

FLORIDA BUILDING COMMISSION

ATTACHMENT TO THE JUNE 15, 2004 MINUTES

FACILITATOR'S REPORT OF THE JUNE 15, 2004 COMMISSION PLENARY SESSION

Orlando, Florida

Meeting Design & Facilitation By



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FLORIDA BUILDING COMMISSION

ATTACHMENT TO THE JUNE 15, 2004 MINUTES

OVERVIEW OF COMMISSION'S KEY DECISIONS

TUESDAY, JUNE 15, 2004

Agenda Review and Approval

The Commission voted unanimously, 17 - 0 in favor, to approve the agenda as presented. Following are the key agenda items approved for consideration:

- To Review and Update the Workplan
- To Consider/Decide on Chair's Discussion Issues/Recommendations
- To Consider/Decide on Accessibility Waiver Applications
- To Conduct a Rule Adoption Hearing on Rule 9B-1, Manufactured Buildings
- To Review Building Code Legislation
- To Consider/Decide on Requests for Declaratory Statements
- To Consider/Decide on Approval of Products and Product Approval Entities
- To Consider/Decide on Accessibility, Education, Fire, Plumbing, and Structural TAC Reports/Recommendations
- To Consider/Decide on Product Approval/Prototype Buildings/Manufactured Buildings Program Oversight Committee (POC) Report/Recommendations
- To Review Assignments and Issues for Next Month

Review and Approval of April 20, 2004 Meeting Minutes

Commission Actions:

Motion—The Commission voted unanimously, 17 - 0 in favor, to approve the April 20, 2004 minutes as amended.

Amendments:

Include Commissioner Bassett's comment regarding the HVHZ on DCA04-DEC-034.

Review and Approval of Commission's Updated Workplan

There were no changes to the workplan.

Chair's Discussion Issues/Recommendations

TAC Appointments

Chairman Rodriguez announced that Richard Reynolds will move from the Education TAC to the Energy TAC, and adjunct Commissioner Suzanne Marshall will move into his position on the Education TAC.

Budget Committee/ Contract with ICC for printing and distribution of the Florida Building Code

Chairman Rodriguez informed the Commission that the Budget Committee held a conference call on May 25, 2004 to review the results of DCA's further negotiations with the ICC for the printing and distribution of the Florida Building Code, and were satisfied with the results as well as the negotiated price, and signed-off on completing the negotiations and contract. Ila Jones, elaborated on the negotiations and indicted DCA had negotiated a fair price and were proceeding with the contract.

Letter from Senator Lee Constantine

Chairman Rodriguez informed the Commission that Senator Constantine, who has been a legislative champion on FBC related legislation, has sent a letter requesting that the Commission review the issues outlined in his letter and "take some sort of formal action on each issue or inform him on why the Commission cannot take action and what needs to be done at the legislative level to address the issues".

The Chair reviewed each issue and informed the Commission that he and staff would propose a strategy in conjunction with the Commission's workplan to address the Senator's request.

Overview of Issues

- Review fire safety requirements for indoor pyrotechnic displays. The Chair indicated this was an issue for the State Fire Marshal, and if agreed by the Fire Marshal, may be reviewed by the Joint Building Fire TAC.
- Include hospice facilities within the provisions of the Florida Building Code. The Chair indicated that the Commission had made this recommendation to the 2004 Legislature and would include it in the Commission's 2005 legislative recommendations.
- Consider the creation of a new Swimming Pool and Solar TAC. The Chair informed the Commission he would send a letter to the appropriate association and solicit their views prior to making any decision.
- Consider the suspension of the local government product approval and evaluation provisions in Rule 9B-72, Product Approval Rule, until June 1, 2005, and convene a Product Approval Advisory Group related to local product approval. (See Commission action below)
- Review space limitation requirements for mezzanines in buildings classified as "S" occupancy. The Chair indicated that staff is reviewing amendments in the 2004 edition of the Code that may already address this issue.
- Consider a Construction Practices Review that would include a review of the post construction check lists used by tract builders, and review the current practices that inspectors use for conducting home inspections. The Chair indicated that at least a portion of this is under review by the Alternative Plans Review and Inspections Work Group convened to make recommendations on private providers.

