

FLORIDA BUILDING COMMISSION

ATTACHMENT TO THE DECEMBER 7 - 8, 2004 MINUTES

FACILITATOR'S REPORT OF THE DECEMBER 7 - 8, 2004
COMMISSION PLENARY SESSION

Orlando, Florida

Meeting Design & Facilitation By



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FLORIDA BUILDING COMMISSION

ATTACHMENT TO THE DECEMBER 7 - 8, 2004 MINUTES

OVERVIEW OF COMMISSION'S KEY DECISIONS

TUESDAY, DECEMBER 7, 2004

Agenda Review and Approval

The Commission voted unanimously, 21 - 0 in favor, to approve the agenda as presented. 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 Conduct a Rule Adoption Hearing on the Notice of Proposed Change to Rule 9B-3.047, 2004 Florida Building Code

Dedication to Commissioner Leonard Lipka

Chairman Rodriguez informed the Commission that Commissioner Lipka had passed, and on behalf of the Commission offered appreciation for Leonard's work as well as condolences to his family and friends. The Chair proposed a motion to dedicate the Commission's 2005 work to honor the memory of Commissioner Lipka, and to send a letter to his family expressing the Commission's appreciation.

Commission Actions:

Motion—The Commission voted unanimously, 19 - 0 in favor, to dedicate the Commission's 2005 work to honor the memory of Commissioner Lipka, and to send a letter to his family expressing the Commission's appreciation.

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 and/or Richard Shine served as legal counsel for the Commission.

Dismissals

Motion—The Commission voted unanimously, by a vote of 21 – 0 in favor, to dismiss a package of 17 declaratory statements as presented by legal council.

DCA-DEC-236 by AAA Roofing Corp

DCA-DEC-354 by Lawrence Bennet

DCA-DEC-132 by Clearwater Gas System

DCA-DEC-047 by Homeguard Pest Control

DCA-DEC-366 by Ridd Safe Pool Net

DCA-DEC-277 by T.A. Krebs

DCA-DEC-007 by W.P. Merrick

DCA-DEC-011 by Alex Schultz

DCA-DEC-214 by Wilson and Co.

DCA-DEC-242 by Baker County

DCA-DEC-241 by Charlotte County

DCA-DEC-266 by Robert Duncan

DCA-DEC-139 by Jay Scott Drafting

DCA-DEC-128 by Kool Duct Inc.

DCA-DEC-242 by Lee County Division of Development Services

DCA-DEC-224 by Renta Enterprises

DCA-DEC-272 by Sky Architecture

Second Hearings

DCA-DEC-123 by Stephen P. Maslan, PE

Motion—The Commission voted unanimously, by a vote of 21 – 0 in favor, to approve their previous action on the petition.

DCA-DEC-161 by Robert G. Boyer of Palm Beach County

Motion—The Commission voted unanimously, by a vote of 21 – 0 in favor, to approve their previous action on the petition.

DCA-DEC-162 by Robert G. Boyer of Palm Beach County

Motion—The Commission voted unanimously, by a vote of 21 – 0 in favor, to approve their previous action on the petition.

DCA-DEC-163 by C.W. Macomber of Palm Beach County

Motion—The Commission voted unanimously, by a vote of 21 – 0 in favor, to approve their previous action on the petition, and to correct a typo in the statement.

DCA-DEC-188 by C.W. Macomber of Palm Beach County

Motion—The Commission voted 19 – 2 in favor to approve their previous action on the petition.

First Hearings

DCA04-DEC-165 by Ricardo Lizaranu of Suncoast Post-Tension

Motion— The Commission voted unanimously, by a vote of 21 - 0 in favor, to approve the TAC/POC's recommendations on the petition as presented.

DCA04-DEC-171 by Jo McCann of Coral Springs

Motion— The Commission voted unanimously, by a vote of 21 - 0 in favor, to deny the petition due to issue being outside of the Commission's jurisdiction.

DCA04-DEC-192 by Bart Walden of CBS

Motion— The Commission voted unanimously, by a vote of 21 - 0 in favor, to approve the TAC/POC's recommendations on the petition as presented.

DCA04-DEC-195 by Roger Joyce of Bilco

Motion— The Commission voted unanimously, by a vote of 21 - 0 in favor, to approve the TAC/POC's recommendations on the petition as presented, and to reference the answer in DCA04-DEC-161

DCA04-DEC-196 by Robert Powell of Lake Square Aluminum Inc.

