

NOTICE OF PROPOSED RULEMAKING

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER TITLE:

RULE CHAPTER NO.:

Florida Building Commission - Building Code

Training Program

9B-70

RULE TITLES:

RULE NOS.:

Building Code Core Education.

9B-70.001

Commission Approval and Accreditation of Advanced

Building Code Training Courses.

9B-70.002

PURPOSE, EFFECT AND SUMMARY: To review the provisions of these rules in light of the past two years experience and implement changes beneficial to the program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Any person who wishes to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 553.841(2), 553.841 FS.

LAW IMPLEMENTED: 553.841(2), 553.841 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 8:30 a.m. (or as soon thereafter as the matter is brought before the Commission in accordance with its agenda); February 7, 2007

PLACE: Embassy Suites Hotel, 3075 Spectrum Boulevard, Tampa, Florida 33612

Any person requiring special accommodations at the hearing because of a disability or physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida

32399-2100, (850) 487-1824, at least seven days before the date of the workshop. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, which can be reached at 1(800) 955-8770 (voice) or 1(800) 955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850) 487-1824.

THE FULL TEXT OF THE PROPOSED RULES IS:

9B-70.001 Building Code Core Education. The purpose of the Building Code Training Program is to educate licensed building department personnel, contractors, and design professionals through required core curriculum courses ~~or equivalency examination~~ that addresses the Florida Building Code.

(1) The Core Curriculum is comprised of:

(a) ~~A The Core Curriculum is comprised of the~~ Basic Core Course that emphasizes the administrative, enforcement and procedural aspects of the Florida Building Code and updates and amendments thereto.

(b) Upon availability, a four-hour course that emphasizes the basic requirements of the Florida Accessibility Code for Building Construction.

(2) Licensees regulated under Chapters 468, Part XII, 481, and 489, Parts I and II, F.S., shall at a minimum complete one of the courses ~~by June 1, 2003~~ or within two (2) years of initial certification or registration, whichever is later. Licensees regulated under Chapter 471, F.S., are required to complete the core course only if the licensee actively participates in designing buildings, structures, or facilities covered by the Florida Building Code.

(3)~~(b)~~ The Core Courses shall be delivered by providers approved by the respective licensing standards board, or by the Department of Business and Professional Regulation, if there is no board. Licensees will receive four (4) hours of continuing education credit for each core course

completed.

~~(4)(c)~~ Licensees who hold more than one certificate or registration issued by a board and licensees regulated by more than one board will be required to complete one core course one time.

~~(5)(d)~~ The core course shall be delivered through customized instructor-led training at multiple sites, Internet, or CD-ROM supported interactive multimedia training materials as provided by the appropriate licensing board in their continuing education rules.

~~(6)(e)~~ The Department of Business and Professional Regulation shall assign generic course numbers which must be used by all providers when reporting completion of the core courses by electronic means to the Department of Community Affairs.

~~(2) Equivalency examination:~~

~~(a) The equivalency examination shall include and measure the same areas of competency covered in the Basic Core course. The equivalency examination will be updated every third year to reflect the new edition of the Florida Building Code.~~

~~(b) Passing the equivalency examination shall be considered equivalent to completing the Basic Core course and the licensee will receive four (4) hours of continuing education credit.~~

~~(c) The licensee shall be required to achieve a passing status on the equivalency examination to receive four (4) hours continuing education credit.~~

~~(d) The equivalency examination shall be administered at multiple sites located throughout the state.~~

~~(e) Security measures as set forth by the Department of Business and Professional Regulation's Rule 61-11.014, F.A.C., shall be followed during the administration of the equivalency examination.~~

~~(f) If the licensee does not pass the equivalency examination, and subsequently completes a core course, the licensee shall be deemed to have met the requirements for license renewal and will receive four (4) hours of continuing education credit.~~

Specific Authority 553.841(2) FS. Law Implemented 553.841 FS. History – New 4-20-00, Amended 10-14-01, 6-13-04, 6-8-05,_____.

9B-70.002 Commission Approval and Accreditation of Advanced Building Code Training Courses.

(1) Approval of Course Accreditors. The Commission shall approve persons ~~or entities~~ to serve as accreditors of advanced training courses. Persons or entities desiring to be accreditors shall apply using Form FBCED 2003-001 adopted herein by reference and available from the Building Code Information System at www.floridabuilding.org. Applications shall be accompanied by an application fee of \$100.00. Applications shall be approved by the Commission if the applicant has demonstrated five years of Florida Building Code sufficient expertise in the field for which approval is sought, and possesses an active license issued pursuant to 471.015, 481.213, 481.311; 489, Part I or II; or a standard certificate issued pursuant to FS 468.609. When an accreditor application is submitted to accredit only accessibility courses by an individual who can demonstrate proficiency acceptable to the Commission as a subject matter expert in the field of accessibility the Commission shall approve that applicant to accredit accessibility courses. Accreditors approved by the Commission under prior versions of this rule are authorized to continue accreditation of building code courses. Approval as an accreditor shall be revoked upon a finding by the Florida Building Commission that the accreditor has committed misfeasance or malfeasance related to the process of accreditation; accredited courses in violation of Florida Building Commission rule(s) related to courses reflecting the building code(s), or Florida Statutes or rules; or failed to maintain the license that provided the basis for approval as an accreditor.

