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FBC Education Administrator Report

May 20, 2011

- A. Provided administrative support for FBC Education POC for March 30, 2011 meeting
- B. Drafted minutes for FBC Education POC March 30, 2011 meeting
- C. Prepared agenda for FBC Education POC meeting on June 1, 2011
- D. Inquiries from the public March 19, 2011 to May 18, 2011 as follows:

22 inquiries: 7 telephone; 6 email; 9 telephone and email

Category of inquirers:

7 Providers
1 Publisher

3 Engineer

1 Contractor

10 Consumer (elevator code, energy rater, specialty license application, swimming pool, roofing, construction lien law)

Types of Inquiries:

3 Core course for engineers

4 Swimming pool (3 residential, 1 commercial)

5 Provider questions

1 Construction contract

2 Course approval

1 Construction lien law

2 Specialty license question on testing

1 Energy rater qualification question

1 Consumer question on elevator code

1 Landscape resource

1 Roofing

E. Impact of the 2011 legislative session – Only one bill that passed directly impacts section 553.841, Florida Statutes, Building Code Compliance and Mitigation Program. The bill is SB 2156 by Senate Budget Committee, transferring duties and functions from various agencies to other agencies. For section 553.841, the specific changes are to subsections (2) and (5) as follows:

(2) The Department of Business and Professional Regulation ~~Community Affairs~~ shall administer a program, designated as the Florida Building Code Compliance and Mitigation Program, to develop, coordinate, and maintain education and outreach to persons required to comply with the Florida Building Code and ensure consistent education, training, and communication of the code's requirements, including, but not limited to, methods for mitigation of storm-related damage. The program shall also operate a clearinghouse through which design, construction, and building code enforcement licensees, suppliers, and consumers in this state may find others in order to exchange information relating to mitigation and facilitate repairs in the aftermath of a natural disaster.

(5) Each biennium, upon receipt of funds by the Department of Business and Professional Regulation ~~Community Affairs~~ from the Construction Industry Licensing Board and the Electrical Contractors' Licensing Board provided under ss. 489.109(3) and 489.509(3), the department shall determine the amount of funds available for the Florida Building Code Compliance and Mitigation Program.

As of May 19, 2011, the bill had not yet been sent to Governor Scott for his review.

There was a “building codes bill” that passed this year, but it does not include anything specifically related to education and training. The bill is CS/CS/CS/HB 849 by Daniel Davis (R-Jacksonville), and, as of May 19, 2011, it has not yet been sent to the governor for review. If the governor approves the bill, it generally takes effect July 1, 2011. Below is a summary of only some of the changes in this legislation (the bill contains much more than this):

- Exempts triennial updates of the Florida Building Code and the Florida Fire Prevention Code from legislative ratification
- After the 2010 code, changes the way the Florida Building Code is developed as follows:
 - Requires that the Florida Building Commission use the International Codes published by the International Code Council, the National Electric Code (NFPA 70), or other nationally adopted model codes and standards needed to develop the base code in Florida.
 - Removes the provision that requires maintaining Florida-specific amendments previously adopted by the Florida Building Commission and not addressed by the updated foundation code.
 - Specifies that amendments or modifications to the foundation code remain effective only until the effective date of a new edition of the Florida Building Code every third year, except:
 - Amendments or modifications related to state agency regulations which are adopted and integrated into an edition of the Florida Building Code shall be carried forward (subject to modification)
 - Amendments or modifications related to the wind-resistance design of buildings and structures within the high-velocity hurricane zone of Miami-Dade and Broward Counties which are adopted to an edition of the Florida Building Code shall be carried forward (subject to review or modification)
 - If an amendment that expires (or sunsets) is resubmitted, the amendment must specifically address whether:
 1. The provisions contained in the proposed amendment are addressed in the applicable international code.
 2. The amendment demonstrates by evidence or data that the geographical jurisdiction of Florida exhibits a need to strengthen the foundation code beyond the needs or regional variations addressed by the foundation code, and why the proposed amendment applies to this state.
 3. The proposed amendment was submitted or attempted to be included in the foundation codes to avoid resubmission to the Florida Building Code amendment process.
 - If the proposed amendment has been addressed in the international code in a substantially equivalent manner, the Florida Building Commission may not include the proposed amendment in the foundation code.
- Amends section 627.711, Florida Statutes, relating to premium discounts for hurricane loss mitigation and the uniform mitigation verification inspection form (form 1802), to specify that the required 3 hours of mitigation training for home inspectors (licensed under section 468.8314, Florida Statutes) must be approved by the Construction Industry Licensing Board.

The Education POC may see more courses submitted for approval as a result of the change to section 627.711.

F. As of November 10, 2010, we have 112 training providers and 12 accreditors

G. Building A Safer Florida will be scheduling a workgroup meeting/conference call in early June to explore and discuss the possible creation of a Division of Construction and Design at

the Department of Business and Professional Regulation (DBPR). We will send out a notice for all interested parties to attend or join the call.

Background: At DBPR, there are five licensing boards governing licensees who must comply with the Florida Building Code. There is also one board (Board of Professional Engineers) that is privatized governing engineers who must comply with the Florida Building Code. The DBPR boards are:

- Board of Architecture and Interior Design
- Board of Landscape Architecture
- Building Code Administrators and Inspectors Board
- Construction Industry Licensing Board
- Electrical Contractors Licensing Board

Each board has its own staff, processes, and requirements (some boards share staff with other boards). The boards and DBPR staff (through offices that deal with a wide variety of licensees and licensure requirements) handle licensure requirements for these affected categories. Examples of requirements handled by DBPR staff include handling telephone calls from the public and licensees, processing of licensure applications, continuing education course applications, and prosecution of licensure complaints or unlicensed activity charges.

For ten years (or longer), the construction industry has discussed the possible benefits of bringing more uniformity and better coordination to the regulation of design and construction by having all such regulation under one office (including licensure, discipline, course approvals, etc.).

Transfer of the Florida Building Commission to the Department of Business and Professional Regulation creates greater interest in better coordination of licensure and codes functions as they relate to the design and construction industries.

Additional information: A division must be created in statute. Certified public accountants operate through a separate division at DBPR (with board offices located in Gainesville and the division director appointed by the secretary and subject to approval of the Board of Accountancy). Realtors operate through a separate division at DBPR ((with board offices located in Orlando and the division director appointed by the secretary and subject to approval of the Florida Real Estate Commission). The divisions that currently exist at DBPR are:

- Administration
- Alcoholic Beverages and Tobacco
- Certified Public Accounting
- Florida Condominiums, Timeshares, and Mobile Homes
- Hotels and Restaurants
- Pari-mutuel Wagering
- Professions (where design and construction boards are now, and where the FBC will go when moved)
- Real Estate
- Regulation
- Technology
- Service Operations

(Compare the Department of Community Affairs that has three divisions: Emergency Management, Housing and Community Development (where FBC is located), and Community Planning.)

Questions for Discussion: 1. Would it be beneficial to coordinate licensing and regulatory functions for design and construction under one division?

2. If such a division were created, what other components of regulation relating to design and construction should be included (such as home inspections, asbestos, public pools, etc.)?