



FEATURE ARTICLE

CONTRACTOR, INSPECTORS INDICTED in CARBON MONOXIDE DEATHS of FAMILY

This is a story of a tragic set of circumstances. People died and the quest for justice implicated not only the contractors that installed the faulty heater, but the inspectors that approved the work.

There are several lessons to be learned from this story.

- A. Building codes work. Compliance with building codes will protect lives and property. Violating building codes will put lives and property at risk.
- B. Inspecting construction for code compliance is a serious and important job. Every inspection is important and deserves the appropriate attention to detail.
- C. Code officials are not perfect. The doctrine of Sovereign Immunity must be respected when officials are acting in their official capacity, and are therefore immune from civil or criminal prosecution.
- D. Each jurisdiction is responsible for defending their employees, unless deliberate misfeasance or malfeasance can be proven
- E. In this case, it is good to recognize that ICC provided legal assistance by filing a "friend of the court" brief in support of the building inspectors

This story has played out over several years of investigation, grand jury indictments and court hearings. Just recently the charges against all of the defendants were dismissed on a technicality. While it appears that these inspectors will not be found criminally or civilly guilty, I would suspect that they will always wonder if they could have prevented the tragic loss of four innocent lives.

Every day each of us has an opportunity to protect lives and property. It is incumbent upon all of us to continue to expand our knowledge of the codes, and be diligent when performing plan reviews, inspections, and issuing a Certificate of Occupancy.

Take comfort in the knowledge that even though there is an occasional tragedy, such as the deaths in Colorado, our communities are safer because of effective building codes and the enforcement work that we do.

Discuss this article with others in your jurisdiction. What do you take away from this set of circumstances?

Read the full story at: <https://www.boaf.net/about-us/hot-topics/531-inspectors-indicted.html>

FLORIDA BUILDING COMMISSION NEWS

DOUG HARVEY



2012 FBC Meeting Schedule

January	30 & 31	Trade Winds	St Pete Beach
April	2 & 3	Hilton University	Gainesville
June	11 & 12	Hilton	Daytona Beach
August	6 & 7	Embassy Suites at USF	Tampa
October	8 & 9	Hilton	Daytona Beach
December	3 & 4	Hilton University	Gainesville

- Florida Building Commission Chairman Raul Rodriguez has been replaced by Richard S. Brody, effective October 2011, after twelve years of service as chairman.
- Chairman Brody is President of Browdy & Browdy, Inc., a Jacksonville custom home builder. He has been a member of the commission since 1988
- Additionally, Rick Dixon, Director of the Florida Building Commission is retiring effective January, 2012
- A schedule for the development of the 2013 Florida Building Code will be available as soon as the BCIS is updated to reflect changes in statute effective July 2011.

Learn more about the Florida Building Commission at:

<http://www.myfloridalicense.com/dbpr/bcs/index.html>



LEGISLATIVE UPDATE

JOHN O'CONNOR

BOAF Legislative Days January 17 & 18, 2012

Legislative Days is a great opportunity for Code Officials to meet our Senators and Representative during the 2012 legislative session, and express our support or opposition to proposed legislation. We invite all of you to join us. The event hotel is the Candlewood Suites and a block of rooms has been reserved. Please call the BOAF office for more information, get involved or to let us you know you will participate.

Participants will meet with our Legislative Consultant David Ramba to hear firsthand how the session is going, and visit legislators from our individual regions. If possible we may attend committee meetings on bills of interest to our profession. We will be leaving printed materials detailing BOAF positions with each legislator and staff member that we meet with.

2012 LEGISLATIVE SESSION BILLS of INTEREST

HB 0387/ SB 0600	Electronic Filing of Construction Plans
HB 0651/ SB 0704	Building Construction and Inspection
HB 0517/ SB 0762	Reducing and Streamlining Regulations
HB 0521/ SB 0992	Regulation of Hoisting Equipment Used in Construction, Demolition, or Excavation Work
HB 0683/ SB 0078	Electrical Contracting
HB 1259/ SB 1544	Swimming Pool and Spa Contracting
HB 0503/ SB 0716	Environmental Regulation
SB 0690	Solar Energy Systems
HB 0987/ SB 1032	Thermal Efficiency Standards
HB 4025/ SB 0760	Local Business Taxes
HB 4033	Contracting
HB 0999/ SB 0820	Onsite Sewage Treatment and Disposal Systems
HB 4061/ SB 1814	Uniform Home Grading Scale
HB 0887/ SB 1252	Business and Professional Regulation
HB 0897/ SB 1202	Construction Liens and Bonds
HB 0743/ SB 1074	Energy Efficiency
HB 1179/ SB 1148	Workplace Safety

