

MINUTES OF THE MEETING

BUILDING CODE ADMINISTRATORS & INSPECTORS BOARD

Double Tree Grand Key Resort
3990 South Roosevelt Boulevard
Key West, FL 33040
August 17, 18 & 19, 2005

AUGUST 17, 2005

APPLICATION REVIEW COMMITTEE – 10:00 a.m.

CALL TO ORDER

Ms. Pass called the meeting to order at 10:23 a.m.

Members Present

Margaret Pass, Chair
Charles Sheridan (arrived at 12:15)
Bob Kymalainen

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Brian M. Iler
Andrew L. Halperin
Andrew M. Johnson
Glen D. Urquhart
Robert Snowden
Mark Boice
Salvatore DiSalvo
Kenneth Everett
Rick J. Gold
Stephen P. Tetlak
David Morris
Kenneth Boudreau
Orlando Diez
Terrence Mullins
Wayne Francis
Javier Miranda
Travis Reese
Jeremy Hopland
Charlie Stegall
Gary Belle

Phil Sutherland
David Herron
Brian Duncun
Joe Agriesti
Mark Zehnal
Edgar Nazario
Nick Fierro
Tom Allen

REVIEW OF APPLICATIONS AND REQUESTS FOR HEARINGS

Kenneth D. Boudreau – Building Code Administrator

Mr. Boudreau was present at the meeting. Following discussion, the Committee recommended the application be approved.

Orlando Diez – Building Inspector

Mr. Diez was present at the meeting. Following discussion, the Committee recommended the application be approved.

Salvatore J. DiSalvo – Building Inspector

Mr. DiSalvo was present at the meeting and provided additional information for review by the Committee. Following discussion, the Committee recommended the application be approved.

Nick Fierro – Provisional Building Plans Examiner & Provisional Plumbing Plans Examiner

Mr. Fierro was present at the meeting. Following discussion, the Committee recommended the application be approved.

Ricky Gold – Electrical Inspector

Mr. Gold was present at the meeting and provided additional information for review by the Committee. Following discussion, the Committee recommended the application be approved.

Jeremy Hopland – Building Inspector

Mr. Hopland was present at the meeting and additional information had been submitted for review by the Committee. Following discussion, the application was approved.

Roger Lane – 1&2 Family Dwelling Inspector

Jeremy Hopland was present on Mr. Lane's behalf and additional information had been submitted for review by the Committee. Following discussion, the application was approved.

Javier Miranda – Building Inspector

Mr. Miranda was present at the meeting and provided additional information for review by the Committee. Following discussion, the application was approved.

Terrence T. Mullins – Provisional Mechanical Inspector & Provisional 1&2 Family Dwelling Inspector

Mr. Mullins was present at the meeting. Following discussion with the Committee, Mr. Mullins agreed to change his applications from provisional to standard. The Committee approved the applications for examinations.

Stephen Tetlak – 1&2 Family Dwelling Inspector

Mr. Tetlak was present at the meeting and provided additional information for review by the Committee. Following discussion, the Committee approved the application.

Glen D. Urquhart – Provisional 1&2 Family Dwelling Inspector

Mr. Urquhart was present at the meeting. Following discussion, Mr. Urquhart agreed to change the application from provisional to standard. The Committee approved the application for examination.

At this time, the Committee reviewed applications.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 9:00 p.m.

AUGUST 18, 2005

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mr. Sheridan called the meeting to order at 10:15 a.m.

Members Present

Charles Sheridan, Chair
Dennis Franklin
Robert Kymalainen, Vice-Chair
Robert Nagin
Margaret Pass
Nick Sasso
Bill Weber
Bob McCormick

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Jeffrey Jones, Board Counsel
Tom Allen
Joe April
Charles Tunnicliff, Prosecuting Attorney
Jessica Leigh, Prosecuting Attorney

Don Fuchs
Wayne Francis
Stephen Sheridan
Steven Clarkson, Court Reporter –Official Reporting Service, LLC

REQUEST FOR HEARING NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT

Abdul M. Cumber – Provisional Building Plans Examiner, Provisional Building Inspector & Provisional Building Code Administrator

Mr. Cumber was not present, however, information had been submitted for review by the Board.

MOTION: Mr. Weber made a motion that the Board approve the applications as submitted.

SECOND: Ms. Pass seconded the motion.

Following discussion, a vote was taken on the motion which failed with Mr. Kymalainen, Mr. Franklin, Mr. Sasso, Mr. Nagin and Mr. McCormick voting against the motion.

MOTION: Ms. Pass made a motion that the Board request that Mr. Cumber be investigated for unlicensed activity and information be forwarded to the Engineering Board for performing duties outside of the scope of his engineering license.

SECOND: Mr. Franklin seconded the motion and it passed unanimously.

Ivee Tedi Dittmer – Building Inspector

Ms. Dittmer was present at the meeting. Following discussion, the following motion was made.

