

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, June 6, 2006, through Friday, June 9, 2006

Meeting Location: Casa Monica Hotel
95 Cordova Street
St. Augustine, Florida 32084

Attendees:

Bob Kymalainen, Chair
Bob McCormick, Vice Chair
Fred Dudley
Dennis Franklin
Margaret Pass
Nick Sasso
Chuck Sheridan

Simone Marstiller, Secretary, Department of Business and Professional Regulation (DBPR)

Dennis Yecke, Deputy Secretary of Professional Regulation, DBPR

John McBride, Director, Office of Legislative Affairs, DBPR

Tim Vaccaro, Director, Division of Professions, DBPR

Robyn Barineau, Executive Director, DBPR

Elise Rice, Government Analyst, DBPR

Jessica Leigh, Assistant General Counsel, DBPR

Jeffrey Jones, Assistant Attorney General, Department of Legal Affairs (DLA)

Don Fuchs, Building Officials Association of Florida

John O'Connor, Building Officials Association of Florida

Elizabeth Masters, Court Reporter

Rob von Kampen, International Code Council

Other Interested Parties

II. Major Issues/Actions

- Chair Bob Kymalainen welcomed and thanked Secretary Simone Marstiller, Deputy Secretary Dennis Yecke, Director of Legislative Affairs John McBride, and Director of Professions Tim Vaccaro for attending the board meeting and for their interest in the business of the board.
- The board approved the absences of Mr. Rob Nagin and Mr. John Upchurch from the board meeting.

- Ms. Jessica Leigh, Assistant General Counsel, indicated that there are currently 20 building code cases in the Legal Section.
- Ms. Leigh again solicited the board's assistance with locating expert witnesses and asked that should any member know of a licensee interested in serving as an expert, they should contact her for additional information.
- Mr. Jeffrey Jones, Assistant Attorney General, informed the board that pursuant to their request, he researched the reference to Rule 61G19-9.008, Florida Administrative Code, currently contained in Rule 61G19-9.004, Florida Administrative Code, and found that Rule 61G19-9.008, Florida Administrative Code, was repealed in 2000. Mr. Jones provided the board with an amendment to Rule 61G19-9.004, Florida Administrative Code, removing the repealed rule reference.
- Mr. Jones, pursuant to the board's request, provided the board with an amendment to Rule 61G19-9.004, Florida Administrative Code, which reduces 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 further discuss amending Rule 61G19-9.004, Florida Administrative Code. As a means of quality control, the board would like to amend the current rule which requires prior board approval for members to audit continuing education courses.
- The board agreed to amend Rule 61G19-9.001(4), Florida Administrative Code, as follows: “Laws and Rules” as used in (1) above means the study and examination of the related subject matter as is exemplified and contained within Chapters 112, 320, 468, 471, 481, 489, 553 (as they relate to licensure and scope of practice) and 713 (as it relates to permitting), Florida Statutes, and their associated Rules in the Florida Administrative Code (F.A.C.) as listed in the Board's Candidate Information Booklet (CIB) online.”
- Mr. Nick Sasso provided suggested amendments to Rule 61G19-6.012, Florida Administrative Code, relating to requirements for provisional certificates. After discussion, the board agreed to further discuss the suggested rule amendments and asked Mr. Jones to research the possibility of only allowing applicants who are employed by rural counties or cities within a rural county to apply for provisional certificates.
- In an effort to streamline the application process, the board asked Mr. Jones to research the possibility of allowing individuals who hold provisional certificates to only be required to complete a simple application and not have to provide all the required documentation provided with their provisional applications such as Affidavits of Current Employment and Work Experience, since this type of information would be duplicative. Mr. Jones will provide his research at the next board meeting and his opinion as to whether or not a statutory change would be necessary. Mr. Fred Dudley suggested the board lobby the department to include such legislation in the department's legislative package if a statutory change is necessary.
- The board discussed the Florida Board of Professional Engineer's (FBPE) condemnation of the use of aluminum structures designs manuals and Chair Bob Kymalainen's message on the board's webpage in response to the FBPE's statement. The board agreed with Chair Kymalainen's assessment that the FBPE does not have the authority to determine the requirements of the Florida Building Code or what constitutes compliance with the Florida Building Code. The board also agreed that building code professionals determine what constitutes compliance with the Florida Building Code, as adopted by the Florida Building Commission. The board further agreed that whether or not a permit is issued based upon the use of

design manuals, unless and until there is a change in the current code or law, is subject to the professional opinion of the appropriate building department professional.