Visit the BOAF website **Hot Topics** section of the **About Us** tab throughout the session for more information on bills that we are tracking. <http://www.boaf.net/>

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FEATURE ARTICLE

A New Look at Florida's Regulations

by [Amy Keller](#)

Ken Lawson, secretary of the Dept. of Business and Professional Regulation, promises a kinder, gentler way of regulating business.

Even as he seeks to reduce red tape, Ken Lawson says he's not interested in the sort of widespread deregulation that some Republican lawmakers pursued unsuccessfully last legislative session.

As Ken Lawson was moving into his new role as secretary of the Department of Business & Professional Regulation in April, he learned of a problem involving a seafood restaurant in Panama City. The restaurant's owners were upset after DBPR investigators — looking to the owners like paramilitary officers in their cargo pants, with badges slung round their necks — had shown up to inspect their restaurant during the busy lunch hour and startled patrons.

Lawson was equally troubled by the show of force — saying "it sends the wrong message" — and instituted a dress code change for the agency's investigators. Instead of cargo pants, they'd wear khakis and button-down shirts, and he instructed them to carry credentials, as opposed to law enforcement-like badges.

The new dress code is part of Lawson's effort to remake the 1,500-person agency and its \$1.5-billion budget. The agency oversees licensing of occupations ranging from real estate agents and veterinarians to contractors and hairdressers. Lawson, a former federal prosecutor picked for the state post by Gov. Rick Scott, says he accepted the job with the understanding that he would support Scott's mission of reducing unnecessary regulation in an effort to get Floridians back to work.

The DBPR can do that, he says, by streamlining its licensing process and ensuring a strong but fair enforcement process. The department won't be a pushover, he says. "If your intention is to break the law, we'll take you down," Lawson promises.

In July, Lawson launched a new "Apply Now!" initiative aimed at revising the applications for 19 professions. Over the next several months, "implementation teams" for each profession will analyze the applications and look for ways to streamline them.

The agency, which licenses about 1 million Florida businesses and professionals, has also started a licensee survey to get business owners' ideas about how to make the licensing process easier, and Lawson is launching video-conferencing programs at 11 locations around the state for licensees who want to talk directly to someone in Tallahassee.

He also requires that department investigators now carry and present a "bill of rights" card to licensees when their business is being inspected. The card informs business owners that they have the right to know the reason for the inspection; have knowledgeable, helpful, objective and courteous inspectors who use safe and minimally disruptive practices; receive a copy of the completed inspection; question the findings of the inspection; ask for reconsideration of those findings; and be efficiently and fairly treated in all dealings with DBPR. The name and telephone number of the investigator's supervisor are on the back of the card.

Lawson will also be pursuing a "decriminalization" bill in the 2012 legislative session. Lawson says some punishments doled out to licensees for minor infractions are simply too harsh. He cites the example of Florida barbershops: "Do you know that if they don't sweep the floor three times a day, we will cite you in an inspection, and it gets referred to the State Attorney's Office? Sounds silly, doesn't it? We can get rid of those silly rules in a decriminalization bill."

Learn more about DBPR at:

<http://www.myfloridalicense.com/dbpr/>

BCAIB

Bob McCormick
Chairman of the Board

BUILDING CODE ADMINISTRATORS AND INSPECTOR'S BOARD

DOUG HARVEY

CHAIR'S CORNER

The provisional certification process has been the focus of the Board's attention at recent meetings. It is not unusual for individual applicants to request provisional certification when newly hired or promoted. However, many applicants *do not* apply at the same time for standard certification in the same category, even though they eventually must if they intend to continue performing in the same category beyond the three year maximum life of the provisional certification. We encourage those persons applying for such certification to apply for standard licensure with the same application by checking both boxes 'Provisional' and 'Standard' on the application form. Since the qualifications for provisional and standard certifications in a single category are identical, the applicant, if approved for provisional certification, should also be approved for standard certification when reviews of both are conducted at the same time. The Board will not approve an application for standard certification applications based solely on the applicant having received provisional certification in the same category sometime in the past. Among the benefits of having a single review for both are 1) submitting only one application package (with both boxes checked), and 2) the applicant doesn't have to gather all of the necessary information and documents several months (or even years) later when finally applying for the standard license. Of critical importance to this process is the need to pay for both the provisional and standard applications (\$5 for each) at the time of application. The Department cannot move either part of this dual application forward if the accompanying payment is insufficient.