Commission Actions

Motion—The Commission voted unanimously, 20 - 0 in favor, to authorize the Chair to appoint and convene a Product Approval Advisory Group to develop consensus recommendations to the Commission on issues related to local product approval.

The following Commissioners volunteered to serve on the Advisory Group:

Bassett, Carson, Greiner, Gonzalez, Parrino, Sanidas, and Tagliarini.

At a minimum the group should include BOAF, architects, engineers, homebuilders, and other stakeholder groups affected by this issue.

Consideration of Accessibility Waiver Applications

The Commission reviewed and decided on the Waiver applications submitted for their consideration.

Rule Adoption Hearing on Rule 9B-1, Manufactured Buildings

The hearing was opened by Richard Shine, FBC legal counsel, and an opportunity was provided for public comment on the proposed rule. There were no comments and since the Commission had no further comments or changes to the Rule, the Commission moved to proceed with rule adoption.

Motion—The Commission voted unanimously, 17 - 0 in favor, to proceed with rule adoption by filing the rule with the Department of State.

Review of Building Code Legislation

The Chair on behalf of the Commission, expressed appreciation to Senator Constantine for his efforts to support the Commission's legislative issues, as well as his dedication to the consensus process. The Chair indicated that although, none of the Commission's issues survived the session, the Commission will continue to work to build consensus on issues of importance to the Commission and the citizens of Florida.

Legal Staff Reports/Discussions/Recommendations and Approval

Jim Richmond, FBC legal counsel, requested the following actions by the Commission:

Commission Actions

Motion—The Commission voted unanimously, 17 - 0 in favor, to roll JAPC's comments on Rule 9B-3.047, the Florida building Code, into the Notice of Proposed Changes.

Motion—The Commission voted unanimously, 17 - 0 in favor, to hold a rule adoption hearing on Rule 9B-72, Product Approval. The hearing will be held in Tallahassee and conducted by a hearing officer appointed by the Chair and will occur prior to the Commission's August 2004 meeting. Following the rule adoption hearing, a Commission telephonic conference call meeting will be held in order to consider proceeding with rule adoption for Rule 9B-72. There will be no public comments during the conference call; however, the conference is open to the public.

PETITIONS FOR DECLARATORY STATEMENTS

Following are the actions taken by the Commission on petitions for declaratory statements. Jim Richmond and Richard Shine served as legal counsel for the Commission.

DISMISSALS

DCA04-DEC-064, Miami-Dade County

Motion—The Commission voted unanimously, by a vote of 18 – 0 in favor, to dismiss the petition.

SECOND HEARINGS

DCA03-DEC-325 by Art Kamm, P.E. of KAMM Consulting, Inc.

Motion—The Commission voted 17 – 1 in favor, to approve their previous action on the petition.

DCA04-DEC-040 by Ralph Ward of Sarasota County

Motion—The Commission voted unanimously, by a vote of 16 – 0 in favor, to approve their previous action on the petition.

DCA04-DEC-051 by Al Roettger of Broward Hurricane Wrol-UP

Motion—The Commission voted unanimously, by a vote of 17 – 0 in favor, to approve their previous action on the petition.

DCA04-DEC-066 by Lisa Blackstone of Close It!, L.L.C.

Motion—The Commission voted unanimously, by a vote of 17 – 0 in favor, to approve their previous action on the petition.

DCA04-DEC-067 by John K. McCall, PhD, P.E.

Motion—The Commission voted unanimously, by a vote of 18 – 0 in favor, to approve their previous action on the petition.

DCA04-DEC-069 by Bob Boyer of Palm Beach County-Building Division

Motion—The Commission voted unanimously, by a vote of 19 – 0 in favor, to approve their previous action on the petition.

DCA04-DEC-070 by Jimmy Worley of Ruffin Building Systems

Motion—The Commission voted unanimously, by a vote of 18 – 0 in favor, to approve their previous action on the petition.

FIRST HEARINGS

DCA04-DEC-072 by James M. Fowler, National Engineering Corp.

