

MINUTES OF THE MEETING

BUILDING CODE ADMINISTRATORS AND INSPECTORS BOARD

**THE BILTMORE HOTEL
1200 ANASTASIA AVENUE
CORAL GABLES, FL 33134
AUGUST, 1, 2, 3, & 4, 2006 9:00 A.M.**

AUGUST 1, 2006 9:00 A.M.

APPLICATION REVIEW COMMITTEE

CALL TO ORDER

Ms. Pass, Chair of the Committee, called the meeting to order at 9:03 a.m.

Members Present

Margaret Pass, Chair
Bob Kymalainen
Bob McCormick

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Gary Belle, City of Sarasota
Robert Fox, Village of Wellington
Anthony Maccarone, Village of Wellington
David Morris, Lee County
Gary Vitti, Lee County
Tim Rygiel, Lee County
John DeLance, Hendry County
Ken Bennett, Hendry County
Don Fuchs, BOAF
Robert Fox
Richard Miralles
Angelo DePascale

REVIEW OF APPLICATIONS

Ms. Pass stated that the Committee would review the applications for the individuals that were present at this time. She informed the Committee that there were some individuals present that had hearings scheduled for the following day, however, they would hear them today.

Gary Vitti – Building Inspector & Provisional Building Inspector

Mr. Vitti was present at the meeting along with Mr. David Morris. The Committee approved the applications.

Timothy J. Rygiel – Provisional Plumbing Inspector & Plumbing Inspector

Mr. Rygiel was present at the meeting along with Mr. David Morris. The Committee approved the applications.

John DeLance – Provisional Mechanical Plans Examiner, Provisional Building Inspector, Provisional Electrical Inspector, Provisional Mechanical Inspector, Provisional Plumbing Inspector, Provisional Building Plans Examiner, Provisional Electrical Plans Examiner & Provisional Plumbing Plans Examiner

Mr. DeLance was present at the meeting along with Mr. Ken Bennett. The Committee approved the Provisional Building Inspector and Provisional Building Plans Examiner applications. The Committee denied the remaining applications due to a lack of experience.

Richard Miralles – Building Inspector

Mr. Miralles was present at the meeting. The Committee approved the application.

Gary Belle – Plumbing Plans Examiner

Mr. Belle was present at the meeting and additional information had been submitted for the Committee's review. Mr. McCormick commented that Mr. Belle was trying to use the same experience for this license that was used for the building inspector license. Following discussion, the Committee upheld the denial.

Robert H. Fox – Provisional Building Inspector and Building Inspector

Mr. Fox was present at the meeting and provided additional information for the Committee's review. Following discussion, the Committee approved the applications.

Anthony Maccarone – 1&2 Family Dwelling Inspector

Mr. Maccarone was present at the meeting and provided additional information for the Committee's review. Following discussion, the Committee approved the application.

Angelo Depascale – Plumbing Inspector

Mr. Depascale was present at the meeting and provided additional information for the Committee's review. Mr. McCormick stated that Mr. Depascale had not demonstrated that he has the required experience. Mr. Kymalainen agreed and the Committee upheld the denial.

At this time, the Committee reviewed applications.

RECESS

There being no further business to come before the Committee at this time, the meeting was recessed at 7:00 p.m.

AUGUST 2, 2006 9:00 A.M.

APPLICATION REVIEW COMMITTEE

Call To Order

Ms. Pass, Chair of the Committee, called the meeting to order at 9:03 a.m.

Members Present

Margaret Pass, Chair
Bob Kymalainen
Bob McCormick

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Terry Brauneck
Don Fuchs, BOAF
David Morris
David Johns
Noel Minihan
Thomas L. DeGram
Greg Hustad
Kimberly Lane-Palmer
Keith McWilliams
Richard Kistner
William A. Schutt
LaVern J. Beyer
Rusty Carroll
Robert Juliano
Hector Corrales, Jr.
Raymond Mossman, Jr.
Pedro Febles
Sol Y. Moseley, Jr.
Charles E. White
George Desharonais
Karl A. Swierzko
Carlos Correa
Wayne Francis
Richard Gathright
Jerry Woodridge
Chris Shourds
Roosevelt Morris
Matthew Mills
Migdalia Castineira

Review of Applications and Requests for Hearings

Terry Brauneck – Provisional Building Plans Examiner, Provisional Building Inspector, Building Plans Examiner & Building Inspector

Mr. Brauneck was present at the meeting and provided additional information for the Committee's review. Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Committee uphold the denial of the provisional building plans examiner, provisional building inspector, building plans examiner and building inspector applications.

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

Harry W. Carroll, III – Voluntary Roofing Inspector

Mr. Carroll was present at the meeting and additional information had been provided for the Committee's review. Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Committee approve the voluntary roofing inspector application.

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

John Castineira – Building Inspector

Ms. Migdalia Castineira, Mr. John Castineira's mother, was present on his behalf and provided additional information at the meeting for the Committee's review. Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Committee uphold the denial of the building inspector application.

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

Hector Corrales, Jr. – Provisional Plumbing Inspector

Mr. Corrales was present at the meeting and provided additional information for the Committee's review. Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Committee approve the provisional plumbing inspector application.

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

Carlos F. Correa – Provisional Building Inspector

Mr. Correa was present at the meeting and provided additional information for the Committee's review. Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Committee approve the provisional building inspector application.

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

Thomas L. Degram – Provisional Building Inspector

Mr. Degram was present at the meeting and additional information had been submitted for the Committee's review.

MOTION: Mr. Kymalainen made a motion that the Committee approve the provisional building inspector application.

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

George Desharnais, Jr. – Provisional Building Code Administrator

Mr. Desharnais was present at the meeting along with Mr. Sanford Laguna, building official. Additional information was presented at the meeting for the Committee's review. Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Committee uphold the denial of the provisional building code administrator application.

SECOND: The motion died for lack of a second.

MOTION: Mr. Kymalainen made a motion that the Committee approve the provisional building code administrator application.

SECOND: Ms. Pass seconded the motion which passed with Mr. McCormick voting against the motion.

Pedro L. Febles – Electrical Inspector

Mr. Febles was present at the meeting and additional information had been submitted for the Committee's review. Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Committee approve the electrical inspector application.

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

Greg Hustad – Provisional Electrical Plans Examiner

Mr. Hustad was present at the meeting and provided additional information for the Committee's review. Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Committee approve the provisional electrical plans examiner application.

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

David Johns – Plumbing Inspector

Mr. Johns was present at the meeting and provided additional information for the Committee's review. Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Committee approve the plumbing inspector application.

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

Robert Juliano – Building Code Administrator

Mr. Juliano was present at the meeting and additional information was provided for the Committee' review. Following discussion, the following action was taken.

MOTION: Mr. Kymalainen made a motion that the Committee approve the building code administrator application.

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

Richard Kistner – Building Inspector

Mr. Kistner was present at the meeting along with Mr. David Morris. Additional information was provided for the Committee's review. Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Committee approve the building inspector application.

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

Kimberly Lane-Palmer – Provisional: Building Plans Examiner & Plumbing Plans Examiner

Ms. Lane-Palmer was present at the meeting along with Mr. Richard Gaithright. Additional information was provided for the Committee's review. Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Committee approve the provisional applications for building plans examiner and plumbing plans examiner.