MOTION: Ms. Pass made a motion that the Board approve the application for Building Inspector.

SECOND: Mr. Franklin seconded the motion and it passed unanimously.

Foster Kery Jones – Building Inspector

Mr. Jones was not present at the meeting, however, additional information had been submitted for the Board's consideration.

MOTION: Mr. Franklin made a motion that the Board approve the Building Inspector application with the additional information submitted.

SECOND: Mr. Weber seconded the motion and it passed unanimously.

Jody R. Maes – Provisional Building Plans Examiner

Mr. Maes was not present at the meeting.

MOTION: Mr. Franklin made a motion that the Board uphold the denial of the Provisional Building Plans Examiner application.

SECOND: Mr. Nagin seconded the motion and it passed unanimously.

Steven V. Myers – Provisional Mechanical Inspector

Mr. Myers was not present at the meeting.

MOTION: Mr. Franklin made a motion that the Board uphold the denial of the Provisional Mechanical Inspector application as no additional information had been submitted.

SECOND: Mr. Nagin seconded the motion and it passed unanimously.

Joe April with the City of Key West was present and welcomed everyone to Key West.

Mr. Sheridan called a recess of the Board meeting until Friday.

EXAMINATION AND CONTINUING EDUCATION COMMITTEE

CALL TO ORDER

Mr. Franklin, Chair of the Committee, called the meeting to order at 9:00 a.m.

Members Present

Dennis Franklin, Chair

Nick Sasso

Bill Weber

Others Present

Robyn Barineau, Executive Director

Elise Rice, Government Analyst

Jeffrey Jones, Board Counsel

Charles Sheridan, Board Member

Bob Kymalainen, Board Member

Margaret Pass, Board Member

Rob Nagin, Board Member

Bob McCormick, Board Member

Don Fuchs, ICC

Tom Allen

Stephen Sheridan

Mr. Sheridan informed the Committee that he was appointing Bob McCormick to this Committee.

NEW CONTINUING EDUCATION COURSES FOR REVIEW

CONTRACTORS INSTITUTE

Laws and Rules (2 hrs)

MOTION: Mr. Weber made a motion that the Committee approve the course.

SECOND: Mr. Sasso seconded the motion and it passed unanimously.

INTERNATIONAL CODE COUNCIL

Building Department Accreditation Lead Evaluators (10 hrs)

MOTION: Mr. Weber made a motion that the Committee deny the Building Department Accreditation Lead Evaluators course for lack of relevancy.

SECOND: Mr. Sasso seconded the motion and it passed unanimously.

Update to the 2006 IPC (2 hrs)

MOTION: Mr. Nagin made a motion that the Committee approve the course as submitted.

SECOND: Mr. Sheridan seconded the motion and it passed unanimously.

Deciphering Fire Walls, Fire Partitions, Fire Barriers, Party Walls and More (2 hrs)

MOTION: Mr. Nagin made a motion that the Committee approve the course as submitted.

SECOND: Mr. Sheridan seconded the motion and it passed unanimously.

Construction Code Departments and Fire Departments-Symmetry in Action (2 hrs)

MOTION: Mr. Nagin made a motion that the Committee deny the Construction Code Departments and Fire Departments-Symmetry in Action course as it is not common to Florida.

SECOND: Mr. Sasso seconded the motion and it passed unanimously.

Creating Multi-Disciplined Self Directed Work Teams (2 hrs)

MOTION: Mr. Nagin made a motion that the Committee deny the Creating Multi-Disciplined Self Directed Work Teams course as it is not common to Florida.

SECOND: Mr. Weber seconded the motion and it passed unanimously.

The New York State Code Enforcement Disaster Assistance Response Program (2 hrs)

MOTION: Mr. Sheridan made a motion that the Committee deny the New York State Code Enforcement Disaster Assistance Response Program course as it is not relevant to Florida.

SECOND: Mr. Weber seconded the motion and it passed unanimously.

New Treated Wood Preservations for Durable Wood Construction (2 hrs)

MOTION: Mr. Sheridan made a motion that the Committee approve the course as submitted.

SECOND: Mr. Nagin seconded the motion and it passed unanimously.

Sick Building Syndrome-Commercial Indoor Air Quality Issues (2 hrs)

MOTION: Mr. Nagin made a motion that the Committee approve the course as submitted.

SECOND: Mr. Sheridan seconded the motion and it passed unanimously.

Catastrophic Fires through Balanced Design and Maintenance Inspections (2 hrs)

MOTION: Mr. Nagin made a motion that the Committee deny Catastrophic Fires through Balanced Design and Maintenance Inspections course as it was not relevant.

SECOND: Ms. Pass seconded the motion and it passed unanimously.

Residential Service Installation – IRC (2 hrs)

MOTION: Mr. Nagin made a motion that the Committee approve the course as submitted.

SECOND: Mr. Sasso seconded the motion and it passed unanimously.

