

EXECUTIVE SUMMARY

Florida Building Code Administrators and Inspectors Board

I. General Information

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

Meeting Date: Tuesday, April 25, 2006, through Friday, April 28, 2006

Meeting Location: Bay Point Marriott Resort Village
4200 Marriott Drive
Panama City Beach, Florida 32408

Attendees:

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

Amat Fernandez
Ann Converse
Anthony Maccarone
Arthur C. Jones
Bill Dumbaugh
Bob Lizano
Brian Richardson
Craig Waldron
Dale Griner
Daniel A. Greenberg
David Kessinger
David Morris
David Osteen
Don Fuchs, Building Officials Association of Florida
Douglas Tillery
Dustin Mueller
Frank Baxter
Frank Carter
Franz Hardin
Gary Carbone
George Davenport

George Knight
George Mangawang
George Phillips
Gerry Demers
Gregory Ferrone
Harold Biggs
Howard T. Mueller
Jack Boone
James Fuoco
James Lindahl
Jenny Nichols, Court Reporter
John O'Connor
Jonathan Bilby
Joseph Agriesti
Kevin Trim
Lindsey Lander
Martin Nemecek
Michael E. Myers
Michael L. Myers
Phillip Carter
Randy Fowler
Raymond Converse
Renee Zegarski
Richard Noles
Rick Holmes
Rob von Kampen, International Code Council
Ronnie Spooner
Samuel Powell
Scott Ellis
Stanley Collins
Stephen Lee
Summer Hubanks
Tam Landis
Tim Atkinson, Esquire
Tom Browning
Wayne Francis
William McKee
William Palmer
William Weeks
Willie Haulstead

II. Major Issues/Actions

- The board approved the absences of Mr. Chuck Sheridan, Mr. Fred Dudley and Mr. John Upchurch from the board meeting.
- The board considered and approved 270 licensure applications and denied 163 licensure applications as reviewed by the Application Review Committee. The board considered and approved, by ratification, 161 completed licensure applications.
- Mr. Don Fuchs, Executive Director, Building Officials Association of Florida (BOAF), provided a handout outlining a proposal for a training program for entry level building

code inspectors. Mr. Fuchs indicated that the proposed training alternative would require an individual to complete two years of hands-on experience, complete 360-440 hours of instructor led training, complete the Principles and Practices examination, and complete the technical inspector examination prior to performing any inspections. The proposed 360-440 hour training program would be broken down into course categories as follows:

- Principles and Practices: 40 hours
- Inspection and Plan Review Basics: 40 hours
- Code Familiarization: 160-200 hours
- Field Training: 80-120 hours
- Review and Examination: 40 hours

A detailed initial training program course outline was provided by Mr. Fuchs. The course duration for each of the certification categories are proposed as follows:

- Building: 440 contact hours
- Electrical: 440 contact hours
- Mechanical: 360 contact hours
- Plumbing: 360 contact hours

This program would serve in lieu of the current requirement of five years of hands-on experience. Mr. Ronnie Spooner, BOAF Legislative Liaison, indicated that BOAF did request that their initially filed legislation proposing a training program be withdrawn and that BOAF was working with the board to create agreed upon language to propose a training program bill during the 2007 legislative session. Mr. Spooner indicated that the legislation before the 2006 Legislature has no timeframe assessed for development of a training program, and BOAF believes that should the current proposal pass both houses, modifications can be made during the 2007 legislative session. Mr. Fuchs added that when the cross training program was legislatively mandated, it took approximately two to three years before the program was ready for implementation. Mr. Bob McCormick, Vice Chair, indicated his support for a new mechanism in which individuals could become qualified and he applauded BOAF for attempting to establish training benchmarks in the building code profession. Ms. Margaret Pass added that she is against the proposed training program as the proposed qualifications decrease the current requirements, which will not protect Floridians' life safety. Mr. Nick Sasso interjected that he does not see how the training program will build up the profession as it lowers current standards. Chair Bob Kymalainen mentioned that the qualifications for all applicants should be equal. Mr. Fuchs added that BOAF would like to one day see the completion of the training program go toward college credits.