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

Keith McWilliams – 1&2 Family Dwelling Inspector

Mr. McWilliams was present at the meeting and additional information was provided for the Committee's review. Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Committee approve the 1&2 family dwelling inspector application.

SECOND: Mr. Kymalainen seconded the motion and it passed with Ms. Pass voting against the motion.

Matthew C. Mills – Provisional: Electrical Plans Examiner & Plumbing Plans Examiner

Mr. Mills was present at the meeting and provided additional information for the Committee's review. Mr. Mills informed the Committee that he was currently in a

different position, and he intended to apply for standard licenses. Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Committee uphold the denial of the provisional applications for electrical plans examiner and plumbing plans examiner.

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

Noel C. Minihan – Provisional: Electrical Inspector, Building Inspector, Mechanical Inspector & Plumbing Inspector

Mr. Minihan was present at the meeting and additional information was provided for the Committee's review. Following discussion, the following action was taken on each application.

MOTION: Mr. McCormick made a motion that the Committee uphold the denial of the provisional electrical inspector application for lack of experience.

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

MOTION: Mr. McCormick made a motion that the Committee uphold the denial of the provisional building inspector application for lack of experience.

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

MOTION: Mr. Kymalainen made a motion that the Committee approve the provisional mechanical inspector application.

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

MOTION: Mr. Kymalainen made a motion that the Committee approve the provisional plumbing inspector application.

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

Roosevelt Morris – Provisional & Standard Building Code Administrator

Mr. Morris was present at the meeting and provided additional information for the Committee's review. Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Committee approve the provisional and standard applications for building code administrator.

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

Raymond J. Mossman, Jr. – 1&2 Family Dwelling Inspector

Mr. Mossman was present at the meeting and additional information had been submitted for the Committee's review. Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Committee approve the 1&2 family dwelling inspector application.

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

William A. Schutt – Provisional Building Code Administrator

Mr. Schutt was present at the meeting. Mr. Schutt asked the Committee to change his application from provisional to standard application. Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Board approve the application for building code administrator as a standard application.

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

Karl A. Swierzko – Provisional Building Code Administrator, Building Code Administrator, Provisional Building Inspector and Provisional Building Plans Examiner

Mr. Swierzko was present at the meeting and provided additional information for the Committee's review. Mr. Swierzko informed the Committee that he had just changed jobs, however, he did not have an updated affidavit of current employment. He informed the Board that he could get the affidavit. Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Committee table consideration of the applications for Mr. Swierzko to provide updated information by 12 noon on August 3rd.

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

Charles E. White – Provisional: Building Plans Examiner & 1&2 Family Dwelling Inspector

Mr. White was present at the meeting along with Mr. Sol Moseley, building code administrator. Additional information was provided for the Committee's review. Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Committee approve the provisional applications for building plans examiner and 1&2 family dwelling inspector.

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

LaVern J. Beyer, Jr. – Provisional Plumbing Inspector

Mr. Beyer was present at the meeting and provided additional information for the Committee's review. Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Committee approve the provisional plumbing inspector application.

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

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 11:30 a.m.

AUGUST 3, 2006 9:00 A.M.

CALL TO ORDER AND WELCOME

Mr. Kymalainen, Chair of the Board, called the meeting to order at 9:02 a.m.

Members Present

Bob Kymalainen, Chair
Fred Dudley
Dennis Franklin
Bob McCormick, Vice-Chair
Rob Nagin
Margaret Pass
Nick Sasso
Charles Sheridan

Members Not Present

John Upchurch

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Jeffrey Jones, Board Counsel
Jessica Leigh, Prosecuting Attorney
Don Fuchs, BOAF
Larry Helper
John Castineira
Bob Tannebaum
John O'Connor
Wayne A. Francis
Lorri Rosenfeldt, I.C.C.
Don Ingram
Mark Lupe
Rainer Avnio
Linda Armstrong
Karl A. Swierzko

Ms. Barineau, Executive Director, informed the Board that she had received an e-mail from Mr. John Upchurch that he has resigned from the Board. She stated that he sent his resignation to Governor Bush.

REQUEST FOR HEARING NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT

Chair Kymalainen asked Ms. Pass to chair this portion of the meeting.

Sherman D. Baker – Mechanical Inspector and Plumbing Inspector

Mr. Baker was not present at the meeting and no additional information had been submitted.

MOTION: Mr. Sheridan made a motion that the Board uphold the denial of the mechanical inspector and plumbing inspector applications.

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

John Castineira – Building Inspector

Mr. Castineira was present at the meeting and was sworn in by Mr. Jones, Assistant Attorney General. Ms. Pass informed the Board that the Committee considered this application yesterday as Mr. Castineira's mother was present at the meeting.

MOTION: Mr. Sheridan made a motion that the Board reconsider the building inspector application.

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

Vice-Chair McCormick stated that Mr. Castineira's denial was upheld due to a lack of experience. Following discussion, the following action was taken.

MOTION: Mr. Sasso made a motion that the Board uphold the denial of the building inspector application.

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

Jon H. Chase – Electrical Inspector, Mechanical Inspector & Plumbing Inspector

Mr. Chase was not present at the meeting.

MOTION: Mr. Dudley made a motion that the Board uphold the denial of the electrical inspector, mechanical inspector and plumbing inspector applications.

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

Larry Hepler – Provisional 1&2 Family Dwelling Inspector

Mr. Hepler was present at the meeting and was sworn in by Mr. Jones. Additional information was provided for the Board's review.

MOTION: Mr. Franklin made a motion that the Board approve the provisional 1&2 family dwelling inspector.

SECOND: Mr. Sheridan seconded the motion and it passed with Mr. McCormick voting against the motion.

Don Ingram – Building Inspector, Mechanical Inspector and Plumbing Inspector – Endorsement

Mr. Ingram was present at the meeting and was sworn in by Mr. Jones. Following discussion, the following action was taken.

MOTION: Mr. Sheridan made a motion that the Board approve the building inspector, mechanical inspector and plumbing inspector endorsement applications.

SECOND: Mr. Franklin seconded the motion which passed with Vice-Chair McCormick and Chair Kymalainen voting against the motion.

Paul Preuss – 1&2 Family Dwelling Inspector

Mr. Preuss was not present at the meeting. Mr. Sasso recused himself as Mr. Preuss is a personal friend. Mr. Nagin stated that Mr. Preuss previously worked for him, however, it would not effect his decision.

MOTION: Mr. Dudley made a motion that the Board uphold the denial of the 1&2 family dwelling inspector application.

SECOND: Vice-Chair McCormick seconded the motion and it passed unanimously.

David C. Rovell-Rixx – Provisional: Plumbing Plans Examiner, Electrical Plans Examiner & Mechanical Plans Examiner

Mr. Rovell-Rixx was not present at the meeting.

MOTION: Mr. Dudley made a motion that the Board uphold the denial of the provisional: plumbing plans examiner, electrical plans examiner and mechanical plans examiner applications.

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

Karl A. Swierzko - Provisional Building Code Administrator, Building Code Administrator, Provisional Building Inspector and Provisional Building Plans Examiner

Mr. Swierzko was present at the meeting and was sworn in by Mr. Jones. Mr. Swierzko provided additional information at the meeting for the Board's review. Ms. Pass informed the Board that Mr. Swierzko appeared before the Application Review Committee on Wednesday and was asked to bring new affidavits to the meeting today.

