

# FLORIDA BUILDING COMMISSION

## FACILITATOR'S SUMMARY REPORT OF THE AUGUST 23 - 24, 2005 COMMISSION PLENARY SESSION

SUPPLEMENT TO THE AUGUST 23 - 24, 2005 MINUTES

*MIAMI LAKES, FLORIDA*

Meeting Design & Facilitation By



Report By Jeff A. Blair  
Florida State University

[jblair@fsu.edu](mailto:jblair@fsu.edu)  
<http://consensus.fsu.edu>

This document is available in alternate formats upon request to Dept. of Community Affairs,  
Codes & Standards, 2555 Shumard Oak Blvd., Tallahassee, FL 32399, (850) 487-1824.

# FLORIDA BUILDING COMMISSION

## SUPPLEMENT TO THE AUGUST 23 - 24, 2005 MINUTES

### OVERVIEW OF COMMISSION'S KEY DECISIONS

#### TUESDAY, AUGUST 23, 2005

##### **Agenda Review and Approval**

The Commission voted unanimously, 19 - 0 in favor, to approve the agenda as amended. Following are the key agenda items approved for consideration:

- To Consider/Decide on Accessibility Waiver Applications
- To Consider/Decide on Requests for Declaratory Statements
- To Consider/Decide on Approval of Products and Product Approval Entities
- To Hear a Presentation on BCIS System Upgrades
- To Discuss Implementation Date of Rule 9B-72, Product Approval
- To Consider/Decide on Accessibility, Fire, HRAC, Mechanical, Structural, and PA Validation Workgroup TAC Reports/Recommendations
- To Consider/Decide on Product Approval/Prototype Buildings/Manufactured Buildings Program, and Education Oversight Committees (POC) Report/Recommendations
- To Hear General Public Comment
- To Discuss Commissioner Issues and Identify Agenda Items

##### *Amendments to the Agenda:*

Approval of the June 28 – 29, 2005 minutes were moved to Wednesday's agenda.

##### **Consideration of Accessibility Waiver Applications**

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

##### **Petitions For Declaratory Statements**

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

## **Second Hearings**

### **DCA05-DEC-072 by Bemie Eustace, Interplan LLC**

**Motion**—The Commission voted 20 – 0 in favor, to approve their previous action on the petition.

### **DCA05-DEC-088 by John L. Clinton, Class 1 Inc.**

**Motion**—The Commission voted 20 – 0 in favor, to approve their previous action on the petition.

### **DCA05-DEC-089 by Anirudh A. Chopde, Walker Parking Consultants**

Petition was withdrawn.

## **First Hearings**

### **DCA05-DEC-094 by Jeffrey B. Stone, American Forest & Paper Association**

The petition was abated resulting from action resolving this matter in the expedited code amendment process.

### **DCA05-DEC-095 by William S. Berk for State Farm Florida Insurance Company**

Petition was dismissed and referred to the local appeals board.

### **DCA05-DEC-113 by David G. Karins, PE, Karins Engineering Group, Inc..**

**Motion**—The Commission voted unanimously, 20 – 0 in favor, to approve the TAC/POC's recommendations on the petition as presented.

### **DCA05-DEC-135 by Vipin N. Tolat, PE**

**Motion**—The Commission voted unanimously, 20 – 0 in favor, to approve the POC's recommendations on the petition as presented.

### **DCA05-DEC-136 by Tim Michaels, Stoughton Homes, Inc.**

**Motion**—The Commission voted unanimously, 20 – 0 in favor, to approve the TAC/POC's recommendations on the petition as presented.

### **DCA05-DEC-142 by Tim Michaels, Stoughton Homes, Inc.**

**Motion**—The Commission voted unanimously, 20 – 0 in favor, to approve the TAC/POC's recommendations on the petition as amended by the Commission.

### **DCA05-DEC-149 by Gene Boecker, AIA, Code Consultants, Inc.**

Petition was withdrawn.

### **DCA05-DEC-151 by Bill Shoolbred, Elixir Industries**

**Motion**—The Commission voted unanimously, 20 – 0 in favor, to approve the 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.

### **Presentation on Building Code Information System Upgrades**

Presenters from Information System for Florida (ISF) reported on a package of upgrades to the Building Code Information System, and answered Commissioner's questions.

### **Discussion of Implementation Date for Rule 9B-72, Product Approval**

Chairman Rodriguez explained to the Commission that the BCIS is currently being re-programmed and as a result it will be necessary to delay the implementation date for the Product Approval rule amendments until the system is up and running. In addition, A & A the system administrator, and the American Forest Products Association have raised issue regarding the Rule. As a result, staff is recommending that the implementation date for the adopted rule changes be January 1, 2006, and conduct an additional rule adoption hearing on the Rule at the October 2005 Commission meeting.

#### ***Commission Actions:***

**Motion**—The Commission voted unanimously, 20 – 0 in favor, to hold an additional rule adoption hearing at the October 2005 Commission meeting for the purpose of taking comments on the issues just by A & A and the American Forest Products Association, and establish January 1, 2006 as the effective date for the adopted changes to Rule 9B-72—the Product Approval Rule.

### **Committee Reports and Recommendations**

#### **Accessibility TAC**

Commissioner Gross presented the Committee's report, which was accepted unanimously, 20 – 0 in favor. (See Commission Minutes for Committee report)

#### ***Commission Actions:***

**Motion**—The Commission voted unanimously, 20 – 0 in favor, to authorize the TAC to develop a checklist that can be used for plans review or inspections regarding accessibility requirements.

#### **Education POC**

Commissioner Browdy presented the Committee's report, which was accepted unanimously, 20 – 0 in favor.

#### ***Commission Actions:***

**Motion**—The Commission voted unanimously, 20 – 0 in favor, to approve that the Education POC shall review and approve or deny for cause any submitted course which has been approved by any Technical Advisory Committee or Accreditor.

**Motion**—The Commission voted unanimously, 20 – 0 in favor, to approve the Windstorm and Tree Damage – 3 Hour Module.

**Motion**—The Commission voted unanimously, 20 – 0 in favor, to approve the Brochures/Fact Sheets on: Tree Vulnerability During Hurricanes, Indoor Environmental Quality/Post-Flooding Recommendations, and Roof Type Performance During 2004 Florida Storms.

**Motion**—The Commission voted unanimously, 20 – 0 in favor, to approve Larry Schneider as an Accreditor in: Accessibility, Administration, Building-Commercial, Building-Residential, Building-Special Occupancy, Existing Building Code, and Fire.

**Motion**—The Commission voted unanimously, 20 – 0 in favor, to approve Robert Neely, Alarm Association – specifically, as an Accreditor in: Burglar and Fire Alarm Systems.

**Motion**—The Commission voted unanimously, 20 – 0 in favor, to approve as an accredited course: Hoover – Landscape Irrigation.

**Motion**—The Commission voted unanimously, 20 – 0 in favor, to approve as an accredited course: Red Vector – Indoor Environmental Quality (IEQ). Course approved for online format. *(See Commission Minutes for Committee report)*

### **Fire TAC**

Commissioner D'Andrea presented the Committee's report, which was accepted unanimously, 20 – 0 in favor.