- The board moved to reject the proposed Settlement Stipulation in the Robin Arthur Brinkley matter, case no. 2005-034904, and approved the Settlement Stipulation in the Narendra Shah matter, case no. 2004-006027.
- Ms. Jessica Leigh, Assistant General Counsel, indicated that there are currently 14 building code cases in the Legal Section
- The board agreed to amend Rule 61G19-5.007(1)(a), Florida Administrative Code, relating to a minor violation for working with an inactive or delinquent license. The text of the rule will read as follows: “Engaging in building code administration, plans examination, or inspection with a certificate on inactive or delinquent status; and,…”
- Mr. Sasso referred to a reference made to Rule 61G19-9.008, Florida Administrative Code, contained in Rule 61G19-9.004(13), Florida Administrative Code. It appears that Rule 61G19-9.008, Florida Administrative Code, may have been repealed. The current Rule 61G19-9.004(13), Florida Administrative Code, reads as follows: “Of

the required fourteen (14) continuing education hours, up to seven (7) hours credit may be earned by attending a meeting of the Florida Building Commission within the Department of Community Affairs, or any of the meetings of the technical committees of the Commission. Certificate holders shall be responsible for obtaining and maintaining satisfactory proof of attendance at such meetings as specified in Rule 61G19-9.008, F.A.C. A copy of the proof of attendance must be submitted to the Board office or Department upon request of completion to ensure that continuing education credit is awarded.” Mr. Jeffrey Jones, Assistant Attorney General, will research

- As a matter of consistency with other boards that offer continuing education credit for attendance at a Florida Building Commission (FBC) meeting or any of the Commission’s technical committee meetings and for better tracking purposes by the FBC, the board agreed to amend Rule 61G19-9.004(13), Florida Administrative Code, to reduce the number of hours for attending a Florida Building Commission meeting or any of the Commission’s technical committee meetings from seven hours to four hours.
- The board agreed to amend Rule 61G19-5.002(2)(n), Florida Administrative Code (F.A.C.), as follows: “Practicing as a building code administrator, inspector or plans examiner without a valid certificate (468.607, 468.621(1)(a), F.S.)” This rule is a portion of the board’s disciplinary guidelines.
- The board agreed to amend Rule 61G19-9.001, Florida Administrative Code, to add subsection (7), as follows: “A certificate holder shall maintain continuing education course completion certificates for a period of three (3) years.” This rule relates to the board’s continuing education requirements.
- Mr. Jeffrey Jones, Assistant Attorney General, provided the board with a proposed amendment to Rule 61G19-2.007(1)(f), Florida Administrative Code, as requested by the board at the previous meeting as follows: “For purposes of determining when members of the Board shall be entitled to compensation pursuant to Section 455.207, F.S., other business involving the board shall include the following: attendance by a Board member at continuing education programs or courses for the purposes of auditing a Board-approved provider or course ~~when such attendance has been approved by the Board prior to the program or course;...~~” The board discussed the amendment and agreed that their concern was not payment for auditing a course but was that the board had to approve their auditing a course prior to actually attending the course. The board asked Mr. Jones to further research this initiative and provide additional instruction at the next meeting.
- The board agreed to assess a fee of \$125 for null and void applications for individuals who are applying because their license is not longer valid and they can document a hardship as to why their license went null and void. The board also agreed that the applicant should be required to complete 14 hours of board approved continuing education for each biennium their license was null and void which is the current requirement for license renewal pursuant to Section 468.627, Florida Statutes.
- Mr. Jones provided the board with proposed language for rulemaking purposes defining “laws and rules” as required for continuing education purposes as requested by the board at the last meeting. The language reads as follows: ““Laws and Rules” means the study and examination of the related subject matter as is exemplified and contained within chapter 468, 553, 471, 481, 489 (as it relates to licensure categories and scope of practice), and 713 (as it relates to permitting), Florida Statutes.” The board agreed to discuss this proposal in further detail at the next board meeting.