Following discussion, the following action was taken.

MOTION: Vice-Chair McCormick made a motion that the Board uphold the denial of the provisional building plans examiner application as Mr. Swierzko did not demonstrate adequate experience.

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

MOTION: Vice-Chair McCormick made a motion that the Board change the provisional building inspector application to a standard building inspector application and that it be approved as Mr. Swierzko had completed the BOAF training program.

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

The Board discussed the affidavits for the building code administrator applications. Following discussion, the following action was taken.

MOTION: Mr. Nagin made a motion that the Board uphold the denial of the provisional building code administrator and building code administrator applications.

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

Ronald Wine – Provisional: 1&2 Family Dwelling Inspector, mechanical Plans Examiner, Plumbing Plans Examiner, Coastal Construction Inspector, Plumbing Inspector and Electrical Inspector

Mr. Wine was not present at the meeting.

MOTION: Mr. Dudley made a motion that the Board uphold the denial of the provisional: 1&2 family dwelling inspector, mechanical plans examiner, plumbing plans examiner, coastal construction inspector, plumbing inspector and electrical inspector applications.

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

MOTION: Vice-Chair McCormick made a motion that the Board reconsider the provisional building code administrator licenses that were issued at this meeting.

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

Vice-Chair McCormick stated that the Board had approved two applicants for the provisional building code administrator position where they had a letter from the building code administrator that they hoped to use the applicant as the deputy building official. He stated that he did not believe that the provisional license was to be used for a deputy building official. Vice-Chair McCormick stated that the licenses were issued but he would have a better comfort level if they were to make the provisional building code administrator license limited to the jurisdiction they were issued for.

Mr. Franklin commented that the provisional license should not be issued for deputy building officials. Mr. Sasso suggested that the Board request a letter from provisional applicants' personnel offices indicating they were employed by a particular jurisdiction and for which position they were hired..

Chair Kymalainen reminded the Board that they have given licenses in the past to deputy building officials, however, if you follow the statute, there is no category for a deputy building official.

Following discussion, it was decided that someone in the deputy building official position could only obtain a provisional license if they are in the position and only have standard license holders working under them.

Gold Coast School of Construction

- Energy (Internet) 2 hours
- The Practitioner's Guide to the FBC: Accessibility Code and Fair Housing (Internet) 2 hours

Mr. Robert Tannebaum was present on behalf of Gold Coast School of Construction and was sworn in by Mr. Jones. Mr. Jones stated that the courses were denied because they were not relevant. Following discussion, the following action was taken.

MOTION: Mr. Franklin made a motion that the Board uphold the denial of the Gold Coast School of Construction courses.

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

WAIVER

Ranier J. Aunio – Case #2005-064091

PCP – Bertolami, Nagin & Council

Mr. Aunio was present at the meeting and was sworn in by Mr. Jones. Ms. Leigh informed the Board that Mr. Aunio had waived all of his rights. Mr. Sasso stated that he filed the complaint so was recusing himself.

Ms. Leigh informed the Board that Mr. Aunio was changed with practicing beyond the scope of the law.

MOTION: Mr. Dudley made a motion that the Board adopt the Findings of Fact in this case.

SECOND: Vice-Chair McCormick seconded the motion and it passed unanimously.

MOTION: Mr. Dudley made a motion that the Board adopt the Conclusions of Law in this case.

SECOND: Vice-Chair McCormick seconded the motion and it passed unanimously.

Mr. Leigh informed the Board that the disciplinary guidelines allowed a reprimand or probation and a fine amount of up to \$1,500 and costs of \$114.24.

MOTION: Mr. Sheridan made a motion impose three years probation, 14 hours of continuing education each year during the probation, and he be required to attend at least one board meeting each year.

SECOND: The motion died for lack of a second.

MOTION: Vice-Chair McCormick made a motion that the Board impose an administrative fine in the amount of \$1,000, costs in the amount of \$114.24, and issuance of a reprimand.

SECOND: Mr. Dudley seconded the motion which passed with Ms. Pass and Mr. Sheridan voting against the motion.

SETTLEMENT STIPULATION

William A. Selvia, Jr., - Case # 2005-048297

PCP – Bertolami, Nagin & Council

Mr. Mark Lupe, Attorney for the City of Cape Coral, was present on behalf of Mr. Selvia.

Ms. Leigh presented the facts in this case. She stated that the Respondent had agreed to a Settlement Stipulation calling for a fine in the amount of \$1,000, costs of \$175.63, probation for one year, and completion of 14 hours of continuing education.

Following discussion, the following action was taken.

MOTION: Mr. Sheridan made a motion that the Board accept the Settlement Stipulation as presented in toto.

SECOND: Vice-Chair McCormick seconded the motion.

In discussion, Mr. Lupe informed the Board that Mr. Selvia would be paying the fine out of his own money; the city would not be responsible. It was discussed that the 14 hours of continuing education would be in addition to the current required 14 hours to renew his license.

Following discussion, a vote was taken on the motion which passed with Ms. Pass voting against the motion.

PROSECUTING ATTORNEY REPORT – JESSICA LEIGH

Ms. Leigh provided the Board with an updated report at the meeting. She reported that two cases have been received, ten cases have been sent to a consultant, eight are set for probable cause, one administrative complaint has been filed, three requested formal hearings, and three are ready for Board presentation.

Mr. Dudley requested that additional information be provided on Ms. Leigh's report. He requested that she add a column indicating the date when a hearing was requested and when the administrative complaint was filed.

RECESS

There being no further business to come before the Board, the meeting was recessed at 12:00 noon.

RULES AND LEGISLATION COMMITTEE

CALL TO ORDER

Mr. Nagin, Chair of the Committee, called the meeting to order at 12:08 p.m.

Members Present

Rob Nagin, Chair
Fred Dudley
Bob Kymalainen
Charles Sheridan

Others

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Jeffrey Jones, Board Counsel
Jessica Leigh, Prosecuting Attorney
Dennis Franklin, Board Member
Bob McCormick, Board Member
Margaret Pass, Board Member
Nick Sasso, Board Member
Don Fuchs, BOAF
John O'Connor
Wayne A. Francis
Lorri Rosenfeldt, I.C.C.
Linda Armstrong

PROPOSED CHANGE TO RULE 61G19-6.0035, F.A.C., APPLICATION FOR PROVISIONAL AND/OR STANDARD CERTIFICATION – NICK SASSO

Mr. Sasso stated that this proposed change was for clarification purposes only; it only changes the reference.

Following discussion, the following action was taken.

MOTION: Mr. Dudley made a motion that the Committee recommend to the full Board that the change be approved to Rule 61G19-6.0035, F.A.C.

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

PROPOSED CHANGE TO RULE 61G19-9.003, F.A.C., REGISTRATION OF COURSE PROVIDERS – NICK SASSO

Mr. Sasso stated that the date of May 31 was confusing. Mr. McCormick commented he was not aware of any problems caused by the date reference. Mr. Jones informed the Committee that he would need to research Chapter 455, Florida Statutes, to ensure the rule change would not conflict with any Department rules before proceeding with rule drafting.

