

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 12, 2008, through Friday, August 15, 2008

Meeting Location: Renaissance Tampa Hotel
International Plaza
4200 Jim Walter Boulevard
Tampa, Florida 33607

Attendees:

Bob McCormick, Chair
Nick Sasso, Vice Chair
Fred Dudley
Richard Gathright
Bob Kymalainen
Rob Nagin

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

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

Julie Rowland, Administrative Assistant, Department of Business and Professional Regulation

Ann Cocheu, Assistant Attorney General, Department of Legal Affairs

Tim Cerio, Esquire, Attorney for Lanny R. Walker

Don Fuchs, Building Officials Association of Florida (BOAF)

Jane Waddel, Contractors Institute

Sharon Mignardi, Cutstone Learning, LLC

Rob von Kampen, International Code Council (ICC)

Karen Johnson, ICC

John Faranelli

Joe Rebuck

Pete Quintela

Lanny R. Walker

Beverly Hunter, Court Reporter for Lanny R. Walker

Patricia K. Gough, Court Reporter

V. Liz Nieves, Court Reporter

Other Interested Parties

II. Major Issues/Actions

- Chair Bob McCormick excused the absence of Mr. Dennis Franklin from the meeting.
- The Application Review Committee approved 58 applications for licensure, denied 61 applications for licensure, and ratified an additional 46 applications. The board conducted informal hearings for licensure matters, upheld 24 previously denied applications, and approved nine previously denied applications.
- The Examination and Continuing Education Committee approved 74 continuing education course applications, denied six continuing education course applications, and tabled nine continuing education course applications for consideration at the October meeting.
- Regarding case numbers 2007.068204 against Mr. John Schmidt, the board assessed costs of \$325.67, and revocation of both his building inspector and building plans examiner licenses.
- Chair McCormick welcomed Ms. Libby Duffy as the board's new prosecutor.
- Ms. Ann Cocheu, Assistant Attorney General, mentioned the impact of HB7109 on all boards. She indicated that an economic impact statement will be required each time a new rule is created or an existing rule is amended.
- The board conducted a workshop to discuss energy code plans review. Several attendees suggested that new categories of licensure may be necessary to cover all energy code plans review. Adding additional licensure categories would require a statutory change. The board agreed to monitor the energy code and its requirements and take further action in the future, if necessary.
- The board discussed the declaratory statement submitted by Mr. Pete Quintela, which asked whether or not a mechanical plans examiner could examine construction plans as related to the energy code for the mechanical part of the plans and for the electrical, plumbing, and building parts of the plans. The board agreed to deny Mr. Quintela's request for a declaratory statement because Section 468.604, Florida Statutes, currently addresses his questions.
- The board agreed to forego moving forward with the requirement of category-specific continuing education for licensees.
- The board previously discussed the accountability of recordkeeping in building departments as there are currently no standards for protection of records. The board's former prosecutor had indicated that data manipulation is becoming a problem in disciplinary matters. The board asked Ms. Ann Cocheu, Assistant Attorney General, to research this matter to determine if the board can require that every inspector personally verify their inspections and if this can be done through a rule or if a statutory change would be necessary.
- Mr. Fred Dudley brought up for discussion the informal hearing process for denied applications. Ms. Cocheu explained that the notice of hearing sent out by board staff indicates that the applicant can elect to have their informal hearing before the Application Review Committee or before the full board. Ms. Cocheu will announce at each informal hearing before the Application Review Committee, should the committee's decision be to uphold the denial, that the applicant has the choice of appearing before the full board for their consideration the following day.
- Chair McCormick asked the board for their thoughts on Section 468.603(1), Florida Statutes, "One person employed by each municipal or county government as a building code administrator or building official and who is certified under this part may be authorized to perform any plan review or inspection for which a certification is required by this part," as he is concerned that a single individual may have difficulty

staying educated to perform all services if they are employed by a third party or if they provide services for more than one jurisdiction. After some discussion, the board agreed to further discuss this topic under the Rules and Legislation Committee at the October meeting.

- Chair McCormick informed the board that he met with Secretary Drago while he was in Orlando and found the Secretary to be very personable and approachable. Chair McCormick was appreciative of the opportunity to speak with Secretary Drago.
- Chair McCormick indicated that he contacted Construction Industry Licensing Board Executive Director, G.W. Harrell, regarding home inspectors, and Mr. Harrell indicated that he would contact Chair McCormick in late 2009 when work begins on the regulatory process for home inspectors and mold remediators. The board agreed that they should be involved in the development of requirements for home inspectors. Discussion also ensued as to who the governing body should be for home inspectors: the Building Code Administrators and Inspectors Board, the Construction Industry Licensing Board, or the Florida Real Estate Commission. Mr. Dudley suggested that Mr. Harrell and Mr. Tim Vaccaro, Director of the Division of Professions, should attend a future board meeting to discuss this topic. The board agreed to further discuss this topic under the Rules and Legislative Committee at the October meeting. A copy of the legislation creating the regulation of home inspectors (2007 SB2234) will be included in the October agenda.
- Ms. Robyn Barineau, Executive Director, mentioned the department's scanning /paperless initiative and that board staff will begin their transition in mid-September. Ms. Barineau mentioned that at the December meeting in Tallahassee, she is hopeful that a demonstration on the process will be provided to the board by the department's technology staff. She added that each board member will be assigned a laptop computer for their use in reviewing the agenda, and they would be required to bring the laptop with them to each meeting. Ms. Barineau mentioned that additional information will be provided at future meetings.
- 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 (CBT) at 22 Florida locations, and fewer applicants are taking the examination by paper-and-pencil administration. He indicated that the roofing examinations are now available. The new modular inspector and plans examiner examination forms will be launched in September 2008. Ms. Barineau asked the board if they would be willing to eliminate the paper-and-pencil administration. The board expressed concern that applicants would only be allowed to take the CBT examination two times every six months which is the current practice. Dr. von Kampen indicated that he would check to see if more CBT administrations could be offered and provide his findings at the next meeting.
- The board elected Mr. Bob McCormick and Mr. Nick Sasso as Chair and Vice Chair, respectively, of the Building Code Administrators and Inspectors Board.
- The next board meeting will be conducted in Ocala, Florida, from Tuesday, October 14, through Friday, October 17, 2008.

III. Legislation/Rule Promulgation

- There was no additional legislation or rule promulgation.

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.
- Ms. Cocheu will respond to Mr. Quintela's request for a declaratory statement.
- Ms. Cocheu will research building department recordkeeping requirements for discussion at the October meeting.
- The Rules and Legislative Committee will discuss building code services (Section 468.603(1), Florida Statutes) at the next meeting.
- The Rules and Legislative Committee will discuss home inspectors at the next meeting. A copy creating the regulation of home inspectors will be included in the agenda.
- Dr. von Kampen will check to see if more CBT administrations could be offered for the technical examinations and provide his findings at the next meeting.

Robyn Barineau
Executive Director
August 20, 2008