- The board agreed to amend Rule 61G19-6.012(6), Florida Administrative Code, since the board expressed concern with a provisional applicant going over the 90 day work allowance and that all applications should be complete when they are submitted to the department for review. The text of the rule amendment will read: “Following the submission an ~~complete~~ application for provisional certification as either an inspector or plans examiner, the applicant shall be eligible to perform duties in the category for which the application has been submitted for up to a maximum of ninety (90) days from the date the application is submitted, and subject to the following conditions:...”
- Mr. Rob Nagin indicated there have been numerous bills filed relating to building code during the 2006 legislative session. He will give a more detailed report of the passage of any bills at the next meeting.
- Mr. Sasso suggested that all continuing education providers should supply detailed educational material or a detailed outline with each continuing education course application to give the board members some idea of the quality of the course being considered. The board asked Mr. Sasso to draft some rule language in support of his idea for consideration at the next board meeting.
- The board considered and approved the following continuing education course and provider applications:
 - Building Officials Association of Florida (New Courses)
 1. Plumbing Principles and Code Applications
 2. Electrical Principles and Code Applications
 3. Mechanical Principles and Code Applications
 4. Building Principles and Code Applications
 5. Window Installation and Energy Inspection
 6. Testing and Labeling Requirements
 7. Right Sizing Manual
 8. Florida Building Code Chapters 3, 5 and 6
 9. Records Management as a Business Practice
 10. Permit Technician
 11. Florida Residential 1 & 2 Family *
 - *An editorial change must be made to the course materials by the provider to reference the 2004 building code.
 12. Energy Code Changes
 13. Electrical Code Changes**
 - **An editorial change must be made to the course materials by the provider to reference the 2005 building code
 - BRB Code Educators, Inc. (New Provider and New Course)
 1. Product Approval
 - Miami-Dade County Building Code Compliance Office (New Course)
 1. Alternative Plan Review and Inspection Requirements
 - International Association of Electrical Inspectors
 1. Electric Sign Essentials: NEC and UL Compliance Requirements
 2. Electrical Grounding and Bonding for Signs and Neon Installations
 3. Neon Lighting – A Professional Advantage
 - First Coast Chapter ICC – BOAF (New Course)
 1. Fair Housing and The ADA
 - American Architectural Manufacturers Association (Course Renewal)
 1. Understanding Window and Door Performance Standards

- City of St. Petersburg, Construction Services (New Provider and New Course)
 1. Safety Glazing
- The board considered and denied the following continuing education course applications:
 - Koning Enterprises, Inc. (Course Renewal)
 1. Florida Construction Laws and Rules
 - Contractors Exam School (Course Renewal)
 1. Accessibility Sensitivity
 - Gold Coast School of Construction (Course Renewals)
 1. Core Curriculum, Part B (Classroom)
 2. Core Curriculum, Part B (Internet)
 3. Energy – Internet
 4. OSHA – Internet
 5. The Practitioner’s Guide to the FBC: Accessibility Code and Fair Housing Act (Internet)
- Mr. Sasso mentioned the email correspondence he received from Palm Beach County dated March 1, 2006, regarding enforcement of the electrical requirement contained in Section 13 of the Florida Building Code. The board agreed that it is the responsibility of building departments to enforce the Florida Building Code, which includes the enforcement of the electrical requirement. The board suggested this information be included in the next board newsletter and that the Electrical Contractors Licensing Board and the Construction Industry Licensing Board also include this same notice to their licensees in their upcoming newsletters.
- The board denied the request of Mr. James Sennello to extend the expiration date of his Provisional Building Code Administrator license
- The board denied the request of Mr. John W. Laverack to reinstate his null and void Building Inspector license.
- Ms. Robyn Barineau, Executive Director, informed the board of a March 27, 2006, letter sent out from the Department of Management Services advising employees, including board members, of the availability of a one-year credit protection program for employees who were potentially affected by a company that worked for Convergys who used offshore services, almost two years ago, to electronically categorize some state employee personnel files. The service is available at no charge and participants must elect participation on or before May 12, 2006.
- Ms. Barineau advised the board that the department is still attempting to address the board member vacancy situation. The department is seeking assistance from 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.
- Ms. Barineau advised the board that she would make a presentation at a future meeting regarding the roles and responsibilities of a board member. She inquired if all board members had received their recently mailed board member handbooks and asked that should any member have any questions, they contact her for assistance.
- Ms. Barineau indicated that the newly revised Affidavit of Work Experience has been submitted to the division’s webmaster for incorporation into the building code application package. She will provide an update of the status of the revised application package at the next board meeting.
- Ms. Barineau informed the board members of the extended hours in the department’s Customer Contact Center.