MOTION: Mr. Dudley made a motion that the Committee proceed with rulemaking for Rule 61G19-9.003, F.A.C., subject to verification by Mr. Jones that the change is not inconsistent with Department rules.

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

DISCUSSION OF RULE 61G19-9.004, F.A.C., REGARDING AUDITING CONTINUING EDUCATION COURSES FOR QUALITY CONTROL – JEFFREY JONES

Mr. Jones provided a draft of the rule at the meeting. He stated that this rule clarifies the ability of a Board member to do unannounced audits of approved continuing education courses. Mr. Jones read the rule as follows:

61G19-9.004 Approval of Courses.

(1) Any provider registered pursuant to this Chapter may apply for approval of a continuing education course. The application must be submitted on a Board-approved form, BPR/BCAI/11 Rev. 7/97, B.C.A.I. Course Approval Application, which is hereby incorporated by reference and will be effective 10-1-97, copies of which may be obtained from the Board office. Applications must be submitted a minimum of ninety (90) days prior to the date the offering begins.

(2) Upon receipt of a course application and the appropriate fee, the Board may approve any course, seminar, or conference in the construction area provided by any university, college, junior college, community college, vocational-technical center, public or private school, firm, association, organization, person, corporation, or entity which meets the criteria of this part.

(3) The application shall include the total number of classroom hours, the course syllabus, a detailed outline of the contents of the course, and the names and qualifications of all instructors known at the time of application.

(4) The Board shall approve continuing education courses which have sufficient educational content to improve the certificate holder's inspection and technical skills, which are taught by qualified instructors, and which otherwise fulfill the requirements of this part. Course approval is valid for two (2) years from the date of approval unless the provider expires or is disciplined. Such approval and upon consent by the chair, grants the ability of a Board member to attend, unannounced for compliance purposes, continuing education programs or courses for the purpose of auditing a Board approved provider or course.

- (5) The Board shall approve or deny any application for course approval at the first Board meeting held more than thirty days after the date the application is received by the board. If the application is denied, the Board shall inform the applicant in writing of the specific reasons for denial within fifteen days of its decision.
- (6) A course which has been rejected by the Board may be resubmitted with modifications.
- (7) The Board shall not deny or withdraw approval of a course on the basis that another course provider is conducting the same or a similar Board-approved course.
- (8) If a course is approved, the Board shall assign the course a number. The course provider shall print the Board-assigned number on the course syllabus, on all printed material used in connection with the course, and in all written advertising used in connection with the course.
- (9) Of the required fourteen (14) continuing education hours, up to three (3) hours credit may be earned by attending a meeting of the Board. Licensees shall give at least seven (7) days advance notice to the Board of their intention to attend the meeting for continuing education credit. Licensees shall check in with the Clerk of the Board prior to the meeting and must sign in and out for breaks and lunch periods. Continuing education credit will be awarded on an hour-for-hour basis. A maximum of three (3) hours of continuing education credit per biennium may be earned in this manner. Licensees shall not be credited for attending any meeting in which the licensee is a party in a disciplinary matter. At the conclusion of the meeting, the clerk will provide a certificate of attendance which licensees will maintain for three (3) years.
- (10) After a course has been approved by the Board, any substantive changes in the course content requires reapplication of the course to be submitted for approval by the Board.
- (11) The Board approves those continuing education courses approved by the Construction Industry Licensing Board; the Electrical Contractors' Licensing Board; and the Board of Architecture and Interior Design.
- (12) The course instructor shall receive continuing education credit equal to the total approved credit for that course if they submit this documentation at the request of the Department. Credit may not be granted for teaching the same course more than once in each biennium.
- (13) Of the required fourteen (14) continuing education hours, up to four (4) ~~seven (7)~~ hours credit may be earned by attending a meeting of the Florida Building Commission within the Department of Community Affairs, or any of the meetings of any technical committees of the Commission. Certificate holders shall be responsible for obtaining and maintaining satisfactory proof of attendance at such meetings ~~as specified in Rule 61G19-9.008, F.A.C.~~ A copy of proof of attendance must be submitted to the Board office or Department upon request of completion to ensure that continuing education credit is awarded.
- (14) A Board member may attend a continuing education course for the purpose of auditing a Board approved course or provider.

Mr. Sasso stated that payment was an issue. Mr. Jones responded that he did not change this language as there would have to be approval from the full Board to request payment.

MOTION: Mr. Dudley made a motion that Mr. Jones proceed with rule making for Rule 61G19-9.004, F.A.C.

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

DISCUSSION OF PROPOSED RULE AMENDMENT TO RULE 61G19-6.016, F.A.C., RELATING TO ROOFING INSPECTORS – JEFFREY JONES

Mr. Jones informed the Committee that he did not address the years of roofing experience as he did not know what the Board would want.

Mr. Franklin commented he wanted to see five years of experience. Mr. McCormick asked if they move forward, if there would be an examination. Ms. Barineau responded that there would be an examination.

Mr. Nagin commented that he would want at least 3 years of experience in the installation, repair of roof assemblies as set forth by the Florida Building Commission. Mr. Dudley stated that a semi-colon was needed after “contractor.”

Ms. Pass informed the Committee that if an individual has license number 7837 or lower, then they can do roofing.

MOTION: Mr. Dudley made a motion that the Committee continue with rule development for Rule 61G19-6.016, F.A.C.

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

Mr. Jones informed the Committee that they have time with the rule development because the examination is not yet developed. He stated that he can incorporate the changes discussed and that he will get with Mr. McCormick on the rule and bring a draft to the next meeting for review.

RESEARCH OUTCOME REGARDING PROVISIONAL CERTIFICATES ONLY BEING ALLOWED IN RURAL CITIES OR COUNTIES – JEFFREY JONES

Mr. Jones informed the Committee that there were no provisions for restrictions of this nature and that the Board does have the ability to put limitations on provisional certificates. The limitations would have to be necessary to protect the public health, safety, and welfare. Mr. Jones stated that if the Board wanted to put limitations on provisional licenses, he would recommend that it be a statutory change and not a rule change.

Mr. Sasso commented that his intent was to limit provisional building code administrator's. He stated that he would rather they not be issued at all except in emergency situations.

MOTION: Mr. Dudley made a motion that the Board develop a policy statement regarding provisional building code administrator licenses to improve public protection.

SECOND: Mr. Kymalainen seconded the motion.

Mr. Jones stated that the provisional license for building code administrators should be reviewed in terms of restricting such and any legislative proposal would be put forth during session.

Mr. Dudley suggested the policy statement read as follows: "To improve the protection of the public, provisional licensees should not be supervising other licensees, provisional or otherwise; therefore, the provisional building code administrator should be eliminated from the statute. Someone who has not been tested should not have the authority to administer the positions of the building department."

Following discussion, the motion passed unanimously.

Ms. Barineau was asked to notify the Department of the position statement.

PROPOSED RULE REGARDING MILITARY SPOUSAL RENEWAL EXEMPTIONS – JEFFREY JONES

Mr. Jones provided a draft of the rule for the members at the meeting and informed them that this would satisfy the requirements of Chapter 455, F.S.

MOTION: Mr. Dudley made a motion that the Committee direct Mr. Jones to proceed with rule making.