Motion— The Commission voted unanimously, by a vote of 21 - 0 in favor, to dismiss the petition as inappropriate due to failure to exhaust local appeals process.

DCA04-DEC-218 by Patrick L. McDonald

Motion— The Commission voted unanimously, by a vote of 21 - 0 in favor, to dismiss the petition as outside the scope of the Commission's declaratory statement process.

DCA04-DEC-219 by W. Vincent of Construction Specialties Inc.

Motion— The Commission voted unanimously, by a vote of 21 - 0 in favor, to approve the TAC/POC's recommendations on the petition as presented.

DCA04-DEC-221 by Edward Lewis of Edward Lewis Architects Inc.

Motion— The Commission voted unanimously, by a vote of 21 - 0 in favor, to dismiss the petition as inappropriate for a declaratory statement, issue should be addressed by authority having jurisdiction.

DCA04-DEC-222 by Ed Riley of Collier County

Motion— The Commission voted unanimously, by a vote of 21 - 0 in favor, to defer action on the petition pending further discussion.

DCA04-DEC-225 by Bemie Eustace of Interplan LLC

Motion— The Commission voted unanimously, by a vote of 21 - 0 in favor, to defer action on the petition to allow petitioner to provide project specific changes.

DCA04-DEC- 230 by Patricia Weeks of Blair Home Construction

Motion— The Commission voted unanimously, by a vote of 21 - 0 in favor, to approve the TAC/POC's recommendations on the petition as presented.

DCA04-DEC-231 by Carl Driver of NuAir Manufacturing

Motion— The Commission voted unanimously, by a vote of 21 - 0 in favor, to approve the TAC/POC's recommendations on the petition as presented.

DCA04-DEC-232 by C. W. Macomber of Palm Beach County

Petition was withdrawn by petitioner.

DCA04-DEC-233 by Seann M. Frazier of Greenberg Traurig PA

Motion— The Commission voted unanimously, by a vote of 21 - 0 in favor, to defer action on the petition to allow petitioner to provide project specific changes.

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.

Rule Adoption Hearing on Notice of Change to Rule 9B-3.047, 2004 Florida Building Code

Chairman Rodriguez indicated that at the August 31, 2004 meeting, the Commission voted unanimously to reduce the application of conventional design to regions with less than a 100 MPH in the IRC, to change the requirements for the Building Volume of the 2004 Code by moving the allowance of use for the corresponding prescriptives in that code to 100 mph, to include the reference standard SSTD 10 with the packages that comprise the Residential Volume of the 2004 Code, and to change the implementation date of the 2004 Florida Building Code to July 1, 2005. In addition, the Commission voted to revise “Fire Separation Distance” in Section R202. Finally, the Commission also voted unanimously to proceed with rule adoption for Rule 9B-3.047, by publishing notice of proposed changes, and to hold an additional hearing on the notice of proposed changes if requested. The Chair noted that a hearing had been requested, and this is the requested hearing as well as the next step in implementing the Commission’s approved Florida specific amendments to the Florida Building Code and integrating the remaining unadopted portions of the International Family of Codes.

Richard Shine opened the hearing and the public was invited to provide comments. The facilitator captured public comments on flipcharts so the Commission could decide whether to consider any additional changes to the rule. Following public comment Richard closed the public hearing.

Prior to Commission consideration of public comments, Chairman Rodriguez instructed the Commission to remember the threshold issue the Commission had agreed to use for determining whether to make any additional Code changes at the last hearing, was that the change maintains the current level of protections afforded in the code (i.e., application of conventional design to regions with less than 100 MPH, fire separation distance, and the stucco thickness issue). The Chair stated that maintaining the current levels of protections are the only changes which will not require us to meet the 45 day 45 day review requirement for new changes to the Code. In addition, legal council recommended the Commission not hold any additional hearings on any additional changes. The Chair noted, that as advised by legal council, an additional hearing is not required by law, but more importantly, the Commission had already provided countless hearings during this code development cycle and the Commission is committed to maintaining the July 1, 2005 implementation date voted for at the October 2004 meeting.

The Chair opened the floor for Commission discussion on the public comment. Richard Shine indicated that the only two issues that met the threshold issue of maintaining existing code protections were the proposed revisions to the fire separation definition and the exterior stucco proposal.

Commission Actions:

Motion—The Commission voted unanimously, 21 - 0 in favor, to adopt the R703.6 exterior plaster proposal.

Motion—The Commission voted 19 – 2 in favor to delete the two previously adopted definitions: “Fire Separation Distance” and “Fire Separation Easement”; and, to adopt the proposed “Location On Lot” definition.