- Ms. Barineau reviewed the December 31, 2005, financial report included in the agenda. Mr. Nagin asked if some of the board's unlicensed activity funds were going to be utilized for unlicensed activity public service announcements. Ms. Barineau indicated she would check on this and report her findings to the board. Mr. Nagin asked that Ms. Barineau relay to the department the need for training of city attorneys and building officials on unlicensed activity and other building code licensee issues. Ms. Barineau asked Mr. Nagin if he would be interested in being contacted for assistance with these programs.
- Ms. Barineau mentioned that the email regarding the enhancements made to the DBPR Internet site and the Complaints and Investigative Statistics Report were included in the agenda for informational purposes.
- Mr. McCormick asked Chair Kymalainen if the board and staff would be participating in the BOAF Annual Conference being held in St. Augustine. Mr. Fuchs provided Ms. Barineau with a formal invitation for the board and staff to participate in a panel discussion during the BOAF Annual Conference on June 7, 2006.
- Chair Kymalainen indicated that he would entertain the full board's participation if the Application Review Committee meeting could be extended by one day to accommodate the deluge of applications being submitted for review. If the Application Review Committee meeting cannot be extended by one more day, he suggested the other board members participate on behalf of the board.
- Vice Chair McCormick reported that the participation in the 18th Annual South Florida Building Code Education Conference by he, Mr. Franklin and Mr. Sasso was very successful, and the board's participation was appreciated by all attendees.
- Mr. Rob von Kampen, International Code Council (ICC), reported that an incorrect plan set was distributed for use by candidates during a recent Certified Building Official examination, that ICC accepts responsibility for the error, and they have remedied the problem by allowing those candidates to reexamine at no additional cost. All the impacted candidates have already taken another examination or are scheduled for another examination.
- Mr. von Kampen mentioned that a panel of subject matter experts recently gathered in Tallahassee to review the Modular Building Inspector and Modular Plans Examiner examinations. The panel updated examination references and made some suggestions to amend the current examination and the requirements for each of these licenses, as they believe the current requirements are too stringent. Mr. von Kampen distributed a handout which outlined some suggested modifications as noted by the panel. Ms. Barineau asked the board for their input on how these examinations and the certification requirements should be modified. The board agreed they needed more time to assess the panel's recommendations and asked Mr. Jones to draft some rule language in conjunction with the panel's proposals for discussion at the next board meeting.
- Mr. von Kampen indicated that ICC has completed their roofing inspector examination proposal, and he will mail the proposal to Ms. Barineau. He will be prepared to discuss the proposal at the next board meeting.
- Mr. Sasso inquired if the board would be interested in developing a rule for provisional electrical inspector and plans examiner applicants to have specific or predominant electrical experience. The board suggested Mr. Sasso compose his ideas and bring them to the next board meeting for discussion, however, all categories should be included.
- The board will conduct its next meeting in St. Augustine, Florida, on June 7-9, 2006.