What Goes Wrong When It Goes Up Wrong? (2 hrs)

MOTION: Mr. Sheridan made a motion that the Committee approve the course as submitted.

SECOND: Mr. Nagin seconded the motion which passed with Mr. Franklin and Mr. Sasso voting against the motion.

A Case Study in the use of the ICC Performance Based Code (2 hrs)

MOTION: Mr. Nagin made a motion that the Committee deny A Case Study in the use of the ICC Performance Based Code course as it was not relevant.

SECOND: Mr. Weber seconded the motion and it passed unanimously.

Innovative Technologies in Structural Engineering (2 hrs)

MOTION: Mr. Nagin made a motion that the Committee approve the course as submitted.

SECOND: Mr. Sheridan seconded the motion and it passed unanimously.

HVAC Duct Construction Standards/Inspections (2 hrs)

MOTION: Mr. Nagin made a motion that the Committee approve the course as submitted.

SECOND: Mr. Weber seconded the motion and it passed unanimously.

Enhance the Code Officials Role in Disaster Preparedness, Response, Recovery, and Mitigation (2 hrs)

MOTION: Mr. Nagin made a motion that the Committee approve the course as submitted.

SECOND: Mr. Sheridan seconded the motion and it passed unanimously.

Seismic Design for Low-Rise Structures and It's Implications for Wind-Resistant Design (2 hrs)

MOTION: Mr. Sheridan made a motion that the Committee approve the course as submitted.

SECOND: Mr. Nagin seconded the motion and it passed unanimously.

Precast Prestressed Concrete Applications in Housing (2 hrs)

MOTION: Mr. Nagin made a motion that the Committee approve the course as submitted.

SECOND: Mr. Sheridan seconded the motion and it passed unanimously.

Chicago High Rise Fatal Fire Review (2 hrs)

MOTION: Mr. Sheridan made a motion that the Committee approve the course as submitted.

SECOND: Mr. Weber seconded the motion.

Following discussion, a vote was taken on the motion which failed with Ms. Pass, Mr. Nagin, Mr. Weber, Mr. McCormick, Mr. Kymalainen, Mr. Franklin and Mr. Sasso voting against the motion.

MOTION: Mr. Nagin made a motion that the Committee deny the Chicago High Rise Fatal Fire Review course.

SECOND: Mr. Weber seconded the motion which passed with Mr. Sheridan voting against the motion.

2003 IECC Residential Code Requirements and Compliance (2 hrs)

MOTION: Mr. Sheridan made a motion that the Committee approve the course as submitted.

SECOND: Mr. Franklin seconded the motion and it passed unanimously.

Managing Performances in Prevention Programs (2 hrs)

MOTION: Mr. Nagin made a motion that the Committee deny the Managing Performances in Prevention Programs course as it was not relevant.

SECOND: Mr. Sasso seconded the motion and it passed unanimously,

Streamline Your Building Department (2 hrs)

MOTION: Mr. Nagin made a motion that the Committee approve the course as submitted.

SECOND: Mr. Sasso seconded the motion and it passed unanimously.

The Neiman Marcus Incident (2 hrs)

- MOTION: Mr. Nagin made a motion that the Committee approve the course as submitted.
- SECOND: Mr. Sasso seconded the motion which passed with Mr. Franklin voting against the motion.

Up Your Stack (2 hrs)

- MOTION: Mr. Nagin made a motion that the Committee approve the course as submitted.
- SECOND: Mr. Sasso seconded the motion and it passed unanimously,

**AMERICANS WITH DISABILITIES ACT WORKING GROUP
Florida Accessibility Code for Building Construction (7 hrs)**

- MOTION: Mr. Sheridan made a motion that the Committee approve the course as submitted.
- SECOND: Mr. Sasso seconded the motion which passed with Mr. Kymalainen, Mr. Nagin and Mr. Weber voting against the motion.

Don Fuchs, ICC, provided the members with the statistics for the June 11, 2005, examination. There was discussion regarding the pass/fail rate and the qualifications of individuals taking the examinations that may not have sufficient experience to pass the examination.

Ms. Pass stated that she would like to see the pass/fail rate for those that pay the \$105 versus the \$5.

Mr. Sheridan informed Mr. Fuchs that the Committee would like to see a report for the past 12 months.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 10:07 a.m.

RULES AND LEGISLATION COMMITTEE (upon the adjournment of the Examination and Continuing Education Committee)

CALL TO ORDER

Mr. Nagin, Chair of the Committee, called the meeting to order at 10:10 a.m.

Members Present

Robert Nagin, Chair
Bob Kymalainen
Charles Sheridan

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Jeffrey Jones, Board Counsel
Dennis Franklin, Board Member
Margaret Pass, Board Member
Nick Sasso, Board Member
Bill Weber, Board Member
Bob McCormick, Board Member
Don Fuchs, ICC
Tom Allen
Stephen Sheridan

DRAFT OF RULE 61G19-X.00X, F.A.C., REQUIRED EXPERIENCE OF STANDARD INSPECTOR

Mr. Jones stated that he developed language for this rule at the last meeting; however, the Board wanted additional time to review the material.

