocheu, 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 Ms. Ann Cocheu as counsel to the Building Code Administrators and Inspectors Board. Ms. Cocheu thanked the board for the opportunity to assist them.
- The board excused the absence of Mr. Bob Kymalainen from the entire board meeting.
- The Application Review Committee reviewed 201 applications for licensure, and the board ratified an additional 59 applications. The board conducted informal hearings for licensure matters and upheld seven previously denied applications and approved 11 previously denied applications. The Examination and Continuing Education Committee approved 42 continuing education course applications and denied seven continuing education course applications.

- Ms. Jessica Leigh informed the board that case number 2006.045343 against Mr. Nicandor Andrade was being postponed until the April 2008 board meeting because of quorum issues.
- Ms. Leigh reviewed the Prosecuting Attorney's Status Report and reported that there were 19 building code cases in the legal section as of February 19, 2008. 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 continue to provide the board with updated reports at future meetings.
- The board again discussed the development of rules for the training academy created by SB404. Several members expressed their concern with the proposed minimum hours for each category of licensure:
  - 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
 The board agreed that further input is necessary to continue the development of the training academy and another workshop will be conducted in conjunction with the April board meeting. Mr. Doug Harvey, Building Officials Association of Florida, reminded the board that the rules need to be developed before the program is established. The board asked Ms. Cocheu to bring draft rules and suggestions to the next board meeting and that the Building Officials Association of Florida be provided with a copy of her draft.
- 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 for discussion. The board agreed that as a matter of consistency, the ranges in Rules 61G19-5.002(o)1. and (o)2., Florida Administrative Code, need to read, "and an administrative fine of up to \$5,000." Ms. Cocheu will make these changes and move forward with rule development. The board also discussed Rule 61G19-5.002(g), Florida Administrative Code, and whether or not there is sufficient language to impose discipline when misconduct is not willful. Ms. Cocheu and Ms. Leigh will research this matter and provide their findings and suggestions at the next meeting.
- The board discussed the letter Mr. Gregory Young regarding issuance of provisional licenses, cross-training programs, and examinations. Chair Bob McCormick agreed to draft a response to Mr. Young's concerns.
- Mr. Rob Nagin gave an overview of all the building code-related bills which have already been filed for consideration during the 2008 legislative session.
- Ms. Robyn Barineau, Executive Director, informed the board that as of January 2008, approximately 91% of the board's licensees had completed their continuing education and successfully renewed their licenses.
- Chair McCormick advised the board that he is working with Ms. Barineau to schedule his appearance before the Construction Industry Licensing Board, the Electrical Contractors' Licensing Board and the Board of Architecture and Interior Design to discuss continuing education reciprocity with the Building Code Administrators and Inspectors Board.
- Ms. Barineau informed the board that she is still researching the board areas where costs are not being covered or recouped, areas where fees could be reduced, and the impact of possible reductions. She will keep the board apprised of her findings.

- Ms. Barineau reminded the board of 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 has been advised by Ms. Leigh that she has heard back from several State Attorney Offices that they are pursuing cases that have been forwarded to them.
- Ms. Barineau informed the board that Mr. Michael Green, Unlicensed Activity Administrator, will be present at the April 2008 meeting to discuss the Unlicensed Activity Plan and any further plans for future projects related to the Building Code Administrators and Inspectors Board.
- 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 will be launched after a March 2008 quality control check with individuals from the Department of Community Affairs. He indicated that the roofing examinations will be launched in March 2008. Mr. Nagin inquired about the cost to produce a Florida only examination. Dr. von Kampen reminded the board that they previously addressed this issue and that the cost to prepare a Florida specific examination would be expensive and would take a long time to develop. He also mentioned that city and county Insurance Service Office (ISO) and Community Rating Services (CRS) ratings could be impacted if there were a change from testing on the International Building Code to the Florida Building Code which could ultimately affect homeowner's insurance costs for the city and county residents and property owners. Dr. von Kampen will provide the board with a feasibility study for the development of Florida only technical examinations at the next board meeting.
- The board agreed to send a thank you letter to former Secretary Holly Benson. Chair McCormick will draft the letter and send it to board staff for review.
- The board agreed that the Application Review Committee should discuss relevant educational requirements for applicants and provide their recommendations to the full board for consideration.
- The next board meeting will be conducted in Miami, Florida, from Tuesday, April 22, through Friday, April 25, 2008.

### **III. Legislation/Rule Promulgation**

- Ms. Cocheu will draft language for the training academy rules for discussion at the next board meeting.
- Ms. Cocheu will notice for development Rule 61G19-5.002, Florida Administrative Code, Disciplinary Guidelines.

### **IV. Action Required**

- Ms. Cocheu will prepare final orders and notices of intent to deny and forward to board staff for filing with the Agency Clerk.
- Ms. Cocheu will provide board staff with a copy of the draft training academy rules, and they will forward a copy to the Building Officials Association of Florida.

- Ms. Cocheu and Ms. Leigh will work together and research whether or not there is sufficient language to impose discipline when misconduct is not willful, providing their findings at the next meeting.
- Chair McCormick will draft a response to Mr. Gregory Young's letter of January 8, 2008, and forward to board staff for mailing.
- Chair McCormick will work with Ms. Barineau to schedule appearances before the Construction Industry Licensing Board, the Electrical Contractors' Licensing Board and the Architecture and Interior Design Board.
- 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.
- Dr. von Kampen will provide the board with a feasibility study for the development of Florida only technical examinations at the next board meeting.
- Chair McCormick will draft a letter of thanks to former Secretary Benson, and send it to board staff for review.
- The Application Review Committee will provide recommendations to the full board regarding relevant education requirements for licensure consideration.

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Robyn Barineau  
Executive Director  
February 28, 2008