Motion— The Commission voted unanimously, by a vote of 19 - 0 in favor, to approve the TAC/POC's recommendations on the petition as presented.

DCA04-DEC-074 by Gil Hyatt, Gil Hyatt Construction

Legal indicated there was no Commission action needed at this time, and the petition was subject to dismissal.

DCA04-DEC-077 by Charles W. Edwards, Building Code Solutions

Motion— The Commission voted unanimously, by a vote of 20 - 0 in favor, to approve the TAC/POC's recommendations on the petition as presented.

DCA04-DEC-090 by Jack E. Mitchell, Mitchell & Associates

Legal indicated there was no Commission action needed at this time, and the petition was subject to dismissal due to procedural insufficiency.

DCA04-DEC-099 by Jack E. Mitchell, Mitchell & Associates

Legal indicated there was no Commission action needed at this time, and the petition was subject to dismissal due to procedural insufficiency.

DCA04-DEC-108 by James G. Dular, Tamtech Services Inc.

Motion— The Commission voted unanimously, by a vote of 20 - 0 in favor, to approve the TAC/POC's recommendations on the petition as presented.

DCA04-DEC-109 by George A. Hegedus, P.E., Structural Systems Inc.

Motion— The Commission voted unanimously, by a vote of 20 - 0 in favor, to approve the TAC/POC's recommendations on the petition as presented.

DCA04-DEC-110 by C. W. McComber, Palm Beach County

Motion— The Commission voted unanimously, by a vote of 20 - 0 in favor, to approve the TAC/POC's recommendations on the petition as presented.

DCA04-DEC-116 by C. W. McComber, Palm Beach County

Motion— The Commission voted unanimously, by a vote of 20 - 0 in favor, that the prescriptive provisions in the Code are incomplete, and therefore it must be designed and approved by the local building official.

DCA04-DEC-117 by Dennis Braddy, Fenestration Manufacturers Association

Motion— The Commission voted unanimously, by a vote of 18 - 0 in favor, to approve the TAC/POC's recommendations on the petition as presented.

DCA04-DEC-069 by Bob Boyer of Palm Beach County-Building Division

Motion— The Commission voted unanimously, by a vote of 16 - 0 in favor, to approve the TAC/POC's recommendations on the petition as presented.

Consideration of Applications for Product and Entity Approval

Commissioner Carson presented the committee's recommendations for entities and Jeff Blair presented the committee's recommendations for product approval. The results of product and entity applications are found in the Product Approval POC report included as an attachment to the minutes.

COMMITTEE REPORTS AND RECOMMENDATIONS

The Commission agreed that unless a TAC/POC required specific Commission action, the balance of the reports would be submitted into the record and approved as a part of the next Commission meeting minutes approval process.

Accessibility TAC Committee Report and Recommendations

Commissioner Richardson indicated there was no action needed by the Commission.
(See Commission Minutes for Committee report)

Education TAC

Commissioner Browdy requested the following action.
(See Commission Minutes for Committee report)

Motion— The Commission voted unanimously, 21 - 0 in favor, to approve a 4-hour mechanical and plumbing course, and to allow comments to be received by June 23, 2004.

Motion— The Commission voted unanimously, 21 - 0 in favor, to approve a 1-hour advanced mechanical and plumbing course, and to allow comments to be received by June 23, 2004.

Motion— The Commission voted unanimously, 21 - 0 in favor, to approve a 1-hour building structural course (commercial concept), and to allow comments to be received by June 23, 2004.

Motion— The Commission voted unanimously, 21 - 0 in favor, to approve a 2-hour indoor environmental quality overview course, and to allow comments to be received by June 23, 2004.

Motion— The Commission voted unanimously, 21 - 0 in favor, to approve a RFP to solicit an entity to coordinate the publication and dissemination of information relating to current topics of interest as prioritized by the Education TAC.

Fire TAC

Commissioner Greiner indicated there was no action needed by the Commission.
(See Commission Minutes for Committee report)

Plumbing TAC

Commissioner Greiner indicated there was no action needed by the Commission.
(See Commission Minutes for Committee report)

Structural TAC

Commissioner Parrino indicated there was no action needed by the Commission.
(See Commission Minutes for Committee report)

Product Approval/Prototype Buildings/Manufactured Buildings Program Oversight Committee

Commissioner Carson requested the following action.

