

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, June 5, 2007, through Friday, June 8, 2007
Meeting Location: Caribe Royale Orlando
8101 World Center Drive
Orlando, Florida 32821

Attendees:

Nick Sasso, Vice Chair
Fred Dudley
Dennis Franklin
Bob Kymalainen
Rob Nagin

Robyn Barineau, Executive Director, Department of Business and Professional Regulation
Elise Rice, Government Analyst, Department of Business and Professional Regulation
Eric Hurst, 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
Bill Dumbaugh, South Florida Building Officials Association
Rob von Kampen, International Code Council
Sharon Mignardi, Cutstone Learning, LLC
Chery Mason, Court Reporter
Other Interested Parties

II. Major Issues/Actions

- The board, the Executive Director, the Government Analyst, and the Assistant Attorney General served on a panel at the annual conference of the Building Officials Association of Florida (BOAF) answering questions posed by the attendees.
- The Application Review Committee reviewed 184 applications for licensure and the board ratified an additional 59 applications. The Examination and Continuing Education Committee approved 28 continuing education course applications and denied 5 continuing education course applications.
- The board denied the request of Mr. Joseph Thimm to be issued a Building Code Administrator license without examination.
- The board approved the request of Mr. James R. Rogers to extend his Provisional Mechanical Inspector license for one additional year.

- Ms. Eric Hurst, Assistant General Counsel, reviewed the Prosecuting Attorney's Status Report and reported that there were 30 building code cases in the legal section as of May 14, 2007. Ms. Barineau also mentioned that per the board's request at their April meeting included in the agenda were copies of letters referring cases to the State Attorney's Office.
- Through Mr. Hurst, Ms. Jessica Leigh, Assistant General Counsel, requested a 90-day extension to proceed with processing case number 2006.067660. The board agreed to a 90-day extension but asked that Ms. Leigh provide the reason for the extension at the next board meeting.
- The board asked that Ms. Leigh advise them at the next meeting as to why case number 20026.050616 against Mr. Thomas E. Ratner has been awaiting outside action since January 18, 2007.
- Mr. Rob Nagin indicated that he did not have a complete legislative report to provide to the board, but he informed the board that SB 404 had not yet been presented to Governor Crist for consideration. He added that he will send a report to the Building Officials Association of Florida of all legislation relating to the building code industry for placement on their website. Mr. Fred Dudley mentioned the legislation included in SB 404 relating to criminal history records checks for applicants for licensure under the Construction Industry Licensing Board (CILB). The board agreed to pursue legislation during the 2008 legislative session to require criminal history records checks for building code licenses, paralleling the language for CILB applicants included in SB 404.
- The board asked Mr. Jeffrey Jones, Assistant Attorney General, to research and determine the value of defining "good moral character" in their practice act. The board also asked Mr. Jones to contact Ms. Leigh for her comments on this issue and report his research at the next board meeting.
- As previously requested by the board, Mr. Jones conducted research and reported that provisional licenses changed from two-year expirations to three-year expirations on July 1, 2000.
- The board approved a proposed rule amendment, suggested by Vice Chair Nick Sasso, to clarify Rule 61G19-6.017(2)(a), (b), (e) and (f), Florida Administrative Code, as follows:
 "61G19-6.017 One and Two Family Dwelling Inspector Certification.
 (a) Five years' experience as a registered or certified state general, building, or residential contractor in a ~~managerial~~ or supervisory capacity that included operational control and direction of building, mechanical, electrical, and plumbing personnel or subcontractors on residential projects; or
 (b) Five years' experience as a job superintendent or project manager in a ~~managerial~~ or supervisory capacity that included operational control and direction of building, mechanical, electrical, and plumbing personnel or subcontractors on residential projects; or
 (e) A combination of postsecondary education in the field of construction or a related field and experience in the category sought which totals four years, with at least one year of such total being experience in the category sought in construction, building code inspection, or plans review; or
 (f) A combination of technical education in the field of construction or a related field and experience in the category sought which totals four years, with at least one year of such total being experience in the category sought in construction, building code inspection, or plans review; or...."