Motion—The Commission voted 20 – 1 in favor to proceed with rule adoption for Rule 9B-3.047—Florida Building Code—by adopting the approved changes and publishing a notice of proposed changes, with no additional hearings to be held on the rule.

Motion to Reconsider— The Commission voted 8 – 12 in favor to reconsider their motion to proceed with rule adoption. The motion failed for failure to achieve a majority in favor of the motion.

(See Attachment 3)

Recess

Motion—The Commission voted unanimously, 21 - 0 in favor, to recess the plenary session until 9:00 AM on December 8, 2004.

WEDNESDAY, DECEMBER 8, 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 Consider/Decide on Chair's Discussion Issues/Recommendations
- ✓ To Review and Update the Workplan
- ✓ To Hear a Synopsis of the Researcher Workshop to Discuss Preliminary Researcher Investigations of Hurricanes Charley, Frances, Ivan and Jeanne
- ✓ To Hear Progress Report of the Product Approval Work Group
- ✓ To Hear Progress Report of the ICC Participation Work Group
- ✓ To Consider Draft Report to the 2005 Legislature
- ✓ To Consider/Decide on Accessibility, Electrical, Fire, and Structural TAC Reports/Recommendations
- ✓ To Consider/Decide on Product Approval/Prototype Buildings/Manufactured Buildings Program Oversight Committee (POC) Report/Recommendations
- ✓ To Hear Public Comment
- ✓ To Discuss Commissioner Issues
- ✓ To Review Committee Assignments and Issues for the Next Commission meeting

Process Overview

Chairman Rodriguez, and Jeff Blair indicated that with the new split plenary session format, the public will be provided an opportunity to provide comment on each of the substantive issues before the Commission, at the time of consideration. The comment periods will allow for a full exchange of each different view, with one point counter point opportunity per position.

Review and Approval of the August 31, 2004 and October 19, Meeting Minutes

Motion—The Commission voted unanimously, 17 - 0 in favor, to approve the August 31, 2004 and October 19, 2004 minutes as amended.

Amendments:

Include Commissioner Parrino's conflict of interest statements (form).

Chair's Discussion Issues/Recommendations

Communication with the Governor

The Chair indicated that the Governor and he had exchanged e-mails regarding the special session, and that he informed the Governor that we the Commission is in the process of assessing the hurricanes effects prior to developing any proposed code enhancements; and, that the Commission had forwarded Senator Constantine the Commission's recommendations on hospice facilities and statutory wind resistance design requirements for special session consideration.

Special Session

The Chair informed the Commission that other entities have expressed interest in the possibility of using the special session as an opportunity to accelerate the implementation of the existing buildings code.

Quality of Construction Assessment

Jeff Blair indicated he was in the interview phase and plans to have the assessment report complete for the Commission's January 2005 meeting.

TAC Appointment

Chairman Rodriguez appointed Commissioner Hamrick to serve on the Education TAC.

Coordinating Group

The Chair informed the Commission that he will be appointing a small coordinating group consisting of Commissioners and other stakeholder representatives, charged with identifying the various research being conducted related to building failure issues resulting from the 2004 hurricanes. The Chair stated that the Group's charge will be to ensure that the Commission is provided with all relevant research findings on each of the major issues, prior to the Commission considering code enhancements resulting from lessons learned.

Review and Approval of Commission's Updated Workplan

Commission Actions:

Motion—The Commission voted unanimously, 20 - 0 in favor, to approve the updated workplan and meeting schedule as amended to reflect the Commission's priorities.

Motion—The Commission voted unanimously, 20 - 0 in favor, to adopt "Alternative 1" under Workplan Task 6, "2006 Annual Interim Amendments".

(See Attachment 2)

Synopsis of Hurricane Researchers Workshop

Rick Dixon reported that the researchers workshop on Hurricanes Charley, Frances, Ivan, and Jean was held on Monday, December 6, 2004 with the objective of providing a forum for researchers to exchange information and initial analyses. The workshop was cosponsored by the Commission and the Institute for Business and Home Safety, and is the next step in the Commission's assessment of hurricane related issues. The second workshop which will be held in February of 2005, will have a symposium format, and be broader in scope and more policy oriented with the objective of developing consensus on lessons learned and recommendations for future actions.

These workshops will be one of the key steps in determining whether the Commission should effect any code enhancements, and if so, to develop consensus code amendments in time for the 2006 annual code amendment cycle.