Provisional Building Code Administrator certification approvals have also been discussed by the Board and at a recent public workshop. Applicants for this certification who qualify may currently work in that capacity for as long as three years without having passed the requisite legal and management, technical, or P and P exams. Valid reasons have been presented by those who propose elimination of this category altogether as well as by those who believe it is important to retain it. In response to the concerns expressed by everyone on this issue, a proposal may surface to reduce the 'life' of such certification to 18 months.

This summer, the Building Code Administrators and Inspectors Board bade farewell to longtime Board member and past Chairman Robert Kymalainen. Bob unselfishly shared his time and wisdom for the maximum number of years allowed. Moving onward also is Timothy Dennis, Assistant Attorney General, and dedicated counsel to the Board for several years, as he accepts new assignments and challenges. Replacing Mr. Kymalainen is the Building Official for Hillsborough County, Wayne Francis. Clark Jennings has graciously accepted our Board Counsel responsibilities, which are nothing new to him since he has previously served in that capacity as well as serving as Board Counsel for other DBPR Boards. The Board and staff welcome both of these very able individuals and congratulate Richard Gathright and Orlando Lamas on their reappointment.

Please join us at one or more of our upcoming meetings to express your thoughts about any of the agenda subjects or, during the public comment period, propose future discussions that might allow this Board to provide better, more efficient and effective service.

Learn more about BAID at:

<http://www.myfloridalicense.com/dbpr/pro/build/index.html>



John C. Burke
Chairman of the Board

CHAIR'S CORNER

Use of Aluminium Manuals When The Engineer of Record Is Deceased

There have been several inquiries regarding use of the Aluminium Design Manuals signed and sealed by Larry Bennett, Professional Engineer, Deceased. The Board discussed this matter in their last Board meeting on October 13, 2011. In summation, the death of an engineer does not invalidate the work signed and sealed. Aluminium manuals signed and sealed by Mr Bennett pursuant to Section 489.113(9), Florida Statutes should pose no problem with use, as long as the manuals remain in compliance with the Florida Building Code or any other applicable code. When any applicable code changes, the manual has to be updated through an adoption process with a new Engineer of Record.

Building Code Course Requirement

In 2009, the Florida Legislature enacted changes to Chapter 471.0195, Fla. Stat., and (Florida Building Code training for engineers). The change to the statute essentially removed the requirement for PEs to report the FBC core curriculum courses and, instead, required PEs covered by the law to take and report advanced or specialized courses on any portion of the Florida Building Code applicable to the licensee's area of practice. Specifically, Section 471.0195 reads:

"All licensees actively participating in the design of engineering works or systems in connection with buildings, structures, or facilities and systems covered by the Florida Building Code shall take continuing education courses and submit proof to the board, at such times and in such manner as established by the board by rule, *that the licensee has completed any specialized or advanced courses on any portion of the Florida Building Code applicable to the licensee's area of practice.* The board shall record reported continuing education courses on a system easily accessed by code enforcement jurisdictions for evaluation when determining license status for purposes of processing design documents. Local jurisdictions shall be responsible for notifying the board when design documents are submitted for building construction permits by persons who are not in compliance with this section. The board shall take appropriate action as provided by its rules when such noncompliance is determined to exist."

At this time, the Board has not promulgated rules addressing the time and manner to report the advanced or specialized courses and, as a result, has made no decision as to penalizing PEs for noncompliance.

This action derives from the fact that the Board cannot promulgate the reporting Rules until it is able to ascertain what would constitute specialized or advanced FBC courses-authority which was not given to it by the Legislature. Until the reporting Rules are in place the FBPE is issuing a moratorium on the reporting requirements of Section 471.0195. Thus FBPE approved CE providers should not offer courses claiming that such courses fulfil a reporting requirement that has not been defined and licensees should not feel pressured to take courses that may or may not meet a requirement that is not clearly defined.