*(See Commission Minutes for Committee report)*

### **Hurricane Research Advisory Committee**

Jeff Blair presented the Committee's report, which was accepted unanimously, 20 – 0 in favor.

*(See Commission Minutes for Committee report)*

### **Mechanical TAC**

Commissioner Bassett reported that the TAC did not meet since there was not a need to review a declaratory statement.

### **Structural TAC**

Commissioner Kim presented the Committee's report, which was accepted unanimously, 20 – 0 in favor. *(See Commission Minutes for Committee report)*

### **Product Approval/Prototype Building/Manufactured Buildings Programs Oversight Committee (POC)**

Commissioner Carson presented the Committee's report, which was accepted unanimously, 20 – 0 in favor.

#### ***Commission Actions:***

**Motion**—The Commission voted unanimously, 20 – 0 in favor, to revise the Prototype Building Fee Schedule that was submitted to the commission for approval in June, and revise ARA's Contract to reflect the approved changes.

**Motion**—The Commission voted unanimously, 20 – 0 in favor, that manufacturers using entities that expired on August 15, 2005 be notified that they have 45 days to select a new approved entity. If they do not select an approved entity, action will be taken to suspend or revoke their approval.

**Motion**—The Commission voted unanimously, 20 – 0 in favor, to approve Progressive Engineering as Product Testing Laboratory. *(See Commission Minutes for Committee report)*

### **Product Approval Validation Workgroup**

Jeff Blair presented the Committee's report, which was accepted unanimously, 20 – 0 in favor.  
(See *Commission Minutes for Committee report*)

### **General Public Comment**

Chairman Rodriguez invited members of the public to address the Commission on any issues under the Commission's purview.

### **Commission Member Comment/Issues**

Chairman Rodriguez invited members of the Commission to address the Commission.

#### ***Commissioner Comments:***

- Agenda items should be listed as approximate and a statement should be made to the effect that all agenda times are approximate and subject to change (with the exception of those agenda items that are required to be time certain)—Dale Greiner.
- The mold issue should be considered by additional TAC's (in addition to Structural TAC) since the issue has broader impact.—Steve Bassett.
- Rule development workshops should have more accurate time lengths on the agenda—Chris Schulte.

### **Commission Member Agenda Items**

Chairman Rodriguez invited Commission members to propose issues for the Commission's next (October 2005) meeting. No Commission members offered any agenda items.

### **Recess**

**Motion**—The Commission voted unanimously, 20 - 0 in favor, to recess the plenary session until 8:30 AM on May 11, 2005. The session recessed at 5:50 PM.

## **WEDNESDAY, AUGUST 24, 2005**

### **Presentations to the Commission**

Millie Garcia Navarro, on behalf of Mayor Carlos Alvarez and Miami-Dade County, welcomed the Commission and expressed appreciation for the Commission's efforts. In addition, Wayne Stanton, Mayor of Miami Lakes presented a key to the City to the Chair and Commission, and welcomed the Commission to Miami Lakes.

### **Agenda Review and Approval**

The Commission voted unanimously, 18 - 0 in favor, to approve the agenda as presented. Following are the key agenda items approved for consideration:

To Approve the June 28 – 29, 2005 Minutes

- To Consider/Decide on Chair's Discussion Issues/Recommendations
- To Review and Update the Workplan
- To Receive a Report on the System for Binding Interpretations
- To Conduct a Rule Development Workshop on Rule 9B-3.047, Florida Building Code Expedited Amendments for Water Intrusion and Roof Covering Attachment Hurricane Protections and Other Legislatively Mandated Amendments [and correlate change to conform with rationale previously accomplished in 9B-3.050]
- To Receive Comment on the 2004 FBC Modifications 569 and 570 on Roof Decking Via the Rule Development Workshop on the Florida Building Code
- To Conduct a Rule Development Workshop on Rule 9B-3.0475, Triennial Update Process
- To Conduct a Rule Development Workshop on Rule 9B-3.050, Staff Review of Code Amends
- To Conduct a Rule Development Workshop on Rule 9B-3.055, Binding Interpretations
- To Conduct a Rule Development Workshop on Rule 9B-3.053, Private Provider Form
- To Receive a Report on the Building Code System Assessment Project
- To Conduct a Rule Adoption Hearing on Rule 9B-1, Manufactured Buildings
- To Review the Draft Outline for 2006 Legislature Report
- To Receive a Report on Hurricane Dennis (Commission voted to defer)
- To Discuss/Decide on Advisory Opinion on Bay County Amendment of Design Wind Speeds
- To Review Committee Assignments and Issues for the Next Commission meeting—October 10 – 12, 2005 in Orlando

### **Review and Approval of the June 28 – 29, 2005, Meeting Minutes**

**Motion**—The Commission voted unanimously, 18 - 0 in favor, to approve the June 28 - 29, 2005 minutes as amended.

#### *Amendments to the Minutes:*

On page four under Education POC, Steve Bassett and Steve Corn's names were transposed.

## **Chair's Discussion Issues and Recommendations**

### **Appreciation for Diana Richardson and John Calpini**

Chairman Rodriguez, on behalf of the Commission, presented Diana Richardson with a plaque commemorating her years of dedicated, professional, and selfless service on behalf of her profession, industry, the Commission, and the citizens of Florida. The Chair noted that Diana has been a tremendous contributor to the Commission and will be sorely missed. Diana, in her role as the representative for persons with disabilities, has served since August of 1997.

Chairman Rodriguez, on behalf of the Commission, presented John Calpini with a plaque commemorating his years of dedicated, professional, and selfless service on behalf of his profession, industry, the Commission, and the citizens of Florida. The Chair noted that John has been a tremendous contributor to the Commission and will be sorely missed. John, in his role as the state insurance representative, has served since August of 1997.

### **Appointments**

Chairman Rodriguez appointed Do Kim to the Product Approval Validation Workgroup.

### **Appointments to the Education Council**

Chairman Rodriguez explained that the Legislature has created a Building Code Education and Outreach Council whose function is to coordinate, develop, and maintain education and outreach to ensure administration and enforcement of the Florida Building Code. The Commission has three positions on the Council and the Chair appointed Bill Norkunas, Dick Browdy, and Rick Dixon to represent the Commission on the Council.

### **Appointments to the Energy TAC**

Chairman Rodriguez appointed Donald Kitner to serve on the Energy TAC in the General Interest category.

### **Appointments to the Fire TAC**

Chairman Rodriguez appointed Brad Schiffer to serve on the Fire TAC in the architects position (consumer position). The Chair indicated that Brad will be replacing Michael Kravit, and thanked Michael for his service.

### **Appointments to the Accessibility TAC**

Chairman Rodriguez appointed Soy Williams and Bemmie Eustace to serve on the Accessibility TAC. The Chair noted that both appointments are architects and are filling vacant positions.

### **Special Occupancy TAC**

Chairman Rodriguez appointed Jim Goodloe and John Calpini to the Special Occupancy TAC. The Chair noted that John will be replacing Kathy White, and thanked her for her service.