- Based on the recent decision in Harden vs. Department of Business and Professional Regulation, the board previously discussed the necessity to develop a rule to codify the application review committee structure. Mr. Jones reported that the case is still in the appellate briefing stage at the First District Court of Appeals. He suggested the board hold off on the development of such a rule pending the outcome of the appeal.
- Based on comments made during the BOAF panel discussion, the board agreed to revisit a previously suggested rule proposal establishing minimum experience requirements for standard inspectors at the next board meeting.
- The board asked Mr. Jones to compare and contrast their Rule 61G19-9, Florida Administrative Code, relating to continuing education providers to the Construction Industry Licensing Board's continuing education provider Rule 61G4-18.007, Florida Administrative Code, for review and discussion at the next board meeting.
- Mr. Jones provided the board with a draft response to the declaratory statement submitted by Mr. Bill Dumbaugh relating to the delegation of inspections by architects and engineers to their representatives who are not licensed architects, engineers or building inspectors. His response, based on the board's discussion at the April board meeting, indicated that only architects, engineers, or building code licensees can perform code compliance inspections.
- The board agreed that should SB 404 relating to the building code training academy become law, a workshop to develop rules to implement this legislation will be conducted in conjunction with the Rules and Legislative Committee meeting at the August 2007 board meeting. BOAF representatives indicated that they will work with Mr. Jones to provide a draft of proposed rules for the workshop.
- Ms. Barineau again reminded the board of the continuing education compliance initiative which will impact licensees who have not completed their continuing education for the current biennium and who attempt to renew their licenses on or before November 30, 2007. She added that whenever an individual submits payment for their renewal but the department has not been provided with proof of completion of their continuing education, the licensee will be mailed a letter in-lieu-of license which will acknowledge their payment but will indicate that their renewed license cannot be issued until proof of required continuing education is received. Ms. Barineau also mentioned that the department mailed a mid-cycle letter to licensees advising them of continuing education deficiencies a few days prior to the board meeting.
- Ms. Barineau reminded all board members to file their Financial Disclosure forms with the Commission on Ethics by July 1, 2007, or they could face financial penalties for each day their forms are not received by the Commission. She also asked that all board members complete their reimbursements for travel and submit them to her office as soon as possible so that all travel reimbursements can be paid out of current year funds.
- Mr. Michael Green, Unlicensed Activity Administrator, Division of Regulation, addressed the board on the department's activities to combat unlicensed activity. Mr. Green added that there have been multiple sweeps and stings to address unlicensed activity and positive press has been received regarding numerous arrests made in conjunction with the stings and sweeps. He mentioned a public service announcement partnership with Mr. Bob Vila relating to unlicensed contracting in Florida which will run on television stations from June 1 through June 30, 2007. Mr. Green added that other unlicensed activity public service announcements are also being created. Mr. Dudley suggested that the Bob Vila public service announcement

be placed on the department's website so that any building department can utilize the announcement for viewing in their permitting offices. Mr. Nagin asked Mr. Green to provide him with a copy of the Bob Vila public service announcement.

- Mr. Green will work 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, and provide a draft to the board for their review at a future meeting.
- 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 he has been given the final approval to proceed with the roofing technical examinations, and the Examination Development Committee will meet in July 2007 to begin work on the roofing examination. Dr. von Kampen mentioned that the modular technical examinations should be ready after one more meeting of the Examination Development Committee.

III. Legislation/Rule Promulgation

- The board agreed to pursue legislation during the 2008 legislative session to require criminal history records checks for building code licenses, paralleling the language for CILB applicants included in SB 404.
- Mr. Jones will move forward with rulemaking for Rule 61G19-6.017, Florida Administrative Code.
- The board agreed to revisit a previously suggested rule proposal establishing minimum experience requirements for standard inspectors at the next board meeting.
- Mr. Jones will compare and contrast the board's Rule 61G19-9, Florida Administrative Code, relating to continuing education providers to the Construction Industry Licensing Board's continuing education provider Rule 61G4-18.007, Florida Administrative Code, for review and discussion at the next board meeting.

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.
- At the next board meeting, Ms. Leigh will provide the reason for her request for a 90-day extension to complete the processing of case number 2006.067660.
- The board asked that Ms. Leigh advise them at the next meeting as to why case number 20026.050616 against Mr. Thomas E. Ratner has been awaiting outside action since January 18, 2007.
- Mr. Jones will research and determine if there is a need to define "good moral character" in the board's practice act. He will consult with Ms. Leigh on this issue and report his findings at the next board meeting.
- Mr. Jones will keep the board informed of the progress of the appeal of the Harden case.
- Mr. Jones will proceed with filing the response to Mr. Bill Dumbaugh's request for a declaratory statement which indicates that only architects, engineers, or building code licensees can perform code compliance inspections.

- BOAF will work with Mr. Jones to draft rules for dissemination and discussion during the workshop being conducted in conjunction with the board's August board meeting.
- Mr. Green will determine whether or not the Bob Vila public service announcement can be placed on the department's website so that any building department could utilize the announcement for viewing in their permitting offices.
- Mr. Green will provide Mr. Nagin with a copy of the Bob Vila public service announcement.

Robyn Barineau
Executive Director
June 19, 2007