The Board will continue to modify a licensee's record if he or she has completed the building code core curriculum, even though the statute no longer requires it. When the Board is able to clarify the current statute and begin to require reporting of the advanced or specialized code classes, FBPE will add another modifier to the licensee's record to indicate that the requirement for advanced or specialized training has been met.

In the meantime, any licensee who takes a course pertaining to the Florida Building Code is still able to receive credit toward their area of practice requirement for the next renewal biennium.

View disciplinary actions at:

<http://www.fbpe.org/disciplinaryaction.asp>

Learn more about FBPE at:

<https://www.myfloridalicense.com/wl11.asp?mode=1&SID=&brd=&typ=>



CILB

Mark Pietanza
Chairman of the Board

CONSTRUCTION INDUSTRY LICENSING BOARD

CHAIR'S CORNER

I am pleased to announce that Governor Rick Scott has appointed Ms. Kristen Beall, Mr. Richard Kane and Ms. Jacqueline Watts to the Construction Industry Licensing Board.

It is with great pleasure that we welcome back Ms. Jacqueline Watts, who previously served as the Board's air-conditioning contractor member from January 2002 until March 2010. Ms. Watts served with distinction and held the position of both Chair and Vice-chair of the Board.

It is also with great pleasure we welcome Ms. Kristen Beall and Mr. Richard Kane. Ms. Beall comes to the Board from Mt. Dora, FL, and will serve as the Board's newest certified building contractor member. Ms. Beall has been a licensed certified building contractor since 1999. Mr. Kane comes to the Board from Melbourne, Florida, and will serve as the Board's newest general contractor member. Mr. Kane has been a licensed certified general contractor in the State of Florida since 1985.

The experience possessed by Ms. Watts, Ms. Beall and Mr. Kane will be a valuable resource for both the Board and the State of Florida. Please join me in welcoming our new board members and thanking them for their commitment to Florida's construction industry.

I would also like to thank Mr. Scott Greenberg and Mr. James Flaherty for their distinguished service as members of the Construction Industry Licensing Board. Mr. Flaherty was the Board's mechanical contractor member from July 2005 until June 2011. Mr. Greenberg served as the Board's air-conditioning contractor member from March 2010, until June 2011. These members dedicated five days a month for board meeting preparation and meeting attendance for each month they served. It has been an honor to have them on the Construction Industry Licensing Board.

Finally, I would like to take this opportunity to thank all of the Board's members for a great year and the privilege of serving as your chair. It is truly an honor working with each of you and I cherish the years I have spent on the Board. I believe that our Board serves the people of the State of Florida with distinction and I would like to personally thank you for your service.

Learn more about CILB at:
<http://www.myfloridalicense.com/dbpr/pro/cilb/>



DBPR INTRODUCES IMPROVED ONLINE APPLICATIONS

The Department of Business and Professional Regulation has improved online applications for new licensees.

The most significant change is that the upgraded system requires all users – even those who have had online accounts with our Department for years – to create a one-time registration profile before accessing the system. Once the new profile has been created and you have supplied your license number, the system automatically transfers all data associated with your old account. Additionally, if you had to manage multiple accounts under the old system to manage all of your licenses, you will be able to link them all into the new single profile.

Applicants now have the ability to upload required documents, allowing them to fully complete and submit applications online. This enhancement ensures that applications and supporting documentation submitted online will remain together. The online system allows

for faster processing times, thus getting our licensees to work more quickly. The upgraded system also provides licensees many new online services, including the ability to:

- Register with an email address and secure password;
- Receive registration confirmation via email confirmation;
- Link an existing license(s) to online profile;
- Retrieve a forgotten password;
- Answer eligibility questions to ensure you are using the correct application;
- Attach necessary documents for licensure;
- Receive an application summary and payment summary via email;
- Check your application status;
- Log in and finish an incomplete application before submission, if you were not able to complete the application when initially applying;
- Make payments;
- View Continuing Education history, if applicable; and
- Maintain license relationships

BOAF MEMBERSHIP RENEWAL



At the December Board meeting, your Directors voted to increase the State membership fees. This increase becomes effective March 15, 2012. The new Active Member is \$50 and the Associate Member is \$75.