Mr. Nagin stated that they were attempting to better define what experience is being looked for in the applications. He stated that this was not the entire list of subjects but gave some of the areas that could be required.

Mr. Jones informed the Committee that he had noticed the rule for development but had not published any language.

Mr. Sasso provided the members with a memorandum, which he read verbatim.

Mr. McCormick stated that he disagreed with Mr. Sasso. Mr. Kymalainen stated that the reason this was being developed was to help the candidates when they are applying.

Mr. Nagin added that this proposal came about because the applications would come in and the experience was not clear and the Committee is following the statutes to give a better definition of the required experience. Mr. Nagin stated that the purpose of rules was to further explain the law. Mr. Sasso stated that the Board could distribute a detailed letter rather than define qualifications in the rules.

Ms. Pass commented that she thought they were going in the right direction with this rule and there were things that should be added.

Following discussion, Mr. Sasso stated that he believed that the examination ultimately determines if someone is qualified to do inspections.

Mr. Nagin stated that all applications needed to be reviewed in the same way for consistency.

Mr. Franklin commented that this would give further direction to CIU staff as they review applications.

Ms. Pass commented that they were seeing better qualified individuals and thought that the problem could be with the reviewers of the applications. She stated that the Application Review Committee reviewed a number of applications that should have been approved.

Mr. Jones stated that a rule was for guidance and could not be greater than the statute. Mr. Jones stated that Ms. Sasso expressed concerns with the notice publications for the rules, and he stated that the correct procedures would be followed allowing anyone to request a hearing.

Mr. Nagin stated that the Committee was looking for input on the rule. Ms. Pass requested more time to review the proposal.

Mr. Sheridan suggested that perhaps there could be a workshop to work on the rules. Mr. Nagin responded the he would like to have the framework before they hold a workshop. Mr. Jones agreed that they needed to have a more refined product and then hold a workshop.

MOTION: Mr. McCormick made a motion that the Committee table rule 61G19-6.012, F.A.C., until next meeting to allow members time to review and refine the list.

SECOND: Mr. Franklin seconded the motion and it passed unanimously.

Mr. Jones stated that the requirements for provisional certificate holders to obtain continuing education had been discussed at the last meeting. Ms. Barineau informed the Committee that the Department did not track the continuing education for provisional certificates.

Ms. Pass stated that it was the building official who had the responsibility to ensure their employees met the continuing education requirements.

MOTON: Mr. Sheridan made a motion that the Committee leave the continuing education requirements as they currently are in the statute with no further action.

SECOND: Ms. Pass seconded the motion and it passed unanimously.

LETTER FROM WILLIAM HARROLD, JOINT ADMINISTRATIVE PROCEDURES COMMITTEE (JAPC), REGARDING RULE 61G19-9.004, F.A.C.

Mr. Jones stated that this continuing education rule dealt with courses that were approved by other boards. He informed the Committee that JAPC had stated that the rule is vague, but he thought they could make a correction. The bigger concern was the rule allowing courses that are approved by other boards and that is being objected to, which was not a part of the rule. Mr. Jones stated that the department had issues with the subject to review portion. Ms. Barineau reminded the Board of the additional workload of reviewing all professions courses as there would be an additional 100-200 for CILB and 75-150 for ECLB for review at every Board meeting. She stated that she met with the Bureau of Education and Testing staff on this issue and was told that manual input would be required for these entries.

Following further discussion, the following action was taken.

MOTION: Mr. Weber made a motion that the Committee withdraw the rule.
SECOND: Mr. Sheridan seconded the motion and it passed unanimously.

DISCUSSION OF CS FOR SB 1012

Ms. Barineau stated that this bill was filed last session and allows each practice act to reinstate a null and void license if the individual can show a hardship. She stated that the Board needed to decide if they wanted to implement a rule for this. No action was taken by the Board.

DISCUSSION OF SB442

Mr. Jones stated that legislation was passed that added a new violation within Chapter 468, F.S., if someone violated Chapter 553, F.S..

MOTON: Mr. Franklin made a motion that the Committee authorize Mr. Jones to develop language and bring back to the Board at the next meeting.

SECOND: Mr. Weber seconded the motion and it passed unanimously.

Don Fuchs, ICC, informed the Committee that Ila Jones with DCA, informed him that there had been a determination that the advanced training courses that come to a licensing board for review must first be submitted to a DCA approved accreditor for review before submitting it to a board.

Mr. McCormick stated that the accreditor will charge a fee to the provider to review the advanced courses.

Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Committee request Mr. Jones contact the attorney with DCA regarding the accreditation process.

SECOND: Mr. Sheridan seconded the motion and it passed unanimously.