### **Panhandle Hurricane Ivan Study Workshop**

Chairman Rodriguez stated that: “Section 39 of SB 442 mandates that the Commission in conjunction with local building officials, shall conduct a review of damage resulting from Hurricane Ivan and any other data to evaluate, and to make recommendations to the Legislature for any changes to, Florida’s Building Code, specifically as it applies to the region from the eastern border of Franklin County to the Florida-Alabama line, and issue a report summarizing its findings and recommendations prior to the 2006 Regular Session.” The Chair noted that in order to initiate this project, he was assigning Jeff Blair and DCA staff to design and conduct a facilitated workshop process in the Panhandle region. The first workshop is scheduled for September 13, 2005 in the Panhandle area, and the agenda is available on the Commission and FCRC’s webpages. The workshop location will be at the Okaloosa County Regional Airport; 1701 SR 85 North; Eglin Air force Base, Florida 32542, and start at 8:30 AM. The Chair indicated that members of the Hurricane Research Advisory Committee are requested to attend.

### **Update on Expedited and Glitch Code Amendment Printing (ICC)**

Ila Jones updated the Commission on the status of discussions with the ICC regarding the printing of expedited and glitch code amendments. At the June 2005 meeting the Commission voted to approve printed supplements for printing the expedited and glitch amendments to the Florida Building Code. In addition staff was asked to work/negotiate with the ICC to have the amendments available electronically, if feasible. The Commission also voted to have replacement pages available for sale as soon as feasible. Ila indicated that replacement pages would be available on November 1, 2005 and an electronic version would be available on January 31, 2006 .

### **Commission’s Annual Effectiveness Survey (Conducted each October)**

Chairman Rodriguez stated that each October the Commission conducts a Commission effectiveness survey and in order for the survey to be a viable exercise, each Commissioner is requested to take the time to complete and return the survey to Jeff Blair so that the Commission can discuss at the October meeting. The Chair noted that many changes to enhance the Commission’s process have been implemented in response to Commissioner’s comments and recommendations. Jeff Blair passed out a paper copy of the survey and indicated that he would send out the survey electronically on August 25, 2005. Jeff requested that members complete and return the survey to him by Thursday, September 8, 2005, and that the Commission will discuss the results at the October meeting.

### **Review and Update of Commission’s Workplan**

#### ***Commission Actions:***

**Motion**—The Commission voted unanimously, 20 - 0 in favor, to approve the updated workplan and as presented to reflect the Commission’s priorities.

*(Included as Attachment 2—Commission’s Updated Workplan)*

### **Report on Binding Interpretation Initiation**

Chairman Rodriguez noted that DCA, BOAF, and ISF met to discuss the logistics for implementing the binding interpretations process, and that the process will take place electronically using the BCIS. Ila Jones reported to the Commission and answered questions. The Chair noted that there would be a rule development workshop later in the day to implement the recommendations and proposed fee structure.

### **Rule Development Workshop on Rule 9B-3.047, Code Amendments [and correlate change to conform with rationale previously accomplished in 9B-3.050]**

Chairman Rodriguez explained that at the June 2005 meeting, the Commission approved a package of recommendations for expedited code amendments (HRAC's recommendations and the SB 442 legislative mandates) and voted to initiate rule making. The Chair explained that this is the rule development workshop to implement the Commission's approved code amendments, and staff prepared editorial and public identified correlation issues. The Chair noted that Jim Richmond would open the hearing and review the draft Rule, and then the Commission would take public comment, close the hearing and, discuss and decide on the draft rule.

Jeff Blair explained the process that was used for the public comment and oriented members and the public to the documents under review.

#### *Review of Public Comment Process:*

- An opportunity for a full range of views on each issue was provided.
- Commenters were asked to speak for, against, or in support with revisions, on the specific issue/s under consideration.
- Commenters were requested to offer new points, or indicate agreement with previous points instead of repeating the same views.
- There was an opportunity for each side to offer one rebuttal at the conclusion of the comments on an issue.
- This process was followed for each package of proposed amendments/modifications.

#### *Review of Documents and order of discussion:*

Document 1: Issues 1 – 12 code amendments/modifications mandated by SB442  
Issue # 13: review of modifications number 569 and 570  
Issues 15 – 45 Hurricane Research Advisory Committee recommendations.

Document 2: Staff summary of public comments on document 1 and recommendations, and complete text of public comments.

Document 3: Expedited code change correlation issues.  
Complete text of public comments on Document 3.

Additional Documents: There were additional documents provided to the Commission by advocates for/against various proposed code amendments, as well as additional correlation issues provided in a matrix and individually on several issues.

*Overview of Process:*

- Hearing opened by Jim Richmond.
- Review of issues under consideration and relevant documentation.
- Public comment on package of issues under consideration (see sequence below).
- Public comment closed.
- Commission consideration and decision on package of issues.
- Repeat process for each package or individual issue under consideration.
- Hearing closed by Jim Richmond or DCA staff.
- Commission motion to proceed with rule development on package of approved amendments/modifications.

*Issue were considered in the following sequence:*

Document 1, Issues 1 – 12 (SB 442 mandated) were considered on a consent agenda to approve, members of the public were invited to comment, following public comment any Commissioner could pull off any issue for individual consideration, and the Commission approved the consent agenda as presented or as amended (since issues were pulled for individual consideration). All issues pulled were considered and voted on individually.

Document 1, Issue 13 (SB 442) was considered individually and an opportunity for public comment was provided.

Document 1, Issues 15 – 45 (HRAC's recommendations) were considered on a consent agenda to approve, members of the public were invited to comment, following public comment any Commissioner could pull off any issue for individual consideration, and the Commission approved the consent agenda as presented or as amended (since issues were pulled for individual consideration). All issues pulled were considered and voted on individually.

Document 3, correlation issues identified for expedited adoption, were considered on a consent agenda to approve, members of the public were invited to comment, following public comment any Commissioner could pull off any issue for individual consideration, and the Commission approved the consent agenda as presented or as amended (since issues were pulled for individual consideration). All issues pulled were considered and voted on individually.

Additional Documents, Correlation issues identified by Jack Glenn, were considered on a consent agenda to approve, members of the public were invited to comment, following public comment any Commissioner could pull off any issue for individual consideration, and the Commission approved the consent agenda as presented or as amended (since issues were pulled for individual consideration). All issues pulled were considered and voted on individually.

Additional Documents, correlation of termite provisions for building and residential volumes was considered individually with an opportunity for public comment.

Additional Documents, update of NAFS II standards to ensure consistency within the various Code volumes, and to correlate with standards in the Product Approval Rule related to skylights, was considered individually with an opportunity for public comment.

Following extensive public comment and the closing of the rule adoption hearing, the Commission took the following action:

***Commission Actions:***

**Motion**—The Commission voted unanimously, 17 - 0 in favor, to proceed with rule adoption for Rule 9B-3.047, integrating and noticing the approved amendments and modification, and filing the Rule with the Department of State if no hearing is requested.

**Rule Development Workshop on Rule 9B-3.0475, Triennial Update Process**

Chairman Rodriguez explained that the purpose of this rule development was to provide an opportunity for comments and rule amendments on the triennial code update process. The hearing was opened by Jim Richmond, no public comment was offered, the hearing was closed, and no Commission member offered any recommendations.