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

RESEARCH REGARDING UTILIZATION OF PREVIOUSLY SUBMITTED PROVISIONAL APPLICATION INFORMATION FOR STANDARD APPLICATION – JEFFREY JONES

Mr. Jones researched the issue from a legal standpoint. He stated that the structure and content were the same. Mr. Jones stated that the bottom line was more an administrative concern, the question of how to do this rather than if they can do this.

Ms. Barineau was requested to research the possibilities and bring the options back to the Board at the October meeting.

DISCUSSION OF MODULAR EXAMINATION RULES

This was tabled until the meeting on Friday.

OLD BUSINESS

There was no Old Business to come before the Committee at this time.

NEW BUSINESS

Mr. Sasso stated that he wanted a letter from the head of the personnel department attesting to the specific position that an individual was hired to fill. He stated that this would only be for provisional building code administrator applicants.

Mr. Jones replied that he would review the language and provide a draft at the next meeting.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 1:48 p.m.

EXAMINATION AND CONTINUING EDUCATION COMMITTEE

CALL TO ORDER

Mr. Franklin, Chair of the Committee, called the meeting to order at 1:49 p.m.

Members Present

Dennis Franklin, Chair
Bob McCormick
Nick Sasso

Others Present

Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Jeffrey Jones, Board Counsel
Jessica Leigh, Prosecuting Attorney
Bob Kymalainen, Board Member
Bob McCormick, Board Member
Margaret Pass, Board Member
Fred Dudley, Board Member
Rob Nagin, Board Member
Don Fuchs, BOAF
John O'Connor
Wayne A. Francis
Lorri Rosenfeldt, I.C.C.
Linda Armstrong

CONTINUING EDUCATION COURSES FOR REVIEW

Department Of Community Affairs

New Course(S)

1. Florida Building Code Training: Residential Swimming Pools
Requesting 2 hrs GEN credit
2. Manufactured Buildings Program; Factory Built Schools
Requesting 2 hrs GEN credit
3. Florida Building Code Training: The Interior Environment (for

- Interior Designers)
Requesting 2 hrs GEN credit
4. Florida Building Code Training: Residential Roofing Shingles
Requesting 2 hrs GEN credit

MOTION: Mr. McCormick made a motion that the Committee approve the courses as submitted.

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

Contractors Institute

New Course

1. Americans with Disabilities Act (ADA) - Internet
Requesting 2 hrs AOA credit

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

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

B & F Technical Code Services

New Course

1. Understanding the 2003 International Building Code – Plan Review
Requesting 6 hrs GEN credit

Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Committee deny the course as it was not relevant.

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

International Code Council

New Course(S)

1. 2006 IRC Fundamentals Building Provisions
Requesting 6 hrs GEN credit
2. 2006 IRC Hurricane Resistant Residential Construction
Requesting 6 hrs GEN credit
3. 2006 IFC Fundamentals
Requesting 6 hrs GEN credit
4. 2006 IMC Fundamentals
Requesting 6 hrs GEN credit
5. 2006 IECC Fundamentals
Requesting 6 hrs GEN credit
6. 2003 IBC & IRC Wind and Flood Provisions
Requesting 18 hrs GEN credit
7. 2003 IBC & IRC Fundamentals Wind and Flood Provisions
Requesting 12 hrs GEN credit

8. 2003 IBC Role of Special Inspectors, Categories, Certification and Tasks – Internet
Requesting 2 hrs GEN credit
9. 2003 IBC Residential Accessibility Provisions – Internet
Requesting 2 hrs AOA credit
10. 2003 IBC Understanding & Designing a Special Inspection Program – Internet
Requesting 2 hrs GEN credit
11. 2006 IPMC Fundamentals
Requesting 6 hrs GEN credit
12. Session 1: Cellulose Insulation: History, Testing, Application and Performance
Requesting 2 hrs GEN credit
13. Session 2: Can You Hear Me Now? Audible & Visual Alarm Requirements
Requesting 2 hrs GEN credit
14. Session 3: ADA Update
Requesting 2 hrs AOA credit
15. Session 4: Hurricane Resistant Wood Frame Construction
Requesting 2 hrs GEN credit
16. Session 5: Tools For Conveying The Importance of Natural Hazard Mitigation
Requesting 2hrs GEN credit
17. Session 6: Wiring & Other Materials In Plenums
Requesting 2 hrs GEN credit
18. Session 7: ATC-45, Field Manual: Safety Evaluation of Buildings After Windstorms & ATC-45i, ATC-45i Wireless Windstorm & Flood Safety Evaluation System
Requesting 2 hrs GEN credit
19. Session 8: Treated Wood & Fastener Compatibility
Requesting 2 hrs GEN credit
20. Session 9: Coming Soon To A Jurisdiction Near You
Requesting 2 hrs GEN credit
21. Session 10: Integrally Insulated Concrete Walls- Structural and Physical Behavior
Requesting 2 hrs GEN credit
22. Session 11: Damage Assessment of Homes from an Engineering Point of View
Requesting 2 hrs GEN credit
23. Session 12: Administering, Measuring & Communicating the Effectiveness of Enforcement of the IMPC or Other Property Maintenance Codes
Requesting 2 hrs GEN credit
24. Session 13: Benefits of On-Line Residential Plan Application Submittals
Requesting 2 hrs GEN credit

25. Session 14: Review of Plans for One & Two Family Dwellings in Flood Hazard Areas
Requesting 2 hrs GEN credit
26. Session 15: Cold-Formed Steel & The International Residential Code
Requesting 2 hrs GEN credit
27. Session 16: High-Rise Building Emergency Evacuation Devices
Requesting 2 hrs GEN credit
28. Session 17: Hot Spots: Gas Fireplace Inspections Made Easier
Requesting 2 hrs GEN credit
29. Session 18: Learn Spanish In-A-Pinch Construction Tricks
Requesting 2 hrs GEN credit
30. Session 23: Chapter Leadership Program
Requesting 2 hrs GEN credit
31. Session 25: Can You Hear Me Now? Audible & Visual Alarm Requirements
Requesting 4 hrs GEN credit
32. Session 26: ADA Update
Requesting 4 hrs AOA credit
33. Session 27: Basic Hydraulic Calculations of Fire Sprinkler Systems
Requesting 4 hrs GEN credit
34. Session 28: Review of Plans for One & Two Family Dwellings in Flood Hazard Areas
Requesting 4 hrs GEN credit
35. Session 29: 2006 IBC Update
Requesting 4 hrs GEN credit
36. Session 30: 2006 IFC Update
Requesting 4 hrs GEN credit
37. Session 31: IBC or IEBC – Making the Right Choice
Requesting 2 hours Gen Credit
38. Session 38: Preview of the New ICC Standard on the Design & Construction of Log Structures
Requesting 2 hrs GEN credit

Following discussion, the following action was taken.

MOTION: Mr. Sasso made a motion that the Committee approve course numbers 21 and 25.

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

MOTION: Mr. McCormick made a motion that the Committee deny course numbers 20, 23, 29, 30 & 36, and approve the remaining courses 12 –38 only for conference presentation.

SECOND: The motion died for lack of a second.

MOTION: Mr. Sasso made a motion that the Committee deny courses 1-38.

SECOND: Motion died for lack of a second.

Following discussion, the following action was taken.