ADJOURNMENT

There being no further business to come before the Committee at this time, the meeting was adjourned at 12:58 p.m.

AUGUST 19, 2005 9:00 A.M.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mr. Sheridan, Chair of the Board, called the meeting to order at 9:00 a.m.

Members Present

Charles Sheridan, Chair
Dennis Franklin
Robert Kymalainen, Vice-Chair
Bob McCormick
Robert Nagin
Margaret Pass
Nick Sasso
Bill Weber

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Jeffrey Jones, Board Counsel
Jessica Leigh, Prosecuting Attorney
Charles Tunnichiff, Prosecuting Attorney
Don Fuchs, ICC
Tom Allen
Stephen Sheridan

APPROVAL OF THE JUNE 8, 9 & 10, 2005 MINUTES OF THE MEETING

MOTION: Mr. Weber made a motion that the Board approve the minutes as submitted.

SECOND: Mr. Nagin seconded the motion and it passed unanimously.

MOTION FOR FINAL ORDERS

Recommended Order

Cayetano F. Alfonso, Case #2001-01926

Mr. Alfonso was not present at the meeting, however, Erin Nevis, Attorney, was present on his behalf.

Mr. Jones informed the Board of the procedures that were to be followed in this case and stated that no exceptions had been filed.

Mr. Tunncliff informed the Board that there was a recommended order from Mr. Alfonso's attorney that was not timely received and not properly filed. Mr. Jones stated that it should have been filed timely with the Hearing Officer.

Mr. Tunncliff stated that he did not have any objection to the Board considering the proposed order by the attorney.

Following discussion, Ms. Nevis asked that no action be taken against Mr. Alfonso's license and that he be found guilty of the allegations in Count Two and be issued letter of guidance.

Mr. Sheridan stated that he appreciated their efforts, but the Board could not consider the information since it was not filed timely.

MOTION: Mr. Weber made a motion that the Board adopt the findings of fact and conclusions of law and adopt the recommended order which called for an administrative fine in the amount of \$3,000, costs of \$427.29, and revocation of licensure.

SECOND: Mr. Franklin seconded the motion and it passed unanimously.

Mr. Tunncliff introduced Jessica Leigh to the Board who will be the Prosecuting Attorney for the Board.

PROSECUTING ATTORNEY'S REPORT

Mr. Tunncliff presented the report and asked for an extension of time to continue with 2 cases.

MOTION: Mr. Franklin made a motion that the Board grant an extension of 90 days on the cases as requested.

SECOND: Mr. Weber seconded the motion and it passed unanimously.

DISCUSSION REGARDING ROOFING INSPECTORS

Letter From Michael L. Goolsby

Letter From Mark A. Zehnal

Letter From Kenneth Everett

Letter From Peter L. Zara

Mark Zehnal was present at the meeting. He stated that he applied for standard roofing license which was issued in June 2004. In June 2005 he received a letter that his license was null and void and he needed to return the license. Mr. Zehnal stated that Ms. Barineau and Ms. Rice were very helpful.

Ms. Barineau brought to the Board's attention that several roofing licenses were erroneously issued .

Ms. Pass commented that after Hurricane Andrew, the number one critical area was roofs. Dade County created a separate category for roofing and those individuals do nothing but roofs.

Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Board suspend any action against the licenses that had been pulled and all those licenses be restored.

SECOND: Mr. Weber seconded the motion and it passed unanimously

MOTION: Mr. McCormick made a motion that the Board amend rule 61G19-6.016, F.A.C., to strike "All specialty licenses require a standard certification."

SECOND: Ms. Pass seconded the motion and it passed unanimously.

APPLICATION RECONSIDERATION

Steven R. Wharton – Standard Roofing Inspector

Mr. Wharton was present.

MOTION: Mr. Franklin made a motion that the Board issue the standard roofing inspector license.

SECOND: Mr. Weber seconded the motion and it passed unanimously.

David Morris from Lee County stated that he had two applicants for provisional building inspector with the indication that they are roofing inspectors only in Lee County.

MOTION: Mr. Weber made a motion that the Provisional Building Inspector licenses be issued for Morgan Highfill and Dempsey Vick with the limitation these inspectors only inspect roofs in Lee County.

SECOND: Ms. Pass seconded the motion and it passed unanimously.

LETTER FROM THOMAS GRAHAM REGARDING LICENSURE

MOTION: Mr. McCormick made a motion that Mr. Graham be sent a letter that he needs to apply for licensure in order for determination of eligibility to be made.

SECOND: Mr. Nagin seconded the motion and it passed unanimously.

REPORTS

Chair's Report – Charles Sheridan

- Wanted to let everyone know that Bob McCormick is now a member of the Board.
- The TAC is now the Building Code Education and Outreach Council and he will attend as Chair.