***Commission Actions:***

**Motion**—The Commission voted unanimously, 16 - 0 in favor, to withdraw from rule making on Rule 9B-3.0475.

**Rule Development Workshop on Rule 9B-3.050, Staff Review of Code Amendments**

Chairman Rodriguez explained that the purpose of this rule development is because Florida law requires staff to review code changes for completeness prior to forwarding the proposed changes to the TAC/Commission for consideration. This rule development is to clarify and implement the process for how staff will process the code changes prior to forwarding them to the Commission, and conform the rule to statutory requirements. The hearing was opened by Jim Richmond, an opportunity for public comment was offered, the hearing was closed, and following Commission consideration the following action was taken.

***Commission Actions:***

**Motion**—The Commission voted unanimously, 18 - 0 in favor, to instruct staff to prepare a draft proposal for Commission review at the October 2005 meeting.

**Rule Development Workshop on Rule 9B-3.055, Binding Interpretation**

Chairman Rodriguez explained that Rule 9B-3.055—Binding Interpretation, establishes in rule the system, as required by 2005 legislation, for how the binding interpretation process will function. The Chair reminded members that this rule development conform the Commission's rule on rules of procedure to statutory requirements. The hearing was opened by Jim Richmond, an opportunity for public comment was offered, the hearing was closed, and following Commission consideration the following action was taken.

***Commission Actions:***

**Motion**—The Commission voted unanimously, 18 - 0 in favor, to proceed with rule adoption for Rule 9B-3.055—Binding Interpretation, integrating and noticing the approved rule language, including designing the petition in accordance with statute and implementing a \$250 fee to be paid directly to the contractor, and filing the Rule with the Department of State if no hearing is requested.

**Rule Development Workshop on Rule 9B-3.053, Alternate Plan Review and Inspection Form**

Chairman Rodriguez explained that Rule 9B-3.053—Alternate Plan Review and Inspection Form, is the rule development process to establish the jobsite notification form required for private providers. The form requires specific information to be posted on a jobsite where a private provider is conducting inspections. This rule development conforms the rule to the requirements of law. The hearing was opened by Jim Richmond, an opportunity for public comment was offered, the hearing was closed, and following Commission consideration the following action was taken.

***Commission Actions:***

**Motion**—The Commission voted unanimously, 18 - 0 in favor, to proceed with rule adoption for Rule 9B-3.053—Alternate Plan Review and Inspection Form, integrating and noticing the approved rule language, and filing the Rule with the Department of State if no hearing is requested.

**Report on Building Code System Assessment Project**

Chairman Rodriguez explained that Florida Statute, Chapter 553.77(1)(b), requires the Commission to make a continual study of the Florida Building Code and related laws and on a triennial basis report findings and recommendations to the Legislature for provisions of law that should be changed. This year (2005), the Commission will solicit stakeholder input in the form of an on-line survey, and at the December Commission meeting we will consider and develop a package of recommendations for enhancements to the Florida Building Code System. The Commission's recommendations will be a major component of their Report to the 2006 Legislature. In order to accomplish this in an efficient way, the Chair explained he was also appointing an Ad Hoc Committee comprised of Commissioners to meet in a facilitated process and develop recommendations to the Commission between now and December.

The appointments to the Building Code System Assessment Ad Hoc are: Dick Browdy, Ed Carson, Nick D'Andrea, Herminio Gonzalez, Jim Goodloe, Jeff Gross, Do Kim, Randal Vann, and George Wiggins.

Jeff Blair explained that an overview of the Building Code System and a survey was available at the following link:

<http://consensus.fsu.edu/fbc-system-survey/index.html>

Jeff and the Chair encouraged Commissioners, staff, and members of the public to participate in the survey, and explained that the compiled data would serve as the basis for recommendations developed by the Ad Hoc committee, which will develop and deliver a package of recommendations to the Commission at the December 2005 meeting. (*Included as Attachment 3*)

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

Chairman Rodriguez informed the Commission that the purpose of this rule adoption hearing is to implement the revisions already approved by the Commission in June's rule development workshop, and are intended to clarify the programmatic procedures of the Manufactured Buildings Program. These changes include refinements to the following sections of the Rule: Procedures; Definitions; Fees; Inspections & Insignias.

Following public comment and the closing of the rule development workshop, the Commission took the following action:

#### ***Commission Actions:***

**Motion**—The Commission voted unanimously, 15 - 0 in favor, to proceed with rule adoption for Rule 9B-1—Manufactured Building Rule, integrating and noticing the approved rule language and filing the rule with the Department of State.

### **Draft Outline of the Report to the 2006 Legislature**

Jeff Blair reviewed a draft of issues with a brief summary of the issues, for inclusion in the Commission's Report to the 2006 Legislature.

*(Included as Attachment 4)*

### **Presentation on Hurricane Dennis**

Rick Dixon explained that the presentation was given during the Hurricane Research Advisory Committee meeting and as a result the Commission voted to defer the presentation.

#### ***Commission Actions:***

**Motion**—The Commission voted unanimously, 15 - 0 in favor, to defer the presentation on Hurricane Dennis.

### **General Public Comment**

Chairman Rodriguez invited members of the public to address the Commission on any issues under the Commission's purview

### **Adjourn**

The Commission voted unanimously, 15 – 0 in favor, to adjourn the meeting at approximately 12:55 PM.

### **Staff Assignments**

- Research whether additional meeting can be held in the Orlando area during 2006.
- Prepare a draft on Rule 9B-3.050, Staff Review of Code Amendments, with recommendations for consideration at the October 2005 Commission meeting.

### **Committee's Meeting for the October 2005 Commission meeting**

**(Additional TAC's may meet depending on whether there are requests for Declaratory statements)**

- Accessibility Advisory Council
- Accessibility TAC
- Education POC
- Electrical TAC
- Structural TAC
- Product Approval POC
- Hurricane Research Advisory Council (Exposure Category C)
- Product Approval Single Validation Entity Study Workgroup
- Panhandle Hurricane Ivan Study Workgroup
- Building Code System Assessment Ad Hoc Committee
- Binding Interpretation Committee

# ATTACHMENT 1

## FLORIDA BUILDING COMMISSION August 23 - 24, 2005—Miami Lakes, Florida

### Meeting Evaluation Results

A 0 To 10 Rating Scale Where A 0 Means Totally Disagree And A 10 Means Totally Agree Was Utilized.

#### 1. Please assess the overall meeting.

- 8.9 \_\_\_ The background information was very useful.
- 9.1 \_\_\_ The agenda packet was very useful.
- 9.7 \_\_\_ The objectives for the meeting were stated at the outset.
- 9.1 \_\_\_ Overall, the objectives of the meeting were fully achieved.
- 9.1 \_\_\_ Accessibility Waiver Applications.
- 9.6 \_\_\_ Requests for Declaratory Statements.
- 8.8 \_\_\_ Approval of Products and Product Approval Entities.
- 9.8 \_\_\_ Chairs Issues and Recommendations.
- 9.6 \_\_\_ Update of the Commission's Workplan and Meeting Schedule.
- 9.5 \_\_\_ TAC, POC, Committee, and Workgroup Reports and Recommendations.
- 9.6 \_\_\_ Outline of Commission's Report to the 2006 Legislature.
- 9.6 \_\_\_ Overview of Building Code System and System Survey.
- 9.4 \_\_\_ Presentation on BCIS System Upgrades.
- 9.0 \_\_\_ Rule Development Workshop on Rule 9B-3.047, Expedited Code Adoption.
- 9.4 \_\_\_ Rule Development Workshop on Rule 9B-3.0475, Triennial Update Process.
- 9.4 \_\_\_ Rule Development Workshop on Rule 9B-3.050, Staff Review of Code Amends.
- 9.4 \_\_\_ Rule Development Workshop on Rule 9B-3.055, Binding Interpretations.
- 9.4 \_\_\_ Rule Development Workshop on Rule 9B-3.053, Private Provider Form.
- 9.5 \_\_\_ Rule Adoption Hearing on Rule 9B-1—Manufactured Buildings.
- 9.6 \_\_\_ Public Comment.