(See Commission Minutes for Committee report)

Motion— The Commission voted unanimously, 20 - 0 in favor, to authorize DCA to proceed with an ITN related to contracting with a third-party to review product applications for sufficiency and compliance with the requirements of the Rule (Validation services). The Commission will approve at the August 2004 Commission meeting.

Additional Commission Actions

Motion—Conduct an additional rule adoption hearing on Rule 9B-3.047, The Florida Building Code. The motion was seconded, but the Commission did not vote on the motion.

Motion— The Commission voted unanimously, 20 - 0 in favor, to table the above motion and to consider it at a telephonic conference meeting to be held at a date prior to the finalization of amendments to Rule 9B-3.047, The Florida Building Code.

Motion— The Commission voted unanimously, 20 - 0 in favor, to authorize the Chair to sign and deliver the DCA letter certifying that Sub-chapter 4 of Chapter 13 of the Florida Building Code meets or exceeds the 1999 edition of the Energy Standard for Buildings (ASHRAE and IESNA) Standard 90.1-99 would achieve greater energy efficiency than the 1989 edition.

Motion— The Commission voted unanimously, 20 - 0 in favor, to authorize the Chair to send letters to the Engineering and Architectural Boards requesting that Commission members receive continuing education credits for their participation on the Florida Building Commission.

Adjourn

The Commission voted unanimously, 20 - 0 in favor, to adjourn the meeting.

Staff Assignments

- Staff to work with Commissioner Carson and the Product Approval POC to develop a certification form to provide a uniform and efficacious method for product manufactures to certify their products comply with updated standards in the code.
- Staff TAC to review wind provisions of the Florida Building Code related to the residential code, and make recommendations to the Commission regarding issues identified in a letter from the Institute for Business & Home Safety.

ATTACHMENT I
EVALUATION RESULTS

June 15, 2004—Panama City Beach, Florida

0 TO 10 RATING SCALE WHERE A 0 MEANS TOTALLY DISAGREE AND A 10 MEANS TOTALLY AGREE.

1. Please assess the overall meeting.

- 9.61 The background information was very useful.
- 9.50 The agenda packet was very useful.
- 9.61 The objectives for the meeting were stated at the outset.
- 9.55 Overall, the objectives of the meeting were fully achieved.
- 9.52 Chairs issues and recommendations.
- 9.72 Accessibility Waiver Applications.
- 9.72 Rule Adoption Hearing on Rule 9B-1, Manufactured Buildings.
- 9.33 Review of Building Code Legislation.
- 9.67 Requests for Declaratory Statements.
- 9.33 Approval of products and product approval entities.
- 9.72 TAC and POC reports and recommendations.

2. Please tell us how well the facilitator helped the participants engage in the meeting.

- 9.77 The participants followed the direction of the facilitator.
- 9.44 The facilitator made sure the concerns of all participants were heard.
- 9.44 The facilitator helped us arrange our time well.
- 9.72 Participant input was documented accurately.

3. What is your level of satisfaction with the meeting?

- 9.38 Overall, I am very satisfied with the meeting.
- 9.61 I was very satisfied with the services provided by the facilitator.
- 9.55 I am satisfied with the outcome of the meeting.

4. What progress did you make?

- 9.72 I know what the next steps following this meeting will be.
- 9.61 I know who is responsible for the next steps.

5. Do you have any other comments that you would like to add?

- A++ on getting the computers. I suggest that the entire agenda packet be added to the computer to further reduce paper use along with the product approval documentation including the attachments available on the BCIS, or establish an internet connection to access the BCIS in both POC and plenary sessions. Finally, the second declaratory statements could be added to the computer as well. Keep up the good work.
- Although the facility may not have been too good, I appreciate the Commish's efforts to come to the Panhandle.
- Panama City Beach is too difficult to get to.
- I liked the new computer information format... Much easier to utilize versus the immense volume of paperwork typically given to us.
- Jeff's "Palm Tree" tie gave the meeting a tropical feel.
- It was nice to come to the Panhandle, but I saw very few new faces.
- Laptops are great, need to add the code for reference.
- Meeting facility must be accessible.
- It would be more convenient to have the laptops and send the CD's rather than transmitting customary agenda packet.
- Please urge the staff to use the laptops and CD's to disseminate information.