III. Legislation/Rule Promulgation

- Mr. Jones will proceed with rule development to amend Rule 61G19-5.007(1)(a), Florida Administrative Code, to read as follows: “Engaging in building code administration, plans examination, or inspection with a certificate on inactive or delinquent status; and.”
- Mr. Jones will research the apparent repeal of Rule 61G19-9.008(13), Florida Administrative Code, and provide his research to the board at the next meeting
- Mr. Jones will proceed with rule development of Rule 61G19-9.008(13), Florida Administrative Code, to decrease the number of continuing education credits a licensee may obtain by attending an FBC meeting or any of the FBC’s technical committee meetings from seven hours to four hours.
- Mr. Jones will proceed with rule development of Rule 61G19-5.002(2)(n), Florida Administrative Code (F.A.C.), as follows: “Practicing as a building code administrator, inspector or plans examiner without a valid certificate (468.607, 468.621(1)(a), F.S.)”
- Mr. Jones will proceed with rule development of Rule 61G19-9.001, Florida Administrative Code, to add subsection (7), as follows: “A certificate holder shall maintain continuing education course completion certificates for a period of three (3) years.”
- Mr. Jones will further research Rule 61G19-2.007, Florida Administrative Code, and the requirements for auditing a continuing education course and provide his research to the board at the next meeting.
- Mr. Jones will proceed with rulemaking to assess a \$125 application fee for individuals who are applying because their license has gone null and void and can document a hardship as to why the license is no longer valid.
- Mr. Jones will proceed with rule development of Rule 61G19-6.012(6), Florida Administrative Code (F.A.C.), as follows: “Following the submission an complete application for provisional certification as either an inspector or plans examiner, the applicant shall be eligible to perform duties in the category for which the application has been submitted for up to a maximum of ninety (90) days from the date the application is submitted, and subject to the following conditions:...”
- Mr. Jones will draft some language as requested by the board in accordance with the suggested made by the panel reviewing the Modular Building Inspector and Modular Plans Examiner examinations and provide his draft to the board at the next meeting.

IV. Action Required

- Mr. Jones will prepare final orders and forward to board staff for filing with the Agency Clerk
- Mr. Jones will research the apparent repeal of Rule 61G19-9.008, Florida Administrative Code, and provide his research to the board at the next meeting
- Mr. Jones will further research Rule 61G19-2.007, Florida Administrative Code, and the requirements for auditing a continuing education course and provide his research to the board at the next meeting.
- The board agreed to discuss in more detail at the next meeting the proposal regarding the definition for the laws and rules category of board approved continuing education.

- Mr. Sasso will provide the board will some draft language at the next meeting requiring continuing education providers to supply with their continuing education course applications detailed course outlines and educational materials.
- Ms. Barineau will include information in the upcoming board newsletter reminding licensees that it is the responsibility of building departments to enforce the Florida Building Code, which includes the enforcement of the electrical requirement. She will also include this information in the next board newsletter and ask that the Electrical Contractors Licensing Board and the Construction Industry Licensing Board also include this same notice to their licensees in their upcoming newsletters.
- Board staff will send a copy of the March 27, 2006, letter from the Department of Management Services.
- Ms. Barineau will get back with the board members as to who will participate in the BOAF panel discussion on June 7, 2006.
- Ms. Barineau will provide the board members with a status on the incorporation of the revised Affidavit of Work Experience into the application package at the next meeting.
- Ms. Barineau will check to see if any unlicensed activity campaigns are being formulated for the 2006-2007 fiscal years and provide her findings at the next meeting.
- The board asked Ms. Barineau to relay to the department the need for training of city attorneys and building officials on unlicensed activity and other building code licensee issues. Mr. Nagin would be interested in being contacted for assistance with these programs.
- Mr. von Kampen will mail ICC's roofing inspector examination proposal to Ms. Barineau for the department's review, and he will be prepared to discuss the proposal at the next board meeting.
- Mr. Sasso will compose his ideas regarding provisional electrical applicants having specific or predominant electrical experience and provide his ideas to the board at the next meeting for discussion. Additionally, he was asked to compose his specific experience ideas for all provisional categories of licensures.

Robyn Barineau
Executive Director
May 11, 2006