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

- 9.6 \_\_\_ The members followed the direction of the Facilitator.
- 9.5 \_\_\_ The Facilitator made sure the concerns of all members were heard.
- 9.6 \_\_\_ The Facilitator helped us arrange our time well.

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

- 9.5 \_\_\_ Overall, I am very satisfied with the meeting.
- 9.8 \_\_\_ I was very satisfied with the services provided by the Facilitator.
- 9.2 \_\_\_ I am satisfied with the outcome of the meeting.

#### 4. What progress did you make?

- 9.6 \_\_\_ I know what the next steps following this meeting will be.
- 9.6 \_\_\_ I know who is responsible for the next steps.



## **5. Member's Written Evaluation Comments.**

- The Chairman makes sure that everyone gets heard and that is good.
- Jeff is a great facilitator.
- Difficult meeting was conducted and facilitated very well.
- The Miami Lakes Don Shula Hotel is a good place to meet.
- Too much was deferred at this meeting.
- Product approvals took too much time!!!
- More realistic time on schedule would be helpful.
- Latest agenda and materials should always be provided ASAP on the website.
- Need more time on amendments. I felt they weren't adequately researched and there was considerable confusion.
- Not enough time to deal with expedited code change proposals:
  - Notice was late,
  - Agenda lacked clarity,
  - Structural TAC and Hurricane Research Advisory Committee meetings lacked structure and felt like little was accomplished. Public was frustrated as was many meeting members.
- Applications for product approvals continues to serve as an effective sedative for many Commissioners.

## ATTACHMENT 2

### FLORIDA BUILDING COMMISSION 2005 WORKPLAN

(A. – H. Ranked by Commission Survey; 1 - Other Tasks)

**Ranked Tasks:**

**A. Amend Product Approval Rule 9B-72, 2004**

POC Planning Workshop	2/11/04
DEC statement and rule amendment plan approved	3/ 2/04
Rule development workshop	4/8/04
Local Product Approval Work Group approved	6/15/04
Rule adoption hearing	7/23/04
Rule amendment plan revised (roll 2 stage process into single stage process)	8/2/04
And Product Approval Work Group (expanded scope) approved	
Local Product Approval Work Group meeting	8/11/04
Local Product Approval Work Group report to Commission	8/31/04
Supplemental Rule Hearing	1/25/05
Consider Work Group Recommendations for Statutory Changes	3/15/05
Product Approval Work Group meetings	10/20/04, 1/11-12/05, 2/8-9/05, 3/28-29/05 4/25-26/05
Supplementary Rule hearing	5/10/05
Rule adoption hearing (resulting in “Notice of Proposed Change”)	6/28/05
Rule hearing on Notice of Proposed Change if requested	8/24/05
Rule effective	1/01/06

**B. Review Wind Loads Design Criteria (ASCE 7)**

***Completed***

2005 Legislature directed changes to ASCE 7 edition adoption and the interior pressure design option at the next update of the FBC and Commission review of Panhandle Windborne Debris Region, and Exposure C definition

**C. Review Duplicate Provisions of Florida Building Code and Florida Fire Code**

Joint Fire TAC/Fire Code Advisory Council begin identifying overlap	2/10/05
Stakeholder assessment and process recommendation complete	Feb-Apr 05
Recommendations reviewed and public input (Commission meetings)	May & Jun 05
Hire contractor to identify duplication of requirements	Sep 05
Joint Fire TAC review of duplicated requirements	Oct 05
Recommended amendments	12/01/05

**D. Construction Practices/Quality Assessment**

Conflict Resolution Consortium conducts assessment	Sep-Dec 2004
Report on CRC	1/25/05
Public input hearings (at Commission meetings)	Mar, May & Jun 05
Conflict Resolution Consortium Final Report	10/12/05

**E. 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
<b>Report submitted to Legislature by Jan 1 (recommend further study)</b>	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
Finalize Report to Legislature	12/ 8/04
Recommendations (modified) addressed in to bills	Apr-May 2005

**F. Review Attic Ventilation Criteria**

Hire contractor to conduct literature search and provide consulting services	12/04
Conduct issue assessment/consensus development workshop	3/14/05
Conduct second consensus workshop	5/9/05
Report to Commission	6/29/05
SB 442 requires FBC allow “unvented attics” by Nov 1, 2005	May-Jun 2005
Adoption into 2004 FBC by expedited amendment process	Jul-Oct 2005
Effective	11/1/05

**G. Update Florida Energy Code Compliance Software and Develop Training Materials**

Obtain match funding from US Department of Energy	FY 05/06
Software Updated for 2004 FBC	1/05
Training materials developed	FY 05/06

**Other Tasks:**

**1. Hurricane Damage Investigations/Expedited Code Amendments**

Hurricane Researchers Workshop co-sponsor with IBHS	12/6/04
Hurricane Research Advisory Committee appointed	1/26/05
Hurricane Symposium	2/11-12/05
Hurricane Research Advisory Committee meetings	3/14, 5/9, 2005
Preliminary Report to the Commission	5/10/05
Final Report to the Commission	6/29/05
Chapter 120, F.S., Rule Development Workshop	8/24/05
Chapter 120, F.S., Rule Adoption Hearing	10/12/05

2. **Conduct a Design Options Workshop (Charette) on Miniature Golf Courses**  
 Conduct Charette and report to the Commission 5/10/05
  
  3. **Recommendations for Report to 2006 Legislature**
    - Consider preliminary recommendations to Legislature 10/12/05
    - Consider recommendations to Legislature 12/ 7/05
    - Finalize report to Legislature 1/06
  
  4. **ICC Codes Development Participation**
    - Work Group Appointed 10/04
    - First Work Group Meeting 12/7/04
    - Second Work Group Meeting 3/15/05
    - Workgroup Preliminary Recommendations to Commission 3/16/05
    - Final Report to Commission 5/11/05
  
  5. **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 approves 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
      - Approve change per JAPC comments but delay filing rule till 7/19 meeting 6/15/04
      - Authorize additional rule hearing for 8/31 meeting 7/19/04
      - Rule adoption hearing 8/31/04
      - Rule hearing on NOPC 12/7/04
      - Rule filed, effective date
      - Code implementation moved by SB 442 10/1/05
- (Note: SB 442 allows use of 2001 FBC or 2004 FBC between 7/1 and 10/1)**

## 5.1 Adopt Revised Chapter 34 for Existing Buildings

### Schedule:

Draft code amendments	<b>Completed</b>	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)		
Code effective		7/1/05
Code implementation moved by SB 442		10/1/05