MOTION: Mr. Sasso made a motion that the Committee deny course numbers 1 thru 38 with the exception of 21 & 25 which were approved.

SECOND: Mr. Franklin seconded the motion which passed with Mr. McCormick voting against the motion.

RENEWAL COURSE(S)

1. 2000 IECC Commercial Energy Inspector Certification Examination - Internet (0006737)
Requesting 2 hrs GEN credit
2. 2000 IBC & IFC – High Piled Combustible Storage - Internet (0006738)
Requesting 2 hrs GEN credit
3. 2000 IBC Overview of Means of Egress - Internet (0006736)
Requesting 3 hrs GEN credit
4. 2000 IBC – Methods and Materials - Internet (0006741)
Requesting 2 hrs GEN credit
5. 2000 IBC – Height and Area - Internet (0006740)
Requesting 2 hrs GEN credit
6. 2000 IBC – Fire Extinguishing Systems - Internet (0006739)
Requesting 2 hrs GEN credit
7. 2003IRC: Performing Residential Plan Reviews (0006743)
Requesting 12 hrs GEN credit
8. 2003 IBC: Performing Nonstructural Plan Reviews (0006744)
Requesting 12 hrs GEN credit
9. Fundamentals of the 2003 IRC (0006745)
Requesting 6 hrs GEN credit
10. Fundamentals of the 2003 IPC (0006746)
Requesting 6 hrs GEN credit
11. Fundamentals of the 2003 IFC (0006747)
Requesting 6 hrs GEN credit
12. Fundamentals of the 2003 IMC (0006748)
Requesting 6 hrs GEN credit
13. Fundamentals of the 2003 IEBC (0006749)
Requesting 6 hrs GEN credit
14. Fundamentals of the 2003 IBC (0006750)
Requesting 6 hrs GEN credit

MOTION: Mr. Sasso made a motion that the Committee deny course numbers 1 thru 6 as they are under the old code and not relevant.

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

MOTION: Mr. McCormick made a motion that the Committee approve course numbers 7, 8, 9, 10, 12, 13, and 14.

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

MOTION: Mr. Sasso made a motion that the Committee deny course number 11 as it was not relevant.

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

United Spinal Association

New Course

1. Accessibility Update: State & Federal Accessibility Requirements
Requesting 7 hrs credit (2 hrs AOA credit)

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

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

Atkins Engineers

New Course

1. Single Family Home Structural Design
Requesting 6 hrs GEN credit

MOTION: Mr. Sasso made a motion that the Committee deny the course as it was not relevant.

SECOND: Mr. Franklin seconded the motion which passed with Mr. McCormick voting against the motion.

CITY OF ST. PETERSBURG, CONSTRUCTION SERVICES

NEW COURSE(S)

1. ADA – Field Inspections
Requesting 2 hrs AOA credit
2. Florida Statutes and Rules
Requesting 2 hrs L&R credit

MOTION: Mr. McCormick made a motion that the Committee approve the courses as submitted.

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

Mr. Franklin asked for an item on the next agenda to discuss if a provisional license holder can qualify as an instructor of CE courses.

OLD BUSINESS

There was no old business to come before the Committee at this time.

NEW BUSINESS

There was no new business to come before the Committee at this time.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 2:39 p.m.

EXECUTIVE COMMITTEE

Call To Order

Chair Kymalainen called the meeting to order at 2:53 p.m.

Members Present

Bob Kymalainen, Chair
Fred Dudley
Dennis Franklin
Bob McCormick, Vice-Chair
Rob Nagin
Margaret Pass
Nick Sasso
Charles Sheridan

Others Present

Simone Marstiller, Secretary, Department of Business & Professional Regulation
Julie Madden, Deputy Secretary of Operations, DBPR
Robyn Barineau, Executive Director
Elise Rice, Government Analyst
Jeff Jones, Board Counsel
Jessica Leigh, Prosecuting Attorney
Don Fuchs, BOAF
Wayne Francis
Linda Armstrong
Ed Weller
Tony Silio

DEFINITION OF “ONE YEAR” EXPERIENCE REQUIREMENT – JEFFREY JONES

Mr. Jones informed the Board that if “one year” is defined in Florida Statutes, it is usually to create an exception, therefore, the best definition of “one year” is 365 days. Mr. Sheridan asked if the Board could make a rule to define a year. Mr. Jones responded that they could.

Ms. Barineau asked if the Application Review Committee was having a problem with this issue. Vice-Chair McCormick responded that the problems the Application Committee had was someone submitting 13 years of experience for 3 categories of licensure, and they do not breakdown the 13 years. He stated that the definition of “one year” was not really a problem for the Committee, however, it would not hurt to have it more clearly defined.

Chair Kymalainen introduced Ms. Simone Marstiller, Secretary of DBPR, and welcomed her to the meeting.

Secretary Marstiller thanked the Board for welcoming her. She stated that the Board had a number of questions at the last meeting, and she researched and brought Department staff to answer their questions.

Secretary Marstiller introduced Ms. Julie Madden, Deputy Secretary for Service Operations.

Deputy Secretary Madden provided hand-out materials for the Board which addressed many of the concerns that had been expressed. She provided instructions on how to perform a broad name search.

Deputy Secretary Madden commented that they may need to indicate on the system that you can use the wild card, which is an "*" if you do not know all of the required information.

Deputy Secretary Madden informed the Board that the ability to link different licenses is available.

Mr. Dudley stated that he would give the Department an A+ since the complaint form can be filled out on-line. Mr. Sasso stated that he would like for the complaint form to be made available in Word format in order for it to be saved.

Mr. Sasso stated that he would like to see the date the application was received included on the licensing portal and expressed concern with the application status on the portal. Mr. Dudley asked if the name and telephone number of the individual reviewing an application could be included on the deficiency letters.

Deputy Secretary Madden stated that she would research this issue regarding the application date being made available. She stated that no direct telephone numbers were provided on the deficiency letters because individuals were to use the Customer Contact Center for assistance.

Deputy Secretary Madden gave an overview of the Department's Document Management Project. She informed the Board that it would take approximately three years to complete.

Mr. Franklin expressed concern with the limited licenses. He stated that he would like to have something sent out with the renewals requesting that they provide the Department with the name of the jurisdiction the limited licensee is working or at least remind them that they are only allowed to practice in the jurisdiction in which they were originally licensed.

Deputy Secretary Madden stated that she understood the Board wanted the modifiers to appear on the licenses. She informed the Board that there was limited space on the licenses and they were unable to add the categories, however, they were considering sending a letter to the licensees that would list all of the categories. A draft of the letter was provided to the Board members. Vice-Chair McCormick responded that he was in favor of the letter.

DISCIPLINARY PROCEDURES FOR INDIVIDUALS NOT MEETING THE CONTINUING EDUCATION REQUIREMENTS FOR THE RENEWAL CYCLE ENDING NOVEMBER 30, 2007

Ms. Barineau informed the Board that when a licensee makes a payment to renew their license and they have not met the continuing education requirements, they will be sent a letter in-lieu-of license. They will be given an opportunity to submit proof of their continuing education if they have completed their hours, however, the license will not be renewed until this information has been provided to the Department.

Ms. Barineau informed the Board that a mid-cycle letter will be sent to all licensees reminding them of their continuing education deficiencies.