Our website offers exclusive benefits to State members, such as, discounts for site seminars and the Annual Education & Trade Expo, a quarterly newsletter, discussion group and member prices in the BOAF Marketplace. Also, this year we have added the option to purchase your ICC membership at a discounted rate of \$35.00 when joining/renewing as a state member with BOAF. Please review the information in your online profile and make any necessary corrections. To join/renew use the icon on the front of our home page on the right side. Upon renewal, your new BOAF membership card can be printed when you log in on the website using your assigned user name and password.

State Active before March 15, 2012	\$15.00	Add the ICC Membership	\$35.00
State Active after March 15, 2012	\$50.00	Add the ICC Membership	\$35.00
State Associate before March 15, 2012	\$55.00	Add the ICC Membership	\$35.00
State Associate after March 15, 2012	\$75.00	Add the ICC Membership	\$35.00

ICC discounted membership rate is only available if you join/renew at State level

Your continuing membership and support is important as BOAF strives to provide the very best of continuing education through site seminars, annual conference, discussion group, and interpretations to achieve consistency in the application of building codes statewide, and representation on issues of importance to our professions.

* Note – Several Chapters are participating in the joint membership process. If you are currently a member of a local Chapter, or wish to be, please log in to the website and purchase the appropriate memberships through our marketplace. We realize many of you may need to use a purchase order. You may select check as your payment option on the web. (Copies of joint membership application may also be obtained from one of your Chapter Officers). While we encourage you to join both the State and Local Chapters, you are not required to do so.

Join or Renew your membership at: <http://www.boaf.net/membership/join.html>

2012 BOAF AWARDS



CALL FOR NOMINATIONS

Nominations are now being accepted for the following BOAF Awards. Each award will be presented during the Annual BOAF Education Conference. The deadline for nominations is February 15, 2012.

Each BOAF Award will be given to a member whose service and contribution to our profession is meritorious and worthy of recognition.

Robert K. Becker Memorial Lifetime Achievement Award Named in honor of the first Executive Director of the Association and presented to a member whose contributions to the building safety industry have advanced BOAF's goals of achieving a safer built environment. Particular emphasis will be placed on the recipient's total career and his or her focus beyond local and regional concerns, to issues and activities that span the state and country. Individual will have been or will currently be a leader in the industry and have a legacy of service with integrity, professionalism and compassion.

Building Official of the Year Award Given to a member whose contribution to the code enforcement profession is meritorious and worthy of recognition. Individual will have demonstrated professional abilities; is recognizable as an example for all members of the code enforcement profession; and has furthered the cause of safety in the built environment within his jurisdiction and state. Recipient will be selected from the current group of "Chapter Building Officials of the Year".

NEW! Inspector of the Year Award and Plans Examiner of the Year Award: Presented to a member who consistently demonstrates the qualities of integrity, professionalism and dedication in his or her service to the profession and whose personal standards represent the spirit of public service to the enforcement of codes and standards in the interest of public safety. The candidate will have demonstrated a commitment to increased job knowledge, competent enforcement, and assistance to fellow code officials and the public.

NEW! Member of the Year Award Presented to a member who consistently demonstrates the qualities of integrity, professionalism and dedication in his or her service to the Association and whose personal standards represent the spirit of public service to the enforcement of codes and standards in the interest of public safety.

NEW! Meritorious Service Award: This award is granted to an individual whose contributions to BOAF are meritorious and worthy of recognition, and who has given unselfishly of his or her time and talent in furthering the goals of the Association.

Please follow the link below to complete the form: <https://www.boaf.net/about-us/staff/committees/274-awards-committee.html>. Send it, along with any accompanying information you may wish the Awards Committee to consider, to:

BOAF Awards Committee
Attn: Doug Harvey,
3697 Lake Emma Road,
Lake Mary, FL 32746-6121
Fax: (407) 804-0308;
email: doug@boaf.net

Please attach any additional information (e.g., resume, letters of endorsement, etc.) to the email that is created.

60TH ANNUAL BOAF EDUCATIONAL CONFERENCE AND TRADE EXPO



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<http://www.boaf.net/education/2012-conference-lake-buena-vista/444-2012-conference-a-trade-expo.html>



2012 CHAPTER SITE SEMINAR PROGRAM

BOAF Site Seminars provide 14 hours of approved continuing education training designed to meet some or all of the State mandated licensing requirements. These classes have been beneficial to code officials, inspectors, plans examiners, contractors, architects and engineers by providing current code training to meet your needs.