- Appointed Mr. McCormick to the Continuing Education Committee.
- Welcomed our new Prosecutor Jessica Leigh.
- Test passing rates are a concern. Mr. Sheridan stated that he would like to develop a QC survey to be mailed to the applicants. He stated that he would develop the survey and send it to staff to distribute to the board for review at next meeting.
- The board routinely has a large audience at board meetings; we waste a lot of time and frustrate the audience repeating ourselves as the audience has difficulty hearing us. He informed the Board that he had asked for funds to incorporate the rental cost of a public announcement (PA) system into the hotel contracts.
- Requested funds for the additional meeting the Board added. He reminded the Board that they chose to add one additional meeting per year to accommodate the application review process and other board business. He stated that they had also increased the meetings from two days to three days in order to meet the demands placed on the Board with Florida's healthy economy and building boom.
- Funds for providing a representative on the newly created Building Code Education and Outreach Council (formerly known as TAC) and an increase in the board's travel budget should reflect this representative's attendance at all council meetings
- Requested funding to send members and/or board staff to industry conferences or seminars to better educate themselves and share ideas with their counterparts as this training was necessary to best protect the citizens of Florida and insure qualified people are inspecting their homes and property.
- Requested funding for board member training, especially new board members, as well as training for board chairs and vice chairs. He stated that there are new board members as well as old members that are in need of education and training to perform our duties.
- Requested funding to increase their technology allocation to fund projects such as placing all categories of licensure on an actual licensure.
- Lastly, the board appreciates the work of its Executive Director and Government Analyst, and these two dedicated individuals treat each applicant as if they were the only one and there are thousands. The service and professionalism they provide is invaluable to the citizens of Florida. Our meetings typically run late into the evening, with our last two meetings lasting until almost midnight. They have never complained about the workload. They are the last to leave usually preparing for the next morning's agenda and are the first ones there in the morning. I am sure they maintain this work ethic while performing their normal duties, which is demonstrated by the ever-positive comments from our licensees and applicants. These two ladies have earned and deserve a raise. I encourage each of you to send an e-mail to the Secretary supporting my recommendations.

Application Committee – Margaret Pass

Ratification and Denial List

Ms. Pass reported that the Committee reviewed approximately 330 applications at the meeting.

MOTION: Ms. Pass made a motion that the Board approve the Ratification List and the actions of the Application Review Committee for the applications reviewed on August 17, 2005.

SECOND: Mr. Weber seconded the motion and it passed unanimously.

Rules and Legislation Committee – Rob Nagin

Mr. Nagin reported that the rule regarding required experience will be on the agenda for the next meeting for discussion.

Examination and Continuing Education Committee – Dennis Franklin

Mr. Franklin reported that the Committee met on August 18, 2005 and the full Board participated.

Board Counsel – Jeffrey Jones

Letter to City of Indialantic RE: Supervision of Provisional Licenses

Mr. Jones stated that he had prepared done the requested letter, but would do so at the Board's instruction.

Board Member Participation On Internet Bulletin Boards

Mr. Jones informed the Board that Internet bulletin boards are considered public records. He stated that when members participate on discussion groups, there are issues that could come before the Board, and there was not access to the public for these discussion groups.

Mr. Jones cautioned the members to be careful when dealing with issues that could come before the Board. You could have other board member interacting and that would be violation of the Sunshine Law.

Mr. Sasso commented that he participated on Internet bulletin board all the time, however, he posts a disclaimer. Mr. Jones responded that his disclaimer suggests that although he was speaking as an individual, he is still a board member.

Mr. Kymalainen stated that he was on the discussion group but did not participate because he was a board member and it would be construed that way if he responded.

Research On PCP Members Of The Board Being Utilized For Final Action If Quorum Problem Exists

Mr. Jones informed the Board that a Probable Cause Panel member cannot be used as member to make a quorum if there is a quorum problem.

Executive Director – Robyn Barineau

Ms. Barineau informed the Board that the Department had a new Secretary, Simone Marstiller. She stated that the former Secretary, Diane Carr, had gone back to private practice.

ICC Concerns

Ms. Barineau informed the Board that the e-mail sent to the Bureau of Education and Testing was provided for their information.

CE 100% Monitoring Initiative

Ms. Barineau stated that this statutorily required initiative was to ensure Continuing Education compliance. She encouraged all licensees to maintain copies of their course completion certificates.

Private Addresses

Ms. Barineau informed the Board this initiative is currently ongoing, and she hoped it would be resolved soon.

Master Application Form

Ms. Barineau informed the Board that Question #4 of the application pertaining to discipline of any kind was formerly on the application. She has asked that the master application form include the language “or otherwise disciplined.”

Categories of Licensure on Actual License

Ms. Barineau reported that she was still working on this issue and would keep the Board informed.

CORRESPONDENCE

E-Mail from David Kintner

This e-mail was provided for informational purposes only.

