

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, April 22, 2008, through Friday, April 25, 2008
Meeting Location: Hyatt Regency Miami
400 SE Second Avenue
Miami, Florida 33131

Attendees:

Bob McCormick, Chair
Nick Sasso, Vice Chair
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

Michael Green, Unlicensed Activity Administrator, Division of Regulation, Department of Business and Professional Regulation

Ann Cocheu, Assistant Attorney General, Department of Legal Affairs

Doug Harvey, Building Officials Association of Florida (BOAF)

Jane Waddell, Contractors Institute

Doug Sucik, International Code Council

Fernando Subirat, Court Reporter

Other Interested Parties

II. Major Issues/Actions

- The board excused the absences of Mr. Bob Kymalainen and Mr. Fred Dudley from the entire board meeting.
- The Application Review Committee approved 106 applications for licensure, denied 103 applications for licensure, ratified an additional 72 applications. The board conducted informal hearings for licensure matters, upheld 13 previously denied applications and approved nine previously denied applications. The board upheld the previous denial of BT Builders' continuing education course. The Examination and Continuing Education Committee approved 31 continuing education course applications, denied four continuing education course applications, and tabled one continuing education course application until the June meeting.
- The board conducted another rule development workshop to receive additional information relating to the training academy created by SB404 in 2007. Chair Bob McCormick reminded the board that the purpose of the legislation was an alternative

method for qualifying for licensure. Chair McCormick also reminded the board that former discussions resulted in the following minimum hours for each category of licensure and that the board would have the ultimate authority for approving each training academy course:

- 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

Vice Chair Nick Sasso interjected that one category of licensure is no more important than another and that all training hours should be equal. After more discussion, the board agreed to the following minimum hours for each category of licensure and asked Ms. Ann Cocheu, Assistant Attorney General, to proceed with filing this language:

61G19-7.0015 – Board Approved Comprehensive Initial Training Program as Alternative Eligibility Requirements for Examination for Building Code Inspector or Plans Examiner Certification

(1) Applicants seeking initial inspector or plans examiner certification having a minimum of three years verifiable experience in construction, as defined in Rule 61G19-1.009(8), Florida Administrative Code, shall satisfactorily complete a comprehensive initial training program comprised of a 120 hour core curriculum common to all categories and not less than the following number of hours in the certification category sought:

- a. Building – 450 hours
- b. Electrical – 400 hours
- c. Plumbing – 270 hours
- d. Mechanical – 270 hours

- Mr. Doug Harvey, Building Officials Association of Florida (BOAF), indicated that BOAF will file a challenge to this rule if the language requires three years verifiable experience in construction rather than a minimum of two years.
- Mr. Michael Green, Unlicensed Activity Administrator, gave a presentation of all the action the department has taken to combat unlicensed activity including stings, sweeps, public service announcements, and professional brochures. He asked the board for any suggestions they may have regarding the unlicensed activity campaign for the 2008-2009 fiscal year. Vice Chair Sasso asked that all members be provided with a directory of all the regional investigative offices and contact information.
- The Prosecuting Attorney's Report reflected 23 building code cases in the Legal Section as of April 1, 2008.
- Ms. Cocheu informed the board that the Joint Administrative Procedures Committee (JAPC) objected to the proposed amendment to Rule 61G19-9.001, Florida Administrative Code, Continuing Education for Biennial Renewal. Specifically, JAPC indicated that the language "other ethical principles" was vague. After some discussion, the board agreed to the following language and asked Ms. Cocheu to file a Notice of Change:

61G19-9.001 – Continuing Education for Biennial Renewal

(4) "Laws and Rules" as used in subsection (1) above means the study and examination of the related subject matter as is exemplified and contained within Chapters 320, 468, 553, 471, 481, 489 (as it relates to licensure and scope of practice), and 713 (as it relates to permitting), F.S., and their associated rules in the Florida Administrative Code (F.A.C.) as listed in the Board's Candidate Information

Bulletin (CIB) online. “Ethics” as used in subsection (1) above means the study and examination of the subject matter contained in Chapter 112, Part III, F.S., and other ethical principles enumerated in Chapter 468, Part XII, F.S.