DATES & LOCATIONS

MARCH 15 & 16	BEACH	AUGUST 9 & 10	NATURE COAST
MARCH 22 & 23	SUWANNEE RIVER	AUGUST 16 & 17	VOLUSIA/FLAGLER
MARCH 29 & 30	PALM BEACH COUNTY	AUGUST 23 & 24	PANHANDLE
APRIL 12 & 13	CENTRAL FLORIDA	SEPT 13 & 14	PALM BEACH COUNTY
APRIL 19 & 20	BREVARD	SEPT 20 & 21	FLORIDA KEYS
APRIL 26 & 27	TREASURE COAST	SEPT 21 & 22	FIRST COAST
JULY 12 & 13	GULF COAST	SEPT 27 & 28	TREASURE COAST
JULY 19 & 20	BIG BEND	OCTOBER 11 & 12	SUNCOAST
JULY 26 & 27	PEACE RIVER	NOVEMBER 1 & 2	CENTRAL FLORIDA
AUGUST 2 & 3	NORTH FLORIDA		

CURRICULUM

Day 1		Day 2	
8:00 - 10:00	Energy Code– Commercial	8:00-9:00	Worker’s Compensation
10:00 - 12:00	Energy Code-Residential	9:00-10:00	Jobsite Safety
12:00 - 1:00pm	LUNCH PROVIDED	10:00-12:00	Laws & Rules
1:00-3:00	Advance Code	12:00-1:00	LUNCH PROVIDED
3:00-4:00	Wind Mitigation	1:00-3:00	Accessibility
		3:00-4:00	Ethics

For more information, click the link below:

<http://www.cvent.com/events/2012-boaf-site-seminars/event-summary-cfb53822b4a04a178e1ea6ca16287c61.aspx>



CROSS TRAINING PROGRAM

The BOAF Cross Training Program has been developed as an alternative way for an inspector or plans examiner to qualify for licensure in one or more additional categories. The program uses a combination extensive classroom training and on-the-job field experience, with a qualified personal trainer, to provide an alternative to the five years of experience that would otherwise be required.

BOAF has a program for inspectors and plans examiners that work for government or corporate employers.

Read more about the programs and download information at:

<http://www.boaf.net/education/cross-training-programs/cross-training-information.html>



MARKETPLACE

2010 FLORIDA BUILDING CODE BOOKS AND COLLECTIONS AT THE BOAF MARKETPLACE

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List Price, Each	Member Price, Each	Description
131.00	104.75	2010 Florida Building Code
42.00	33.50	2010 Florida Test Protocols HVHZ
88.00	70.50	2010 Florida Mechanical Code
88.00	70.50	2010 Florida Plumbing Code
88.00	70.50	2010 Florida Fuel Gas Code(09 IFGC & Supp)
115.00	92.00	2010 Florida Residential Code
72.00	57.50	2010 Florida Existing Building Code
70.00	56.00	2010 Accessibility Code (twice the size)
24.00	20.00	2010 Florida Energy Code

http://www.boaf.net/images/stories/forms/MARKETPLACE_Pre-Order_Single_Codes_081511.pdf

COLLECTION CODE PRICES

List Price, Each	Member Price, Each	Description
465.00	372.00	2010 Florida Complete Collection
162.00	129.00	2010 FBC & Test Protocols HVHZ
378.00	302.00	2010 Collection#2 (B-P-M-FG-R-EB-Energy-Accessibility)
465.00	372.00	2010 Complete Collection-CD
2750.00	2200.00	2010 Complete Collection-Network
131.00	105.00	2010 Florida Building-CD
680.00	544.00	2010 Florida Building-Network
115.00	92.00	2010 Florida Residential CD
600.00	480.00	2010 Florida Residential-Network

http://www.boaf.net/images/stories/forms/MARKETPLACE_Pre-Order_Collections_CDS_081511.pdf

2010 Florida Building Codes go into effect March 15, 2012

To Order, download a form from the links above,
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Purchases from the BOAF Marketplace help fund BOAF operations
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