OLD BUSINESS

Mr. McCormick stated that he wanted to discuss the applications that were denied because of unlicensed activity. He asked why they could not grant the license and then assess a fine. Mr. McCormick stated that this would get the attention of applicants/liensees.

Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Board reopen the application from Abdul Cumber.

SECOND: Mr. Nagin seconded the motion which passed with Mr. Franklin and Mr. Sasso voting against the motion.

- MOTION:** Mr. Weber made a motion that the Board approve the provisional building code administrator application for Abdul Cumber for licensure and impose a fine in the amount of \$1500 for unlicensed activity, which must be paid before the license is issued, and require 28 hours of continuing education.
- SECOND:** Mr. McCormick seconded the motion which passed with Mr. Sasso voting against the motion.

NEW BUSINESS

The December 7, 8 & 9, 2005 Board meeting will be conducted in Tallahassee. The Board requested staff to set up a meeting for the Examination Committee to review the Principles and Practice examination. Ms. Barineau responded that she would request this from Steve Allen within the Bureau of Education and Testing.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 12:15 p.m.

ATTACHMENT

COMMENTARY BY NICK SASSO, BUILDING CODE ADMINISTRATORS AND INSPECTORS BOARD MEMBER,
ON PROPOSED RULE CREATION: "REQUIRED EXPERIENCE OF STANDARD INSPECTOR"
CHAPTER 61GXX

The Standard for Certification to be a standard inspector is now and always has been to pass the test. In order to sit for the test, the applicant must meet one of four eligibility requirements. All of the eligibility requirements are different and one of the four eligibility requirements is specific about requiring 5 years of hands-on experience. The eligibility requirements to sit for the standard inspector test in F.S. 468.609(2) are:

1. Demonstrates 5 YEARS COMBINED EXPERIENCE in the field of construction or a related field, building code inspection, or plans review corresponding to the certification category sought; -or-
2. Demonstrates a combination of postsecondary education in the field of construction or a related field AND EXPERIENCE which totals 4 YEARS, with AT LEAST ONE YEAR OF SUCH TOTAL BEING EXPERIENCE in construction, building code inspection, or plans review; -or-
3. Demonstrates a combination of technical education in the field of construction or a related field AND EXPERIENCE which totals 4 YEARS, with AT LEAST ONE YEAR OF SUCH TOTAL BEING EXPERIENCE in construction, building code inspection, or plans review; -or-
4. Currently holds a standard certificate as issued by the board and satisfactorily completes a building code inspector or plans examiner training program of not less than 200 hours in the certification category sought. The board shall establish by rule criteria for the development and implementation of the training programs.

The proposed draft dated May 9, 2005 further restricts eligibility requirement #1 contained in F.S. 468.609(2) and changes the intent of the law as written. I have formulated some examples in this commentary to help demonstrate my point.

F.S. 468.609(2)1: "Demonstrates 5 years' combined experience in the field of construction or a related field, building code inspection, or plans review corresponding to the certification category sought;"

Hypothetical Situation #1: [F.S. 468.609(2)1]

The applicant is a building inspector from Texas. In Texas he obtained 4 ½ years of building inspection experience, and prior to his building inspection experience he obtained ½ year of building construction experience. This individual meets the criteria as written in the statute and he would be allowed to sit for the exam. How does the proposed draft language clarify the intent of the statute? The proposed rule draft language does not implement or interpret the specific powers and duties granted by the enabling statute. It restricts and changes the specific powers and duties granted by the enabling statute.

Since the experience eligibility requirement by statute 468.609 (2)1 can be a combination of building construction, a field related to building construction, or building inspection, the Board should not approve the draft language:

"Experience must be in the layout, construction, alteration, and sequencing of the work processes involved in the construction of buildings or structures," nor should the Board approve the radical new language

"One year of your experience must be in commercial or residential construction of four or more stories," or the newly proposed criteria:

"Your Experience must specifically include at least six of the following structural work group items:

1. Footings
2. Piles and Pile Caps
3. Layout, Forming and Placing of Concrete Slabs of Decks;
4. Load Bearing CMU's, Brick, Poured Concrete or Precast/Prestressed Walls;
5. Truss Erection and Bracing or Conventional Rafter and Joist Framing;
6. Structural Wood or Steel Wall and Floor Joist Framing;
7. Placing, Splicing, and Tying Reinforcement Bars;
8. Structural Steel Erection;
9. Load Bearing Column or Bond Beam Erection and Form work; and
10. Roofing"

F.S. 468.609(2)1: "Demonstrates 5 years' combined experience in the field of construction or a related field, building code inspection, or plans review corresponding to the certification category sought;"

Hypothetical Situation #2: [F.S. 468.609(2)3]

The applicant has 3 years of technical education in a field that is related to building construction. Then she obtained 1-year "hands on" construction experience after that. For that 1-year, she read blueprints, dug footings, and installed rebar for the footings.

