

## **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, August 21, 2007, through Friday, August 24, 2007

Meeting Location: The Four Seasons Resort Palm Beach  
2800 South Ocean Boulevard  
Palm Beach, Florida 33480

#### Attendees:

Nick Sasso, Vice Chair  
Dennis Franklin  
Bob Kymalainen  
Bob McCormick  
Rob Nagin

Robyn Barineau, Executive Director, Department of Business and Professional Regulation

Elise Rice, Government Analyst, Department of Business and Professional Regulation

Charles Tunnickliff, 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

Bob Boyer, Building Officials Association of Florida

John O'Conner, Building Officials Association of Florida

Jim Lewis, International Code Council

Karen Johnson, International Code Council

Annie Martinez, International Code Council

Sharon Mignardi, Cutstone Learning, LLC

Rhonda Koning, Contractor's Institute

Jessica Finkelstein, Court Reporter

David Hodges, Fine Tooth Comb Investigations, Inc.

Other Interested Parties

## II. Major Issues/Actions

- The Application Review Committee consisting of Vice Chair Nick Sasso, Mr. Bob McCormick, and Mr. Bob Kymalainen conducted an informal application educational session at the beginning of the Application Review Committee meeting. There were over 30 individuals in attendance. Handouts of applications completed by actual applicants showing common mistakes were provided to the attendees. The attendees were given an opportunity to ask questions regarding the application process and qualifications for licensure. The attendees were grateful for the opportunity to participate in the educational session and indicated that they received helpful information relating to the application process.
- The Application Review Committee reviewed 281 applications for licensure and the board ratified an additional 116 applications. The Application Review Committee participated in informal hearings for licensure matters and upheld 43 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.
- Mr. Charles Tunnichiff, 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 August 20, 2007. Per the board's request, Mr. Tunnichiff reported that the legal section requested a 90-day extension to proceed with processing case number 2006.067660 at the previous meeting because an expert review was necessary to perfect the case. He also reported that case number 20026.050616 against Mr. Thomas E. Ratner has been awaiting outside action since January 18, 2007, because of a criminal prosecution and that an Administrative Complaint has now been filed in this case.
- Mr. Rob Nagin mentioned several building code related bills that passed during the 2007 Legislative Session and gave a brief overview on each bill. The bills mentioned were SB404, SB1822, SB2234, SB2836, HB1285, and HB7057.
- The board previously asked Mr. Jeffrey Jones, Assistant Attorney General, to research and determine the value of defining "good moral character" in their practice act. After discussion, the board agreed not to pursue legislation to further define "good moral character", and they also agreed to forego the pursuit of legislation to require criminal history records checks for building code licenses.
- The board previously 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. Mr. McCormick suggested that before changes are made relative to this rule, a rules workshop should be conducted to invite all course providers to participate. He also indicated that most building code licensees

take courses approved by the Building Code Administrators and Inspectors Board.

- 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 recent BOAF panel discussion, the board revisited a previously suggested rule proposal establishing minimum experience requirements for standard inspectors. Previously developed language was included in the agenda for discussion purposes. The board agreed to conduct a rule development workshop at the next board meeting to discuss this proposal.
- The board conducted a workshop to develop rules to implement SB404. Specifically, the board discussed the newly established building code training academy. Representatives from the Building Officials Association of Florida (BOAF) were present and had previously submitted a draft proposal relating to the building code training academy for the board's review and consideration. Discussion ensued relative to the number of comprehensive training hours required for each of the licensure categories. The board agreed that additional review and consideration of the materials provided by BOAF was necessary. All members should provide additional comments to Robyn Barineau, Executive Director, by November 1, so that she can forward the comments to the BOAF for compilation and discussion at another rule development workshop in conjunction with the December 2007 board meeting.
- The board discussed the new requirement mandated by SB404 that a minimum of three of the required 14 continuing education hours must be on state law, rules, and ethics relating to the professional standards of practice, duties, and responsibilities of certificateholders. The board asked Mr. Jones to draft rule language for discussion at the next board meeting.
- The board discussed the email from Mr. Kenny Everett relating to roofing inspectors. The board asked staff to contact Mr. Everett by telephone informing him of the allowance for individuals who do not hold a qualifying roofing contractor's license but who have qualifying roofing experience to apply for a provisional building inspector's license, limited to roofing only for a single jurisdiction.
- The board approved the request of Mr. David G. Hill to extend his Provisional Mechanical Inspector license for one additional year.
- The board denied the request of Mr. Glenn B. Pereno to extend his Provisional Building Code Administrator's license.
- The board denied the request from Mr. David Hodges for a declaratory statement regarding Chapter 468.609(7), Florida Statutes, as he does not have standing to ask for a declaratory statement because he is not a licensee

of the Building Code Administrators and Inspectors Board and the matter does not affect him personally.

- The board agreed not to set specific time parameters for “newly hired or promoted” individuals in regard to licensing provisional employees.
- The board asked Ms. Barineau to include language on the board’s webpage relating to required permits for swimming pools. She added that she would run the language past the Executive Directors of the Construction Industry Licensing Board and the Electrical Contractors Licensing Board for their review and thoughts before posting.
- Vice Chair Sasso welcomed Mr. Richard Gathright and Ms. Joan Overton to the Building Code Administrators and Inspectors Board. He also excused their absences from the meeting.
- Mr. Jones informed the board that the Fifth District Court of Appeals rendered an opinion in the Glenn Brown case affirming the board’s previous decision.
- Ms. Barineau reported that the board’s operating account balance as of March 31, 2007, was \$3.2 million, and the balance in their unlicensed activity account as of March 31, 2007, was \$139,000.
- 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.
- Ms. Barineau informed the board that Mr. Michael Green, Unlicensed Activity Administrator, continues to work on the educational pamphlets for dissemination to building departments which includes information on unlicensed activity, permitting, and other helpful information.
- Mr. Jim Lewis, 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 modular and roofing exams should be ready to launch in the next several weeks.
- The board elected Mr. Bob McCormick as Chair of the Building Code Administrators and Inspectors Board and Mr. Nick Sasso as Vice Chair of the Building Code Administrators and Inspectors Board.

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

- The board agreed to forego legislation during the 2008 legislative session to require criminal history records checks for building code licenses and to further define “good moral character.”
- The board will conduct a rule development workshop in conjunction with their next board meeting to revisit a previously suggested rule proposal establishing minimum experience requirements for standard inspectors.
- The board will conduct another rule development workshop to discuss the building code safety academy in conjunction with the December 2007 board meeting.

- Mr. Jones will notice for development and draft language for discussion at the next meeting relating to the three hour continuing education requirement on state law, rules, and ethics relating to the professional standards of practice, duties, and responsibilities of certificateholders.

#### **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.
- The board will conduct a rule development workshop at the next board meeting to discuss the establishment of minimum experience requirements for standard inspectors.
- All members should provide additional comments relating to the building code safety academy and related rules Ms. Barineau by November 1, so that she can forward the comments to the BOAF for compilation and discussion at another rule development workshop in conjunction with the December 2007 board meeting.
- Mr. Jones will notice for development and draft rules relating to the new continuing education requirement for ethics for discussion at the next board meeting.
- Board staff will contact Mr. Everett and provide him with information for a provisional building inspector application, limited to roofing only in a single jurisdiction.
- Ms. Barineau will post information on the board's website regarding permits for swimming pools and have the Executive Directors of the Construction Industry Licensing Board and the Electrical Contractors Licensing Board review the language before posting.

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Robyn Barineau  
Executive Director  
August 30, 2007