(2) Accreditor Review of Courses. Accreditors shall review courses submitted by ~~course developers and~~ providers approved by the Department of Business and Professional Regulation to determine if the course accurately presents the technical and administrative responsibilities reflected in the current edition of the Florida Building Code; or Florida Statutes or rules related

to the Florida Building Code. Accreditors shall not mutually accredit each others' courses. The accretitor shall to determine if the course meets contains the following minimum criteria:

(a) Course Title/Number. The word "advanced" and, if appropriate, "internet" shall be in the title Goals and measurable objectives;

(b) Hours of Credit Topical outline of the course components in order of presentation;

(c) Name, address, telephone number and e-mail address of the provider; Teaching methods can include one or more, but not limited to: exercises, quizzes, discussion groups, reading assignments, projects, simulations, and presentations; and

(d) Course Description completely describing what the particular course is designed to address; Teaching resources and course references cited in the course materials.

(e) Course/Learning Objectives Course materials accurately reflect the Florida Building Code and other topics under the jurisdiction of the Florida Building Commission;

(f) Course Time allotments for course content;

(g) Course Outline/Instructional Methods - detailed description of course content in sequence of how taught and methods used to teach that content. The following instructional methods are authorized, but are not limited to: exercises, quizzes, discussion groups, reading assignments, projects, simulations, and presentations;

(h) Code edition to which the course relates;

(i) Course references cited in the outline;

(j) Method of Course Evaluations;

(k) A minimum of 50% of the actual training materials content shall be related to the Florida Building Code or Florida Statutes or rules related to the Florida Building Code;

(l) Course materials shall accurately reflect the Florida Building Code and other topics under the jurisdiction of the Florida Building Commission; and

(m) Course materials provided to the student shall be provided to the Accreditor.

(3) Course Accreditation by the Florida Building Commission. Accredited Courses are to

effectively and accurately address the technical and administrative responsibilities in the effective execution of the Florida Building Code; or Florida Statutes or rules related to the Florida Building Code. In the event the Commission identifies areas or topics of advanced Building Code education with an insufficient number of courses available through existing resources, the Commission shall report the areas or topics to the appropriate licensing board. If additional courses do not become available within six months of notification to the licensing board, upon a finding that the absence of course work in the identified subject area is detrimental to the effective administration and enforcement of the Florida Building Code, and funds are available in the Commission's budget for course development, the Commission will develop a minimum of one (1) course that will be made available to training providers.

(a) Training providers approved by the Department of Business and Professional Regulation who desire Commission approval and accreditation for advanced Building Code courses shall register with the Building Code Information System Form FBCED 2003-002, Provider Registration, adopted herein by reference and available from the Building Code Information System at www.floridabuilding.org, and pay a registration fee of \$25.00.

(b) Registered training providers shall submit materials and information pertaining to courses for which Commission accreditation and approval is sought utilizing Form FBCED 2003-003, Course Accreditation Application, adopted herein by reference and available from the Building Code Information System at www.floridabuilding.org.

(c) The provider shall select an approved accreditor and shall provide payment for services directly to the accreditor. The accreditor selected shall meet the criteria for independence identified in paragraph (d) and shall be listed with expertise in the field for which approval is sought.

(d) Upon submittal by a training provider, the selected accreditor shall receive an e-mail notification from the Building Code Information System at www.floridabuilding.org and shall review the materials provided by the provider in accordance with the criteria identified herein.

The accreditor shall complete the application by providing comments containing the results of the accreditor's review and updating the accreditation Approval Status on the Building Code Information System. The accreditor shall also provide a certification of independence that attests the person or entity does not have, nor does it intend to acquire or will acquire, a financial interest in the training provider seeking accreditation.

(e) The Building Code Information System shall assign an accreditation number to the application upon submittal ~~and the application shall be scheduled for review by the Florida Building Commission.~~ The application shall be accredited completely and placed in the "Pending FBC Action" file on the Building Code Information System at www.floridabuilding.org no later than 23 calendar days prior to the next reviewed and action taken on the accreditation and approval of the materials at the regularly scheduled meeting of the Florida Building Commission which occurs more than 30 days from the date the accreditation number is assigned. The Commission shall finalize the accreditation process utilizing the Building Code Information System at www.floridabuilding.org and notify the provider and accreditor within 3 business days of the Florida Building Commission's action on the applications.

(f) Providers shall have 120 calendar days from the date of the code adoption to update existing accredited courses affected by the code changes and submit for accreditation or designate on the Building Code Information System at www.floridabuilding.org the course is not affected by the code changes and the course status should remain active. Existing courses may continue to be delivered during the 120 calendar day period. The code version that initiated the update and reaccreditation process must be noted on the application. Accreditation of revisions to accredited courses and courses in alternative formats to approved accredited courses shall be accomplished in the same manner as described in paragraphs (a) through (f)(d) hereof, except that only the revision submitted shall be subject to review and these courses shall be approved by the administrator of the education program subject to ratification by the Florida Building

Commission.

(g) The Commission shall audit 2% of all courses submitted for accreditation and of all courses submitted for re-accreditation. Any courses submitted for accreditation or re-accreditation determined to not accurately reflect the Florida Building Code Edition; or Florida Statutes or rules related to the Florida Building Code shall be denied. All approved Advanced Building Code Courses must reflect the Florida Building Code Edition; or Florida Statutes or rules related to the Florida Building Code. Any courses accredited and found by audit or any means to inaccurately reflect the Florida Building Code Edition; or Florida Statutes or rules related to the Florida Building Code or accredited by an accretor outside the approved areas of expertise shall have the accreditation revoked, the status of the course communicated to the respective licensing board, and the provider required to file a new application for accreditation, if the course would comply.

Specific Authority 553.841(2) FS. Law Implemented 553.841 FS. History – New 6-8-05,
Amended.

NAME OF PERSON ORIGINATING PROPOSED RULES: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850) 487-1824.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULES: Janice Browning, Director, Division of Housing and Community Development.

DATE PROPOSED RULES APPROVED BY AGENCY HEAD: December 6, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2006.