This individual meets the criteria as written in the statute and she would be allowed to sit for the exam. How does the proposed rule draft language, which requires that the experience be in at least 6 out of 10 "work group items" enhance and clarify the intent of the statute as a whole? What does this applicant need to have for her experience? Must her one-year of experience include at least 6 out of the 10 work group items? The proposed rule draft does not function in concert with the rest of the statutory eligibility requirements, leaving the other statutory eligibility requirements vague and ambiguous in intent.

Hypothetical Situation #3: [F.S. 468.609(2)1]

The applicant has 19 years experience as a carpenter. He built 1-story, wooden homes for 19 years. In all of that time he did not install footings, foundations, grade beams, piles, pile caps, load bearing concrete masonry units, brick, poured concrete or precast walls, reinforcement bars, or structural steel erection. This individual meets the criteria as written in the statute. He has the right to sit for the exam. How does the proposed draft language clarify the intent of the statute? The proposed rule does not implement or interpret the specific powers and duties granted by the enabling statute. It restricts and changes the specific powers and duties granted by the enabling statute.

In all of the above examples, it is evident how the proposed rule draft doesn't fit. In fact, the language completely changes 468 licensing as it is today. I could make similar cases on the proposed draft language for mechanical inspector, plumbing inspector, and electrical inspector, but for the sake of brevity I will not do so at this juncture. I'll just add on a personal note that some of my finest electrical inspectors have been individuals that either obtained 5 years experience only installing rough wiring, or individuals that obtained 5 years experience only performing trim-out electrical work, or individuals that obtained 5 years experience only performing electrical service calls. These competent and well-trained electrical inspectors are working today serving local government at the county level. Under the newly proposed rule, these electrical inspectors would not even qualify to sit for the test!

F.S. 468.609(2)1: "Demonstrates 5 years' combined experience in the field of construction or a related field, building code inspection, or plans review corresponding to the certification category sought;"

FLORIDA HAS BEEN DEVASTATED by four hurricanes last season and inspectors are so desperately needed. At the last BCAIB meeting, we heard from DBPR's Jerry Wilson about the need for licensees. During the BOAF conference, we heard from various building officials throughout the state about their need for more licensees and their desire to have the board streamline the entire licensing process. The intent of this suddenly proposed rule throws somewhat of a monkey wrench into the 468 licensing process. I feel that to proceed with this change would further convince building officials and state leaders that the board operates on a mindset of its own, and that it is without concern or compassion for the issues and needs of building officials and the communities that they serve.

Should the board choose to go forward with the proposed rule, I respectfully request the following:

1. Pursuant to law, that fair notice be given to all affected persons including

building officials, plans examiners, inspectors, city administrators, county administrators, and all groups and organizations representing such parties including but not limited to the Florida League of Cities. There must be ample notice given to allow affected parties the opportunity to read the draft language, formulate opinions on the draft language, and present their opinions at the BCAIB meetings.

2. That there be a series of workshops held throughout the state. Pursuant to law, the workshops must be held in various different regions of the state. Under the law, the agency must ensure that the persons responsible for preparing the proposed rule are available to explain the agency's proposal and to respond to questions or comments regarding the rule being developed. Notice of a rule development workshop shall be by publication in the Florida Administrative Weekly not less than 14 days prior to the date on which the workshop is scheduled to be held and shall indicate the subject area which will be addressed; the agency contact person; and the place, date, and time of the workshop.

3. That Asst. Attorney General Jeffrey Jones and Laws and Rules Committee Chairman Robert Nagin please keep me informed of the progress of the proposed rule draft, including forwarding copies of any further draft changes or actions, required publications, progress reports, and all other memoranda.

F.S. 468.609(2)1: "Demonstrates 5 years' combined experience in the field of construction or a related field, building code inspection, or plans review corresponding to the certification category sought;"

The issue here is a person's right under law to sit for the exam. I'm sure that we all can agree that the standard for certification has always been to take a test. The International Code Council test for commercial building inspector that DBPR uses contains questions on all of the following components: materials quality, interior coverings, footings, step footings and special foundations, piles and piers, foundation walls, floor systems, concrete slabs, wood wall systems, steel framing systems, masonry wall systems, concrete wall systems, wall reinforcement, exterior sheathing and weather resistant coverings, roof/ceiling assemblies, roof sheathing and coverings, safety glazing and glass, interior finishes and insulation, penetrations and joint systems, fireplaces and chimneys, and special and miscellaneous construction, to name a few. If the applicant passes the test, they have met the standard for certification and once the license is printed they can inspect according to a set of reviewed and approved plans.

I implore my esteemed colleagues on the Building Code Administrators and Inspectors Board to read exactly what F.S. 468.609 says. The proposed draft clearly changes the specific powers and duties granted by the enabling statute and therefore I feel that the draft is not legally sound. Thank you for the opportunity to speak on this very important issue. I submit this statement to the BCAIB with the intent that it be included in the minutes. This statement is available in electronic format.