- Chair Kymalainen appointed Mr. Dudley to the Rules and Legislative Committee.
- Mr. Chuck Sheridan inquired about the experience requirements which must be documented by applicants. He asked how “one year” as included in the experience requirements is defined. Mr. Jones will research this issue and report his findings at the next meeting.
- Mr. Dudley suggested the Uniform Complaint Form be available for completion online.
- Mr. Sheridan gave an overview of his attendance at the Building Code Education and Outreach Council meeting in February 2006. He added that the council again mentioned the need to have one continuing education provider and course approval application for all professions represented on the council.
- Ms. Robyn Barineau, Executive Director, reported on the number of licensees that have complied with their continuing education requirements from the renewal period ending November 30, 2005. She added that those individuals who do not complete their continuing education requirements prior to the end of the November 30, 2007, renewal period will not be allowed to renew their licenses. The board indicated that at the next meeting, they intend to discuss how those individuals who are not compliant with continuing education at the end of the next renewal period will be disciplined.
- Ms. Margaret Pass asked if there is a way for individuals holding multiple licenses to have their licenses linked together on the licensing system. Ms. Barineau will discuss this issue with the department.
- Ms. Barineau reminded all members that Financial Disclosure Forms must be filed with the Commission on Ethics on or before July 3, 2006.
- Ms. Barineau reminded all members to complete their travel reimbursement forms and submit their receipts to board staff as soon as possible as the end of the department’s fiscal year is June 30, 2006, and these travel expenses need to be paid from current year funds.
- Ms. Barineau mentioned that the department will begin an unlicensed activity public service announcement in June which will run through August. The department may launch another unlicensed activity public service announcement in the fall. Mr. Mark Reddinger, the department’s Unlicensed Activity Coordinator, would be happy to work with any of the boards on industry training issues and suggested members contact him with suggestions.
- Ms. Barineau indicated that the newly revised Affidavit of Work Experience has been incorporated into the building code application package and is available online.
- 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.
- Ms. Barineau added that she should have another newsletter completed and on the board’s website around the end of June.

- Chair Kymalainen proposed the following meeting dates and locations for 2007:
 - February 20-23, 2007 - Ocala, Florida
 - April 17-20, 2007 - Pensacola, Florida
 - June 5-8, 2007 - Orlando, Florida
 - August 21-24, 2007 - Palm Beach, Florida
 - October 23-26, 2007 - Naples, Florida
 - December 11-14, 2007 - Tallahassee, Florida
- The board discussed the information provided by the International Code Council (ICC) relating to their Examination Development Committee's (EDC) recommendations for the modular building inspector and modular building plans examiner examinations. The EDC recommended adding alternative prerequisites for these two categories of licensure, updating the examination reference materials, and amending the number of items per content area on the examinations. Mr. Rob von Kampen from ICC indicated there was a suggestion that the examinations be revised as it had been many years since the examinations were last updated. The board agreed to the EDC's recommendations to update the examination reference materials but amended their use of the 2002 National Electrical Code to include the 2005 National Electrical Code. The board approved the EDC's proposed rule language to modify the modular building inspector and modular plans examiner prerequisites and asked Mr. Jones to draft a rule outlining the prerequisites for discussion at the next meeting. The board approved the EDC's suggestions for modifications to the modular building inspector and modular plans examiner examination items. Ms. Pass asked suggested extending an invitation to Mr. Michael Ashworth of the Department of Community Affairs to attend the next meeting to address any questions the board may have related to modular buildings.
- The board discussed the proposal provided by ICC relating to an examination for roofing inspectors. Mr. Bob McCormick reminded the board that this proposal was a suggested alternative to the current rule requirements for licensure as a roofing inspector, the current requirements being that an applicant hold a certified general contractor or roofing contract license prior to 1973. Mr. von Kampen indicated a need for subject matter experts to develop the roofing inspector examination. The board agreed to discuss a proposed rule at the next meeting which would incorporate language for a roofing examination and years of hands-on experience as an alternative means of licensure as a roofing inspector.
- The board discussed some concerns raised with testing on the International Building Code and not the Florida Building Code and inquired if the examinations could be modified to incorporate the Florida Building Code only. Additional discussion included the need for applicants to have access to a set of the International Code books for studying and utilization during the technical examinations, these books being a large expense to the applicant. Mr. von Kampen suggested that ICC could possibly provide these books at all examination sites. Mr. Dudley suggested that ICC provide the International Building Code books online. Ms. Pass expressed her concern with changing the technical examinations to only include information relating to the Florida Building Code. She added that 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. Mr. McCormick interjected his thought that endorsement applicants may be hindered as they would have probably taken technical examinations based on the International Building Code and not the Florida

