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FBC Education Administrator Report

December 3, 2009

A. Provided administrative support for FBC Education POC October 6, 2009 meeting

B. Drafted minutes for FBC Education POC October 6, 2009

C. Prepared agenda for FBC Education POC meeting on December 4, 2009

D. Inquiries from the public from October 2 to December 3, 2009 as follows:

19 inquiries: 6 telephone and email; 7 telephone only; 6 email only

Category of inquirers:

3 Architect	2 Landscape Architect	1 Manufacturer
6 Providers	2 Building Inspector	1 Engineer
1 Material Supplier	3 Consumer/general public	

Types of Inquiries:

5 Core	7 Provider question(s)
2 Advanced Course	2 Construction lien law
3 Manufactured/mobile home	

E. Rule 9B-70.002, Florida Administrative Code, as amended, effective November 2, 2009. Copy attached.

F. Legislation for 2010 session (contact Cam at basfanswers@aol.com for a copy by e-mail):

SB 648 - Relating to Building Safety (Bennett) (this should be "the" building codes bill for 2010 session)
SB 266 - Relating to Department of Community Affairs (Bennett) (shell bill)
SB 268 - Relating to Department of Community Affairs (Bennett) (shell bill)
SB 270 - Relating to Florida Building Code (Bennett) (shell bill)
SB 272 - Relating to Florida Building Code (Bennett) (shell bill)
SB 846 - Relating to Fire Sprinklers (Bennett)

SB 648 does include last year's elimination of the core course for the chapter 553 provisions, and it also includes this for some of the other licensure provisions, but some of these need to be modified to address changes that did pass in HB 425 last year. Please expect some amendments to these provisions.

SB 266-272 are "shell" bills meaning they do not contain anything – they simply express legislative intent to change the law on the subject as specified. These bills are placeholders and may not even be used. If scheduled for hearing, substantive legislation will be amended onto the bill at its first committee hearing.

SB 846 relates to fire sprinklers and amends the Florida Building Code, so more could be added to this bill.

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

(1) Approval of Course Accreditors. The Commission shall approve persons to serve as accreditors of advanced training courses. Persons desiring to be accreditors shall apply using the Register Accreditor function and associated online screens, Form # 9B-70.002(1), effective January 1, 2009 adopted herein by reference and available from the Building Code Information System at www.floridabuilding.org/BCISOld/ce/ce_pb_ce.aspx. 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 expertise in the field for which approval is sought, or equivalent as specified below, or possesses an active license issued pursuant to Section 471.015, 481.213, or 481.311; Chapter 489, Part I or II, F.S.; or a standard certificate issued pursuant to Section 468.609, F.S. Accreditors approved by the Commission under prior versions of this rule are authorized to continue accreditation of building code courses. Equivalent expertise or proficiency under this provision shall include:

- (a) A four year college degree or graduate degree in the field for which approval is sought;
- (b) A letter verifying work experience in the field for which approval is sought from a person who supervised the applicant;
- (c) A letter verifying employment and specific position of the applicant in the field for which approval is sought from the applicant's employer; or
- (d) For an accreditor application submitted to accredit only accessibility courses, demonstrated proficiency acceptable to the Commission as a subject matter expert in the field of accessibility.

(2) Revocation of approval as an accreditor.

- (a) Any accreditor shall have his/her approval status revoked for any of the following reasons:
 - 1. Knowingly providing a fraudulent application to the Commission, when applying for accreditor status;
 - 2. Suspension or revocation of a trade license submitted to the Commission as part of the initially approved accreditor application, which was not reported to the Commission at the time of suspension or revocation;
 - 3. Failure to effectively and/or accurately accredit courses, specifically relating to the correctness of the course building code content references;
 - 4. Failure to remove him/herself from any "conflict of interest" situations, such as accrediting courses in which the accreditor has a financial interest; or
 - 5. Failure of the accreditor to cooperate with a Commission ordered investigation.

(b) The Commission may suspend the approval status of any accreditor based on any provision of paragraph (2)(a) of this rule, until such time as the accreditor demonstrates that the accreditor's status is currently in compliance with the requirements of this rule.

(c) The Commission shall initiate an investigation based on a written complaint submitted by any substantially affected party and containing substantial material evidence of a violation of this rule.

(d) The Commission shall clearly post the status of an investigation on its website, the Florida Building Codes Information System, www.floridabuilding.org.

(3) Training Provider Registration and Requirements.

(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 using the Register Training Provider function and associated online screens, Form 9B-70.002(4)(a) effective January 1, 2009, adopted herein by reference and available from the Building Code Information System at http://www.floridabuilding.org/ce/ce_tporgapp_dtl1.aspx, 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 the Submit a Course Application function and associated online screens, Form 9B-70.002(4)(b) effective January 1, 2009, 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 the 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 www.floridabuilding.org shall assign an accreditation number to the application upon submittal. 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 scheduled meeting of the Florida Building Commission. 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) On or before the effective date of changes to the Florida Building Code, providers shall either designate on the Building Code Information System at www.floridabuilding.org that the course is not affected by the code changes or update the existing accredited courses affected by the code changes and submit for accreditation. If the course is not affected by the code changes, the course's status shall remain active. 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) 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.

(4) Course Content and Accreditor Review. Accreditors shall review courses submitted by registered providers to determine if the course accurately presents the technical and administrative responsibilities reflected in the current edition of the Florida Building Code, or future editions of the Code if the accreditor is reviewing a course revised to comply with an updated edition of the Florida Building Code in accordance with paragraph (4)(f) of this rule or Florida Statutes or rules related to the Florida Building Code. Accreditors shall not mutually accredit each others' courses. The accreditor shall determine if the course meets the following minimum criteria:

- (a) Course title and number. The word "advanced" and, if appropriate, "internet" shall be in the title;
- (b) Hours of credit;
- (c) Name, address, telephone number and e-mail address of the provider;
- (d) Course description completely describing what the particular course is designed to address;
- (e) Course/learning objectives;
- (f) Course time allotments for course content;
- (g) Course outline and 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 attendee shall be provided to the accreditor.

(5) 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.

(6) The Commission shall audit a minimum of 2% of all accredited courses. The courses selected for audit may not be those of only one provider or reviewed by only one accreditor. Any course submitted for accreditation or re-accreditation determined to not accurately reflect the current or adopted Florida Building Code edition; or Florida Statutes or rules related to the Florida Building Code shall be reported to the Commission for further action. All approved advanced building code courses must reflect the current or adopted

Florida Building Code edition; or Florida Statutes or rules related to the Florida Building Code. Any courses accredited and determined by audit or any means to not accurately reflect the current or adopted Florida Building Code edition; or Florida Statutes or rules related to the Florida Building Code or accredited by an accreditor outside the approved areas of expertise shall have the accreditation revoked, the status of the course communicated to the respective licensing board or boards, and the provider will be required to file a new application for accreditation.

(7) In the event the Commission identifies areas or topics of advanced building code education with an insufficient number of course 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.

Rulemaking Authority 553.841(2) FS. Law Implemented 553.841 FS. History—New 6-8-05, Amended 4-30-07, 6-12-08, 3-4-09, 11-2-09.