ATTACHMENT II

FLORIDA BUILDING COMMISSION 2004 WORKPLAN

2004 Update of the Florida Building Code:

Phase I, Approval of Florida specific statewide and local amendments:

Amendment submittal cutoff (independent submittals)	4/18/03
Post on website (independent/base code updates/local amends)	4/23/03
TACs review and develop recommendations	6/16-18/03
TACs complete review and recommendations	7/14/03
Post TAC recommendations on website	7/25/03
Commission considers TACs recommendations and approve amends	10/13-14/03

Phase II, Consider model code changes together with all approved statewide and local amendments, draft rule changes and adopt by rule:

Administration, Fire and Structural TACs review and consult with staff on where to integrate Florida specific amendments into the IBC and IRC	12/03 to 1/04
Plumbing and Mechanical TACs review and consult with staff on where to integrate Florida specific amendments into the IRC plumbing, mechanical and fuel gas chapters	12/03 to 1/04
Rule development workshop	3/1-2/04
Rule adoption hearing	4/19-20/04
2004 Code posted to Web and printed for delivery	7/1/04
Effective date of first update	1/1/05

Also, see chart

Update Rule Chapter 9B-3 Sections .048, .049 and .050

Rule development workshop	4/20/04
Rule adoption hearing	6/15/04

2006 Annual Interim Amendments:

Note: Glitch amendments anticipated. Determine plan during second half of 2004

Amendment submittal cutoff (independent submittals)	To be determined
Post on website (independent/base code updates/local amends)	To be determined
TAC's consider	To be determined
Post TAC recommendations on website	To be determined
Commission considers	To be determined
Rule development workshop	To be determined
Rule adoption hearing	To be determined
Effective date of first update	To be determined

Adopt Revised Chapter 34 for Existing Buildings

Schedule:

Draft code amendments	Completed	Dec 2002
Report to the Legislature recommended expedited adoption (<i>no bill</i>)		Dec 2002
Adopt via the 2004 FBC Update Process (see schedule above)		Jan 1, 2005

Develop Code Commentaries:

Plan:

Amend Rule 9B-3 to require submittal of “rationale” for proposed amendments (See task above). Capture rationales for proposed amendments, declaratory statements and advisory opinions in BCIS to provide “commentary”.

Appeals Procedures [98-287, LOF/ss.553.73 & .77 & 2000-141, LOF/s.120.80,FS]

Schedule: (Adopting through 2004 FBC update, see schedule above)

Effective date Jan 1, 2005

ISO Ratings Program for Building Departments [s.553.77(1)(n),F.S.]

Ongoing: Addressed by establishment of policy on updating the FBC. ISO ratings dependent upon building codes being kept current with national standards.

Review the implementation of s.553.891, F.S., Alternative Plans Review and Inspections, and report to the Legislature on or before January 1, 2004:

Schedule:

Contractor hired to collect data on system operation	Jul 2003
Contractor report due	Sep 2003
Fact finding public workshop	Oct 2003
Review report to the Legislature	Nov 2003
Report submitted to Legislature by Jan 1 (recommend further study)	Jan 2004
Plan for continued study approved	1/13/04
Task Group Formed	Jan 2004
First public workshop	2/18/04
Additional recommendations to Legislature (if any)	3/ 2/04
Additional workshops and task group meetings	Apr- Jun 2004
Recommendations to Commission	8/31/04
Finalize recommendations for report to Legislature	10/19/04

Establish standards and criteria for foundation permits and other “specialty permits”:

(CS/CS/SB 336 & 180, 2001)

Schedule:

Develop recommendations for criteria	Feb 2003
Adopting through 2004 FBC update (see schedule above)	
Effective (2004 edition of FBC)	Jan 1, 2005