Building Code. Mr. Don Fuchs, Building Officials Association of Florida (BOAF), added that the cost to develop a Florida-only technical examination should be considered. Mr. von Kampen indicated that the creation of Florida-only technical examinations would be costly and would take a long time to develop. Mr. von Kampen will provide the board with a feasibility study for the development of Florida only technical examinations at the next board meeting.

- Mr. Dudley suggested that limited licensees should be encouraged to apply for standard licensure so they are able to perform work in more than one jurisdiction.
- Mr. John O'Connor, BOAF, suggested the continued dialogue between BOAF and the board relating to the proposed training program in lieu of the current years of hands-on experience requirements. Ms. Pass asked that BOAF keep the board advised of developments as they occur with the proposed training program. Mr. McCormick suggested BOAF look at the Ohio training program as a guide for Florida training program development. The board agreed to conduct another workshop in conjunction with the October board meeting for further discussion of this initiative.
- The board will conduct its next meeting in Coral Gables, on August 1-4, 2006.

III. Legislation/Rule Promulgation

- Mr. Jones will proceed with rule development to amend Rule 61G19-9.001(4), Florida Administrative Code, to read as follows: “Laws and Rules” as used in (1) above means the study and examination of the related subject matter as is exemplified and contained within Chapters 112, 320, 468, 471, 481, 489, 553 (as they relate to licensure and scope of practice) and 713 (as it relates to permitting), Florida Statutes, and their associated Rules in the Florida Administrative Code (F.A.C.) as listed in the Board's Candidate Information Booklet (CIB) online.”
- Mr. Jones will research and draft a proposed rule for discussion at the next board meeting relating to military spousal renewal exemptions.
- Mr. Jones will draft a proposed rule for discussion at the next meeting relating to the prerequisites for modular building inspectors and modular plans examiners.

IV. Action Required

- Mr. Jones will prepare final orders and forward to board staff for filing with the Agency Clerk.
- The board will further discuss Rule 61G19-9.004, Florida Administrative Code, at the next meeting to clarify the board's ability to audit continuing education courses as a quality control measure.
- Mr. Jones will research the possibility of only allowing individuals who are employed by a rural county or city within a county to apply for provisional certificates and provide his research at the next board meeting.
- Mr. Jones will research and draft a proposed rule for discussion at the next board meeting relating to military spousal renewal exemptions.
- Mr. Jones will research the possibility of utilizing materials contained in a provisional licensee's application file for purposes of applying for a standard license in the same category and provide his findings at the next board including whether or not a statutory change would be necessary.

- Mr. Jones will research what constitutes “one year” as included in the experience requirements and include his findings at the next meeting.
- Board staff will include in agendas the list of applications reviewed by the Application Review Committee from the preceding board meeting.
- The board will discuss how licensees who do not complete their continuing education requirements for the renewal cycle ending November 30, 2007, will be disciplined at the next meeting.
- Ms. Barineau will research if there is the availability of linking individual licenses together in the licensing system.
- Mr. von Kampen will email to Ms. Barineau for dissemination to the members the EDC’s logic in the reduction of the number of plumbing items for the modular inspector and modular plans examiner examinations.
- Ms. Barineau will extend an invitation to Mr. Michael Ashworth to attend the August board meeting.
- The board will discuss, at the next meeting, Mr. Jones’ proposed amendment to Rule 61G19-6.016, Florida Administrative Code, relating to requirements for roofing inspectors.
- Mr. von Kampen will provide the board with a feasibility study for the development of Florida only technical examinations at the next board meeting.

Robyn Barineau
Executive Director
June 23, 2006