Vice-Chair McCormick asked if language reminding licensees that they are prohibited from working with a delinquent license could be added to the letter in-lieu-of license. Ms. Barineau responded that she would work with Deputy Secretary Madden on this issue.

OLD BUSINESS

Vice-Chair McCormick reminded the Board that he had agreed to be the liaison for the proposed guidelines for licensure that Mr. Nagin proposed. He sent the proposal to several professional associations for their review and comments. Vice-Chair McCormick reported that he has not received any response, however, he was hopeful that the associations will respond in the near future.

NEW BUSINESS

Electrical Signs – Nick Sasso

Mr. Sasso commented that it was important if the Electrical Contractors Licensing Board had a problem for this Board to work with them.

Chair Kymalainen made the following committee appointments:

Application Review – Margaret Pass (Chair), Bob McCormick, Bob Kymalainen, and Nick Sasso (alternate)

Rules and Legislation – Rob Nagin (Chair), Bob Kymalainen, Chuck Sheridan, Fred Dudley, and Dennis Franklin (alternate)

Examination and Continuing Education – Dennis Franklin (Chair), Bob McCormick, Nick Sasso and Chuck Sheridan (alternate)

Probable Cause Panel (effective September 1, 2006) – Rob Nagin, Chair, Fred Dudley and alternate between former board members Peggy Bertolami, Luther Council and George Rogers.

ADJOURNMENT

There being no further information to come before the Committee, the meeting was adjourned at 4:45 p.m.

AUGUST 4, 2006 9:00 A.M.

CALL TO ORDER AND WELCOME

Chair Kymalainen called the meeting to order at 9:03 a.m.

Members Present

Bob Kymalainen, Chair
Fred Dudley
Dennis Franklin
Bob McCormick, Vice-Chair
Rob Nagin
Margaret Pass
Nick Sasso
Charles Sheridan

Others Present

Simone Marsteller, Secretary, DBPR
Robyn Barineau, Executive Director
Elise Rice, Government Analyst
John Washington, Division Director, Regulations, DBPR
Jeffrey Jones, Board Counsel
Michael Ashworth, Department of Community Affairs
Bob Brown, City Manager, City of Perry
Emily Ketring, Mayor, City of Perry
Bobby Counce,
John O'Connor
Lorri Rosenfeldt, ICC
Linda Armstrong
Wayne Francis
Don Fuchs, BOAF

APPROVAL OF THE JUNE 6, 7, 8, & 9, 2006, MINUTES OF THE MEETING

MOTION: Mr. Franklin made a motion that the Board approve the June 6, 7, 8 & 9, 2006, minutes as submitted.

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

Ms. Barineau recognized Secretary Marsteller. Secretary Marsteller stated that she introduced Deputy Secretary Julie Madden to the Board yesterday and today

she was introducing Mr. John Washington, Division of Regulation Director. Secretary Marstiller informed the Board that she brought Director Washington to address the Board's concerns with regulation.

Director Washington commented that it was a pleasure to appear before the Board. He stated that the complaints have been consistent over the past five years for this Board and the average was around 75 per year. In the past 12 months, there were 91 complaints, of those 41 were legally sufficient. Director Washington informed the Board that they actually pulled 50 cases in a random audit, and the case closures were solid. Director Washington discussed the reasons for complaints being closed. He stated that some of the complaints dealt with unlicensed activity or were out of scope cases or the complainant was unhappy with the inspection process. He informed the Board that the most common complaint is that it takes too long to get an inspection, and these are closed because there is no violation. If there had been code violations then a case would have been opened. Director Washington informed the Board that the last category included rude treatment, unethical behavior, or vendetta complaints. A large number of complaints are being closed and they generally fall in the above categories. The percentage of legally sufficient complaints has been as high as 85 percent to as low as 28 percent. He stated that this year the percentage was around 45 percent. .

Mr. Franklin suggested the Department have investigators attend board meetings to see and hear how the board operates.

Director Washington responded that increased training has been discussed, however, they have not talked specifically about board meeting attendance. They are working more closely with the Department attorneys.

Director Washington commented that they were striving to serve the consumer, but did not want to take action against licensees whose behavior did not warrant discipline.

Director Washington discussed the relationship between the Division of Regulation and the Division of Professions. Mr. Dudley commented that sworn statements should be taken from witnesses. Director Washington responded that he would research this issue and report back to the Board his findings.

Director Washington informed the Board that an intense review of the complaint is currently being conducted. He stated that a task force had been established and felt certain changes will be made to improve the quality of service.

Director Washington discussed the Unlicensed Activity Bureau and stated that they were very diligent in their efforts to combat unlicensed activity.

Ms. Pass expressed concern with the unlicensed contractors that came into Florida during the hurricanes as a result of the Executive Order. Director Washington responded that he was not aware of the problem but will check into this issue. The Board suggested that a requirement be placed on the out-of-state contractors to require local or state registration or at the least bonding requirements.

During discussion, Secretary Marstiller commented that the Department should perhaps collect the information on the violations and work with the state in which the contractor is licensed.

Secretary Marstiller indicated that she would provide feedback to the Governor's Office regarding the problems. Ms. Pass stated that Miami-Dade did not utilize the out-of-state contractors even with the Executive Orders that were issued.

Ms. Pass commented that the working relationship in Dade County with the Department has been excellent and she appreciated their efforts.

Director Washington thanked Ms. Pass for her comments and stated that they must reach across jurisdictional lines to help bring a sharper focus on the issues.

Mr. Sasso stated that there was a need to educate the consumers that final inspections need to be done when work is completed. Director Washington responded that they are currently working on a pamphlet for distribution and were working to increase the level of education in the public.

Director Washington thanked the Board for the opportunity to meet with them.

MICHAEL ASHWORTH, DEPARTMENT OF COMMUNITY AFFAIRS

Mr. Ashworth informed the Board that he was over the manufactured building program with the Department of Community Affairs. He provided an overview of the program and asked for the Board assistance in locating modular inspectors and plans examiners. He stated that more than 70 percent of the licensees are around the age of 70. Mr. Ashworth stated that they need to get the word out between DBPR and DCA for the need for modular inspectors and plans examiners.

Mr. Ashworth stated that he was present to answer any questions and asked the Board to proceed with rule changes to loosen the restrictions on modular inspectors and modular plans examiners. He stated that the only way an individual can currently qualify for license is to have three years in a state agency.

Mr. Ashworth was provided with a copy of the proposed rule for his review and comment at the October Board meeting.

REQUEST FROM BOBBY L. COUNCE FOR AN EXTENSION OF PROVISIONAL BUILDING CODE ADMINISTRATOR LICENSE

Mr. Counce was present at the meeting along with Mr. Bob Brown, Perry City Manager, and Ms. Emily Ketring, Mayor of Perry.

Mr. Jones informed the Board that Mr. Counce had requested an extension of his provisional building code administrator license.

Mr. Brown informed the Board that they were asking for the license to be issued for a total of five years. He stated that they do not have multiple inspectors and cannot afford them. Mr. Brown stated that the additional two years would allow the City of Perry to look for someone to replace Mr. Counce.

In discussion, Mr. Counce stated that he had not taken the examination because of a lack of time and family illness.

Mayor Ketring addressed the Board and asked that they grant the extension.