(Note: SB 442 allows use of 2001 FBC or 2004 FBC between 7/1 and 10/1)

## 5.2 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		7/1/05
Code implementation moved by SB 442		10/1/05

(Note: SB 442 allows use of 2001 FBC or 2004 FBC between 7/1 and 10/1)

## 5.3 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)		7/1/05
Code implementation moved by SB 442		10/1/05

(Note: SB 442 allows use of 2001 FBC or 2004 FBC between 7/1 and 10/1)

## 6. 2004 FBC Glitch Amendments/2006 Annual Interim Amendments:

Amendment submittal cutoff		12/1/05
Post on website (45 days minimum)		12/8/05
TAC’s consider/Commission approves for draft amends		1/23-24/06
Post TAC recommendations on website (45 days min)		2/3/06
Commission considers in rule development workshop		3/21-22/06
Rule adoption hearing and filing with DOS authorized		5/9-10/06
Rule filed		5/26/06
Effective date of glitch amendments (min 3 mo after adoption)		8/10/06*

\* Glitch amendments could be implemented by August 1, 2006 if Rule 9B-3.050(9) is amended to waive the 3 month delay between filing the amendments with the Secretary of State and the amendments becoming effective.

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

Rule development workshop		4/20/04
Rule adoption hearing		3/15/05
Rule effective		5/05

**8. Develop Code Commentaries:**

**Plan:**

Amend Rule 9B-3 to require submittal of “rationale” for proposed amendments (See task above amendment to 9B-3.050). Capture rationales for proposed amendments, declaratory statements and advisory opinions in BCIS to provide “commentary”.

**9. 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.

**10. Florida Building Code System Review and Triennial Report to the Legislature**

Florida Conflict Resolution Consortium On-line Survey	Aug & Sept 2005
On-line Survey due date	Sept. 9, 2005
Present preliminary survey results to Commission	October 2005
Convene Workgroup	Sept 2005
Public input hearings (at Commission meetings)	Aug & Oct 2005
Workgroup’s Preliminary recommendations to Commission	Oct 2005
Workgroup’s final recommendations to the Commission	Dec 2005
Commission recommendations to Legislature (first triennial report)	Dec 2005

**11. Revise Rule 9B-3.004 to Allow Alternates for Committee Members**

Rule development workshop	10/12/05
Rule adoption hearing	12/7/05
Rule effective	1/06

**12. 2007 Update to the Florida Building Code**

Design of Update Process	Aug-Dec 05
Recommendation to Legislature in Commission Report on Triennial Building Code System Review	Jan 06
2006 International Codes published and available to the public	1/1/06
2006 International Codes with currently adopted Florida amendments available to public <b>on website</b>	4/1/06
Joint Fire TAC/Fire Code Advisory Council review of I Codes changes to FFPC conducted	4/06-7/06
Proposed amendments to the 2006 I Codes with Florida amendments due date	7/1/06
Proposed amendments posted to the Web by (45 day min before TAC review)	7/1/06
Commission selects 2006 I Codes as foundation for 2007 FBC (Note: 2006 I Codes must be available to public for 6 months prior to selection)	6/28/06
TACs review proposed Florida amendments, current Florida amendments and current Local amendments and make recommendations at Commission August meeting	8/21-23/06
TAC recommendations posted to web (45 day min before Commission review)	9/8/06
Commission considers TAC recommendations on proposed amendments via a Rule Development Workshop at its December meeting	12/4-6/06

Rule Adoption Hearing at the Commission’s January 2007 meeting	1/24/07
File Rule adopting the 2007 FBC	3/1/07
Printed Codes available to the public	6/1/07
Code implemented	1/1/08

*(Note: SB 442 requires Code documents to be made available to the public 6 months before implementation. To save time final publishing of documents must begin at least when the rule is filed and before the official rule challenge period expires. Initiation of publishing to begin prior to filing of the rule. Experience with development of the 2004 FBC was the publishing of codebooks took more than six months. The time frame allotted in this plan is three months which is roughly consistent with the time required for the ICC to develop its on code books after final adoption.)*

**13. Expedited Code Amendments (See Task 1 and 2005 Legislature Directed Tasks)**

**Adopt IRC non-vented attic criteria by November 1, 2005**

**Review and amend if necessary roof panel sheathing requirements**

**Amend to address water intrusion and roof covering attachment requirements**

Rule development workshop	8/24/05
Rule adoption hearing	10/12/05
Amendments effective	11/1/05

**14. Panhandle Hurricane Ivan Study**

Hire contractor to develop technical input	9/05
Assign to Hurricane Research Advisory Committee	8/24/05
Workgroup meeting to review studies	9/13/05
Preliminary Recommendations to Commission	10/12/05
Report to the Legislature	See Task 3

**15. Exposure Category C Study**

Assign to Hurricane Research Advisory Committee	8/24/05
Committee meeting	10/11/05
Recommendations to Commission	10/12/05
Report to the Legislature	See Task 3

**16. Product Approval Single Validation Entity Study**

Appoint workgroup	6/29/05
Workgroup meetings	8/22/05
	10/05
Recommendations to Commission	10/24/05

**17. Private Provider Jobsite Notice Form**

Rule development workshop	8/24/05
Rule adoption hearing	10/12/05
Amendments effective	11/1/05

<b>18. Rules for Appeal of Building Official Decision /Binding Interpretation</b>	
Rule development workshop	8/24/05
Rule adoption hearing	10/12/05
Amendments effective	1/1/06
* Includes development of form to petition the appeal	
<b>19. Standards for Hospice Facilities</b>	
Standards development by ACHA	Jul-Nov 2005
Pursue implementation via Task 6 “Glitch Amendment” cycle	12/05- 8/06

## 2005 Legislature Directed Tasks

### Florida Building Code Amendments:

#### Expedited Code Amendment

- Shall by November 1, 2005, adopt the ICC provisions for ventless attic spaces. [Section 33 SB 442]
- Shall by November 1, 2005, recognize all alarms complying with UL 2017 for the pool alarm option compliance with swimming pool safety requirements of chapter 515 , F.S. [Section 32 SB 442]
- Shall consider how to address water intrusion and roof-covering-attachment weaknesses. [Section 34 SB 442]
- Shall **review** Modifications 569 and 570 adopted October 14, 2003 to IBC and repeal, modify or leave the same but 569 and 570 cannot go into effect until the review (leave the same) or rulemaking (modify or repeal) are completed. [Section 48 SB 442]

#### 2004 FBC Glitch Amendments (2006 Annual Amendment to 2004 FBC)

- Shall amend the 2004 FBC to allow use of the area under mezzanines to be included in the calculation of total floor area when determining the maximum allowable mezzanine area in sprinklered S2 occupancies of Type III construction. Retroactive to the adoption of the 2001 FBC. [Section 44 SB 442]
- Shall modify Table 1014.1 of 2004 FBC maximum occupancy loads for R occupancies. [Section 46 SB 442]
- Shall amend section 1014.1.2 of 2004 FBC to exempt R1 and R2 occupancies from required distance between exits under certain conditions. [Section 46 SB 442]

#### 2007 Florida Building Code Update

- Eliminate the “interior pressure design” option for buildings in the wind-borne debris regions consistent with the IBC and IRC.