- 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 whether or not a rule is necessary to define good moral character for applicants applying for licensure. Mr. Rob Nagin indicated that Chapter 553, Florida Statutes, contains a good definition of good moral character as does the Board of Nursing’s practice act. The board asked Ms. Cocheu to further research this matter and bring back her findings at the next meeting.
- Vice Chair Sasso suggested the board further define qualifying education for licensure as is currently contained in Rule 61G19-6.0035, Florida Administrative Code, Application for Provisional and/or Standard Certification. The board will discuss this rule at the next meeting.
- Chair McCormick indicated that he traveled to Tallahassee, and he and Ms. Robyn Barineau, Executive Director, met with the Executive Directors of the Construction Industry Licensing Board (CILB), the Electrical Contractors’ Licensing Board (ECLB), and the Board of Architecture and Interior Design (BOAID) to discuss continuing education reciprocity with the Building Code Administrators and Inspectors Board (BCAIB). Also in attendance were Director Tim Vaccaro, Division of Professions, and other members of the department’s Bureau of Education and Testing (BET). BET confirmed that all CILB, ECLB and BOAID licensees who complete BCAIB continuing education courses are receiving general education toward their CILB, ECLB and BOAID license renewals. He indicated that there appears to be no reason to pursue any further the continuing education reciprocity issue as all are receiving proper credit. Mr. Nagin again asked about the universal continuing education application and its status. Ms. Barineau informed the board that this is still a work-in-progress, and she will get back to them with further updates.
- Chair McCormick informed the board that while in Tallahassee, he also met with Mr. George Ayrish, Chief, Bureau of Central Intake and Licensure, and his staff. They generally addressed the applications processed by the department, and he felt it was a productive meeting.
- Chair McCormick also mentioned his meeting with Interim Secretary Chuck Drago while he was in Tallahassee, and he was appreciative of the opportunity to meet the new secretary.
- Mr. Nagin gave an overview of all the building code-related bills which have already been filed for consideration during the 2008 legislative session.
- Ms. Barineau informed the board that as of December 31, 2007, their operating account balance was \$970,194 and their unlicensed activity account balance was \$194,830.
- Ms. Barineau asked that all board members submit their travel reimbursement vouchers as soon as possible as the end of the fiscal year is fast approaching.

- Mr. Doug Sucik, International Code Council, informed the board that more and more building code applicants are taking technical examinations via computer-based testing. He added that pencil and paper examinations continued to be offered four times annually. He indicated that the roofing examinations were launched in March 2008 by pencil and paper administration and will be available by computer-based testing on May 1, 2008. The new modular inspector and plans examiner examination forms will be launched after a May 2008 quality control check with individuals from the Department of Community Affairs, and these examinations will only be offered by pencil and paper administration because of the small volume of examination requests.
- Mr. Peter Zara addressed the board regarding continuing education requirements for roofing inspectors. He added that the continuing education requirement that licensees complete an accessibility course each biennium was not a helpful course. Chair McCormick advised Mr. Zara that to remove the requirement for completion of an accessibility course during a biennium would take a statutory change.
- The board took no action on the request from Mr. Albert S. Hargis to extend the expiration of his provisional electrical inspector's license.
- The next board meeting will be conducted in Naples, Florida, from Tuesday, June 10, through Friday, June 13, 2008.

III. Legislation/Rule Promulgation

- Ms. Cocheu will move forward with filing the draft language for the training academy rules.
- Ms. Cocheu will proceed with filing the Notice of Change to Rule 61G19-9.001, F.A.C.

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.
- Mr. Green will provide Ms. Barineau with a regional investigative office list to send to all members.
- Ms. Cocheu will research the definitions of good moral character contained in other statutes and bring her findings back to the board for their review and discussion at the next meeting.
- The board will discuss qualifying experience for licensure as currently contained in Rule 61G19-6.0035, Florida Administrative Code, at the next meeting.
- Ms. Barineau will provide the board with an update on the universal continuing education application.

Robyn Barineau
Executive Director
May 7, 2008