Mr. Franklin stated that Mr. Counce had almost three years in which to take the examination and asked why he had not taken the examination. Mr. Counce responded that it would have been difficult for him to take the examination during this time. Mr. Franklin commented that it was not a hardship for someone not to have had time to take the test.

Following discussion, the following action was taken.

MOTION: Mr. Dudley made a motion that the Board grant the extension of the provisional building code administrator license as requested based on a hardship.

SECOND: Mr. Sheridan seconded the motion which failed with Chair Kymalainen, Vice Chair McCormick, Ms. Pass, Mr. Franklin, Mr. Nagin, and Mr. Sasso voting against the motion.

MOTION: Vice-Chair McCormick made a motion that the Board grant an extension of the provisional building code administrator license for a period of six months, until April 27, 2007. During this time, Mr. Counce must pass the building code administrator and principles and practice examination.

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

INVITATION FROM FLORIDA ASSOCIATION OF PLUMBING, GAS AND MECHANICAL INSPECTORS, INC.

Ms. Barineau informed the Board that a formal invitation was received requesting someone to attend the meeting. She informed the Board that meetings of this type were not built into the travel plan for attendance, however, that would not

prohibit a Board member from attending the meeting on their own and on behalf of the Board, if approved by the Chair.

Mr. Sasso responded that he could attend this one.

INVITATION FROM FLORIDA SCHOOL PLANT MANAGEMENT ASSOCIATION'S ANNUAL CONFERENCE

Mr. Franklin stated that he could attend on behalf of the Board.

REPORTS

Chair's Report – Bob Kymalainen

Chair Kymalainen thanked Ms. Pass for the outing she hosted Thursday evening at the Venetian Pool. All the members expressed their appreciation to Ms. Pass.

Application Review Committee – Margaret Pass Ratification and Denial List

Ms. Pass informed the Board that Mr. Thomas Worthington – mechanical inspector was added to the ratification list. She asked that the Board adopt the actions of the Application Review Committee regarding the approval or denial of the applications they reviewed.

MOTION: Mr. Sheridan made a motion that the Board adopt the actions of the Application Review Committee and approve the Ratification List.

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

Rules and Legislation Committee – Rob Nagin

Mr. Nagin reported that the Committee met on Thursday, August 3. Rules 61G19-6.0035, 61G19- 9.003, and 61G19-9.004, F.A.C., were approved for rule development. Rule 61G19- 6.016, F.A.C., was discussed and Mr. Jones was asked to bring back language to the next meeting for review. Mr. Nagin reported that the Board issued a position statement on provisional licenses. The Committee approved the military spousal rule for rule development. Mr. Jones and Ms. Barineau are to research if previously submitted provisional applications can be used for the standard application with only the submission of a change of status request in lieu of submitting a completely new application packet

Mr. Nagin reported that Mr. Sasso was to provide language for Rule 61G19-6.012, F.A.C., at the next meeting.

MOTION: Vice-Chair McCormick made a motion that the Board adopt the actions of the Rules and Legislative Committee.

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

Examination and Continuing Education Committee – Dennis Franklin

Mr. Franklin reported that the Committee met Thursday, August 3. They reviewed 62 courses and asked that the Board adopt the actions of the Committee.

Mr. Sasso commented that they had discussed the use of a provisional licensee as an instructor during the Committee meeting. He stated that he reviewed the rules and they state that the instructor must be a standard licensee.

MOTION: Vice-Chair McCormick made a motion that the Board reconsider the Florida Statutes and Rules course submitted by the City of St. Petersburg, Construction Services.

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

MOTION: Vice-Chair McCormick made a motion that the Florida Statutes and Rules course for the City of St. Petersburg, Construction Services, be approved contingent upon them having a qualified instructor.

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

MOTION: Mr. Sasso made a motion that the Board adopt the actions of the Examination and Continuing Education Committee.

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

Executive Committee – Bob Kymalainen

Chair Kymalainen did not have a report to give at this time.

Building Code Education and Outreach Council – Charles Sheridan

Mr. Sheridan did not have a report to give at this time.

Board Counsel – Jeffrey Jones

Mr. Jones informed the Board that he would research, and, if appropriate, provide a draft of Rule 61G19-6.012, F.A.C., requiring provisional licensee applicants to provide a letter from the personnel department regarding the position the applicant was hired to work in as requested by Mr. Sasso.

Executive Director – Robyn Barineau

- Financial Report

Ms. Barineau informed the Board that she should have the Year End Report at the next meeting. Mr. Franklin asked how the Board was able to have multiple day meetings. Ms. Barineau responded that the additional days were built in the travel budget.

- Newsletter

Ms. Barineau informed the Board that the most recent newsletter was included in the agenda for informational purposes. She stated that she was working on the next one so if any member had anything that they would like to have include, to please let her know.

- Board Membership

Ms. Barineau stated that the Department was continuing to address the issue of board member vacancies. She asked if anyone knew of individuals interested in serving, to please contact the Department or the Governor's Appointments Office.

- **Travel/Per Diem Increases**

Mr. Barineau informed the Board that effective July 1, the per diem allowance was increased to \$80 per day. The meal allowance is now \$6 for breakfast, \$11 for lunch and \$19 for dinner, and the mileage is increased to \$0.445 cents a mile.

**ICC Update – Rob von Kampen, Ph.D.
Feasibility Study for Florida Only Technical Examination**

Ms. Lorrie Rosenfeldt was present on behalf of Dr. von Kampen. Ms. Rosenfeldt informed the Board that the Computer Based Testing (CBT) voucher system was in place. She stated that this would remain in place until the data file transfer is completed. Ms. Rosenfeldt informed the Board that this had an expected completion date of mid-September 2006.

Modular Examinations – Plumbing Items

Ms. Rosenfeldt stated that ICC had referenced all of the questions to the Committee that the Board had approved. She informed the Board that the plumbing items were reduced because electrical, mechanical and structural were more prevalent.

Ms. Rosenfeldt informed the Board that they were soliticing subject matter experts for the Roofing Inspector examination.

Ms. Rosenfeldt discussed the feasibility study performed by ICC and gave an overview of the study.

Ms. Pass expressed concern with the ISO ratings if the Board were to go to a Florida specific examination. She stated that they could be going down the wrong path unless Florida becomes a model code. She reminded the Board that this could impact insurance rates for homeowners as well as cities and counties.

Ms. Rosenfeldt informed the Board that there would be an initial cost of \$63,800 and then costs each year in order to maintain the examinations.

Ms. Pass commented that if someone applied and had an ICC certificate, they would have to take the Florida examination also in order to be licensed; this would slow down their Florida licensure process. Mr. Sasso agreed.

The Board asked that the feasibility study be an agenda item for the Executive Committee at the next meeting.

CORRESPONDENCE

Letter from Carlos R. Castillo Regarding His Inspector License

Ms. Pass informed the Board that Mr. Castillo used to work for her and was on permanent disability as of two years ago.

Complaints and Investigative Statistics July 05 – June 06

This was provided for informational purposes only.

OLD BUSINESS

There was no old business to come before the Board at this time.

NEW BUSINESS

Mr. Nagin provided the Board with a handout on the core courses and the advanced module courses. The Board asked that this document be included in the next newsletter.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 1:23 p.m.