## **Special Studies:**

- Together with building officials from the area, review Hurricane Ivan damage and other data for the region from Franklin County to the Alabama border and issue a report of findings and recommendations to the Governor and 2006 Legislature. [Section 39 SB 442]
- Evaluate the definition of exposure category C and make recommendations to the Governor and 2006 Legislature. [Section 41 SB 442]
- Study the recommendation that the State be served by a single validation entity for state product approval. [Section 45 SB 442]

## **Other Tasks:**

- Develop a form by rule that is posted on a construction site and identifies all private providers that will be conducting inspections and their contact information. [Section 11 SB 442/ 553.791(4)(c)]
- Develop a form by rule for use on the Building Code Information System for petitioning for review of local building official decisions. [Section 9 SB 442/ s.553.775(3)(c)2.]
- Add design and construction related facility licensing requirements for Hospice Facilities. [HB 189]

## ATTACHMENT 3

### FLORIDA BUILDING CODE SYSTEM OVERVIEW AND SURVEY

In 1997, the Governor's Building Codes Study Commission recommended that a single state-wide building code be developed to produce a more effective system for a better Built Environment in Florida. It was determined that in order to be effective, The Building Code System must protect the health, safety and welfare of the citizens of Florida, and in doing so:

1. Be simple to use and clearly understood;
2. Be uniform and consistent in its administration and application;
3. Be affordable; and
5. Promote innovation and new technology.

The Study Commission determined that an effective system must address five key components: the Code, the Commission, code administration, compliance and enforcement, and product evaluation and approval.

#### **THE FLORIDA BUILDING CODE SYSTEM IS COMPRISED OF FIVE ESSENTIAL COMPONENTS. A SUMMARY OF EACH FOLLOWS:**

**I. The Florida Building Code and the Code Development Process.** Historically the promulgation of codes and standards was the responsibility of local jurisdictions. It was determined that Florida's system is "a patchwork of codes and regulations developed, amended, administered and enforced differently by more than 400 local jurisdictions and state agencies with building code responsibilities". A critical component for an effective building code system was to develop and implement a single state-wide code.

The purpose of developing a single state-wide building code was to:

1. Serve as a comprehensive regulatory document to guide decisions aimed at protecting the health, safety and welfare of all of Florida's citizens.
2. Provide uniform standards and requirements through the adoption by reference of applicable national codes and providing exceptions when necessary.
3. Establish the standards and requirements through performance-based and prescriptive based criteria where applicable.
4. Permit and promote innovation and new technology.
5. Require adequate maintenance of buildings and structures, specifically related to code compliance, throughout the State.
6. Eliminate restrictive, obsolete, conflicting and unnecessary construction regulations that tend to increase construction costs unnecessarily or that restrict the use of innovation and new technology.

The new Florida Building Code is a state-wide code implemented in 2001 and updated every three years. The Florida Building Commission developed the Florida Building Code from 1999 through 2001, and is responsible for maintaining the Code through annual interim amendments and a triennial foundation code update.

**II. The Commission.** The Commission is an appointed representative stakeholder body that develops, amends and updates the Code. The Commission is comprised of members representing each of the key interests in the building code system. The Commission meets every six weeks and in addition to their code development responsibilities, regularly consider petitions for declaratory statements, accessibility waiver requests, the approval of products and entities, and the approval of education courses and course accreditors. The Commission also monitors the building code system and reports to the Legislature annually with their recommendations for changes to statute and law.

**III. Local Administration of the Code.** The Study Commission recommended, and subsequent legislation maintained, that the Code shall be administered and enforced by local government building and fire officials. The Commission has certain authorities in this respect such as the number and type of required inspections. However, the Commission's main responsibility remains amending the Code, hearing appeals of local building officials decisions, and issuing binding interpretations of any provisions of the Florida Building Code.

**IV. Strengthening Compliance and Enforcement.** Compliance and enforcement of the Code is a critical component of the system with the Commission's emphasis in this regard is on education and training. The Study Commission determined that in order to have an effective system a clear delineation of each participant's role and accountability for performance must be effected. There should be a formal process to obtain credentials for design, construction, and enforcement professionals with accountability for performance. Opportunities for education and training were seen as necessary for each participant to fulfill their role competently. Although many of the Commission's functions related to education were recently assigned to a legislatively created Education Council, education remains a cornerstone of the building code system. The Commission remains focused on the approval of course accreditors and the courses developed/recommended by approved accreditors.

**V. Product Evaluation and Approval.** In order to promote innovation and new technologies a product and evaluation system was determined to be the fifth cornerstone of an effective Building Code System. The product approval process should have specific criteria and strong steps to determine that a product or system is appropriately tested and complies with the Code. Quality control should be performed by independent agencies and testing laboratories which meet stated criteria and are periodically inspected. A quality assurance program was also deemed essential. The Commission adopted a Product Approval System by rule and currently approves products for state approval and product approval entities. Local product approval remains under the purview of the local building official as a part of the building permit approval process.

## ADDITIONAL KEY BUILDING CODE SYSTEM PROGRAMS

**A. Building Code Information System.** The Building Code Information System (BCIS) was developed in early 2000 to implement the new responsibilities, business practices, and automated systems required by the Florida Building Code. The BCIS is a multi-functional database that provides building professionals, the general public, local governments, and manufacturers with single-point access to the Florida Building Code, Manufactured Building Program, Product Approval System, Prototype Program, local code amendments, declaratory statements, nonbinding opinions, and the interested party list.

Since its initial deployment, significant new functionality has been added to the BCIS in response to new legislation and to accommodate the changing needs of the Commission and DCA. The amount of information now available via the BCIS has more than doubled in the last four years; the number and type of users has correspondingly increased as new needs are addressed. The web site has become more complex and more difficult to locate needed information. As a result, the Department is in the process of updating the BCIS to address the overall accessibility of information contained within the BCIS.

**B. Manufactured Buildings Program.** Chapter 553, Part I, FS, known as the Manufactured Buildings Act of 1979, governs the design, plans review, construction and inspection of all buildings (excluding mobile homes) manufactured in a facility to ensure compliance with the Florida Building Code. Rule Chapter 9B-1 FAC was subsequently adopted by the Commission to adequately govern the program and to ensure that manufacturers and independent Third Party Inspection Agencies maintain performance standards. Inspections agencies qualified under this program and serving as agents for the State, provide construction plan reviews and in-plant inspections. All manufacturers and Third Party Agencies are monitored at least once per year to ensure quality assurance and adequate code enforcement. Manufactured Buildings approved under this program are exempted from local code enforcement agency plan review except for provisions of the code relating to erection, assembly or construction at the site.

**C. Prototype Buildings Program.** Chapter 553.77(5) F.S., Rule 9B-74 Prototype Plan Review and Approval program. The plans review program was developed by the Florida Building Commission to address public and private entities such as buildings and structures that could be replicated throughout the state. This program is conducted by an Administrator delegated by the Commission, this Administrator has qualifications to review plan compliance with the Florida Building Code and certified per the requirements of Chapter 468, F.S. The program Administrator contracts with qualified plans examiners to review Prototype plans for Code compliance with the Florida Building Code and Florida Fire Prevention Code, these plans examiners are certified in Chapter 468 or 633 F.S., or both Chapters 468 and 633, F.S. The prototype plans are reviewed for completeness in a timely manner compliant with Chapter 120 F.S.. Each approved Prototype plan is issued an identification tracking number, this number is used to track replicated plans to local governments. The Administrator regularly attends the Florida Building Commission and reports on the progress of the Prototype Buildings Program.

**D. Alternative Plans Review and Inspections—Private Provider System for Plans Review and Inspection Functions.** §553.791, Florida Statutes, was created in 2002 to allow property owners to utilize the services of a private interest to perform plan review and/or inspection services in lieu of, but subject to review by the local permitting authority. The legislation creating the process also directed the Commission to review the system and report the results to the legislature which was accomplished in the Commission's 03-04 report. In addition, the Commission as a result of a consensus stakeholder process convened in 2004, proposed, additional refinements to the system in the Commission's 04-05 report. In 2005 the Florida Legislature adopted a package of refinement to the system which were signed into law in the summer of 2005.

## **SURVEY OF THE FLORIDA BUILDING CODE SYSTEM**

**Triennial Report to the Legislature.** Florida Statute, Chapter 553.77(1)(b), requires the Commission to make a continual study of the Florida Building Code and related laws and on a triennial basis report findings and recommendations to the Legislature for provisions of law that should be changed. This year (2005), the Commission will solicit stakeholder input in the form of an on-line survey, and at the October Commission meeting consider and develop a package of recommendations for enhancements to the Florida Building Code System. The Commission's recommendations will be a major component of their Report to the 2006 Legislature.

**Stakeholder Input Survey.** Now that you have read an overview of the five key components of the Florida Building Code System and related programs, please participate in the on-line survey and provide your assessment of how well the Florida Building Code System is functioning and to what extent the goals of the system have been achieved. You will be asked to evaluate the System as a whole as well as each of the components independently.

**The address for the on-line survey is:**

<http://consensus.fsu.edu/fbc-system-survey/index.html>

## **ATTACHMENT 4**

### **ISSUES FOR INCLUSION IN THE 2006 REPORT TO THE LEGISLATURE FLORIDA BUILDING COMMISSION**

#### **BUILDING CODE ISSUES**

##### **Hurricane Damage Investigations—Expedited Code Amendments**

The Commission convened a Hurricane Research Advisory Committee to review the 2004 hurricane studies and consider amendments to the Code related to water intrusion and roof covering attachment problems. Code amendments were adopted through the expedited code amendment process, including legislative direction related to the adoption of the IRC non-vented attic criteria and review of roof panel sheathing criteria.

##### **Implementation of 2004 Update of the 2004 Florida Building Code**

Brief overview on the implementation of the 2004 FBC. The 2004 Florida Building Code became effective on October 1 of 2005.

##### **Status Report of the 2004 FBC Glitch/Annual Interim Amendment Process**

Status report of the 2004 glitch amendment process including legislative direction related to mezzanines, Table 1014.1 maximum load occupancies for R, and exemptions from distance requirements between exits for R1 and R2 occupancies. In addition, report on Commission's actions related to amending the FBC Residential Volume prescriptive design criteria.

##### **2007 Florida Building Code Update Process**

This will be a major focus of the Commission in 2006 and represents the initiation of the update for the 2007 Edition of the FBC. Summary of the process including statutory requirement that the I-Codes must be available for six months prior to Commission considering amendments. Review. In addition, review FBC edition in relation to I-Code edition, and the Commission's efforts to correlate the FBC with the IBC process,

#### **BUILDING CODE SYSTEM**

##### **Florida Building Code System Review—Triennial Report**

Florida Statute, Chapter 553.77(1)(b), requires the Commission to make a continual study of the Florida Building Code and related laws and on a triennial basis report findings and recommendations to the Legislature for provisions of law that should be changed. The Commission conducted an assessment on the building code system with their assessment of the system.

### **Construction Practices/Quality Assessment Summary**

At the request of Senator Constantine, the Commission conducted an assessment and provided extensive opportunities for public comment regarding construction practices and quality of construction in the State. In general, enhancements to the Code resulting from a study of the 2004 hurricanes are designed to address this issue and enhance the FBC.

### **FBC and FFPC Duplicate Provisions and Overlapping Responsibilities Assessment Summary**

The Commission conducted an assessment and determined that the technical provisions should be reviewed and any conflicts resolved between the FBC and the FFPC. The Joint Building Fire TAC is in the process of reviewing the codes and making recommendations for amendments during the glitch cycle. In addition, the Joint Building Fire TAC will be reviewing issues related to further partitioning of the code and overlapping jurisdictional and enforcement issues during 2006.

### **ICC Code Development Participation**

The Commission convened a facilitated stakeholder group to make recommendation regarding how the Commission should participate in the ICC code development process. In general, as a result of limited resources and a need to focus on the Florida Building Code, the Commission determined that Florida's existing network of ICC participants, with BOAF as lead, should propose code amendments to the Commission through the TAC review process.

## **PRODUCT APPROVAL SYSTEM**

### **Product Approval Rule Amendments**

The Commission conducted an extensive stakeholder review process to develop consensus recommendations for refinements to the Product Approval System. Following formal rule development and implementation of Legislative direction for local product approval, the Commission voted unanimously to adopt a package of refinements to the Rule that became effective in the fall of 2005.

## **EDUCATION SYSTEM**

### **Status and Update on Education Initiatives by the Commission**

Although many of the Commission's functions related to education were assigned to a legislatively created Education Council, education remains a cornerstone of the building code system. The Commission remains focused on the approval of course accreditors and the courses developed/recommended by approved accreditors.

## **2005 LEGISLATIVE ASSIGNMENTS**

### **Panhandle Hurricane Ivan Study**

The Commission convened a facilitated stakeholder process including regional building officials to develop recommendations per legislative direction. The assignment is to conduct a review related to Hurricane Ivan damage and other data for the region from Franklin County to the Alabama border and issue a report of findings and recommendations to the Governor and 2006 Legislature.

### **Exposure Category C Study**

The Commission assigned this legislative assignment to the Hurricane Research Advisory Committee in order to utilize the Committee's expertise in this subject area. The assignment is to conduct a review of the Exposure Category C definition found in law, and make recommendations to the 2006 Florida Legislature on whether to refine the definition.

### **Product Approval Single Validation Entity Study**

The Commission convened a facilitated stakeholder process to develop recommendations per legislative direction. The assignment is to conduct a review of the Product Approval Workgroup's recommendation regarding utilizing a single validation entity for product approval, and make recommendations to the 2006 Florida Legislature.

### **Private Provider Jobsite Notice Form**

The Commission worked with affected interests to develop and adopt the form by rule, through the legislatively authorized expedited code amendment process.

### **Rules for Appeal of Building Official Decision/Binding Interpretations**

The Commission worked with affected interests to develop and adopt appeal rules and a form, through the legislatively authorized expedited code amendment process.

### **Standards for Hospice Facilities**

The Commission worked with their Special Occupancy TAC and the affected state agency, to develop standards and implement code amendments through the 2004 glitch amendment/2006 annual interim code amendment process.