Product Approval Work Group Progress Report

Jeff Blair reported that the next Product Approval Workgroup meeting will be held on January 11 – 12, 2005 in Orlando. Details may be found at: <http://consensus.fsu.edu/LPAWG/index.html>

Progress Report of the ICC Participation Work Group

At the October Commission meeting Chairman Rodriguez appointed Commissioner D'Andrea to head up a task group to investigate the Commission's options including how the Commission should work with state partners like BOAF, and to make a recommendation for a practical process for the Commission to use in participating in the ICC code development processes. Nick D'Andrea reported that the Workgroup met on Tuesday, December 7, 2005 and developed a preliminary list of issues and options regarding the Commission's participation in the ICC code development process. The workgroup will meet at the next Commission meeting to explore options and develop recommendations for the Commission's consideration.

(See Attachment 5)

Review Draft Report to the Governor and 2005 Florida Legislature

Chairman Rodriguez reviewed a synthesis of the Commission's 2005 legislative issues for inclusion in Draft Report to the Governor and 2005 Florida Legislature. The list of legislative issues was adopted unanimously by the Commission at the October 2004 meeting.

Commission Actions:

Motion—The Commission voted unanimously, 20 - 0 in favor, to approve the Commission's recommendations to the Governor and 2005 Legislature, and to authorize the Chair to review and approve the final draft of the Report prior to submittal.

(See Attachment 4)

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

Commissioner Richardson presented the Committee's report, and the Commission voted unanimously, 20 – 0 in favor, to accept the report as presented.

Commission Actions:

Motion—The Commission voted unanimously, 20 - 0 in favor, to change the date for the miniature Golf course charrette to May 10, 2005.

Electrical TAC

Commissioner McCombs presented the Committee's report, and the Commission voted unanimously, 20 – 0 in favor, to accept the report as presented.

Fire TAC

Commissioner D'Andrea presented the Committee's report, and the Commission voted unanimously, 20 – 0 in favor, to accept the report as presented.

Structural TAC

Commissioner Parrino presented the Committee's report, and the Commission voted unanimously, 20 – 0 in favor, to accept the report as presented.

Product Approval POC

Commissioner Carson presented the Committee's report, and the Commission voted unanimously, 20 – 0 in favor, to accept the report as presented.

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 Gonzalez requested that the Chair send a letter to Leonard Lipka's family on behalf of the Commission.

Adjourn

The Commission voted unanimously, 20 - 0 in favor, to adjourn the meeting at 10:20 AM.

Staff Assignments

Schedule ICC Workgroup meeting at the next Commission meeting.

Schedule Budget Committee meeting at the next Commission meeting.

Report on the FHBA's forensic investigation on hurricane issues at the next Commission meeting.

ATTACHMENT 1

MEETING EVALUATION RESULTS

December 7 - 8, 2004—Orlando, Florida

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

1. Please assess the overall meeting.

- 9.6 ___ The background information was very useful.
- 9.6 ___ The agenda packet was very useful.
- 9.1 ___ The objectives for the meeting were stated at the outset.
- 9.7 ___ Overall, the objectives of the meeting were fully achieved.
- 9.8 ___ Chairs issues and recommendations.
- 9.7 ___ Rule Adoption Hearing on Notice of Proposed Change to Rule 9B-3.047, 2004, FBCCode.
- 9.8 ___ Accessibility Waiver Applications.
- 9.4 ___ Requests for Declaratory Statements.
- 9.8 ___ Approval of products and product approval entities.
- 9.7 ___ TAC and POC reports and recommendations.
- 9.5 ___ Synopsis of the Researcher Workshop on Hurricanes.
- 9.6 ___ Progress Report of the Product Approval Work Group.
- 9.6 ___ Progress Report of the ICC Participation Work Group.
- 9.7 ___ Consideration of Draft Report to the 2005 Legislature.

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

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

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

- 9.6 ___ Overall, I am very satisfied with the meeting.
- 9.8 ___ I was very satisfied with the services provided by the facilitator.
- 9.7 ___ I am satisfied with the outcome of the meeting.

4. What progress did you make?

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

5. Comments.

- I like the new meeting schedule. The expanded schedule permitted appropriate consideration of all the issues with sufficient time for proper decision-making.
- Not crazy about the new split plenary session, but I will go along with it if it work for the Commission in general.
- A presentation of buildings that faired well under the hurricanes should be done to determine why they did well. We only heard about the failures.
- Consent agenda for accessibility waivers should include waivers that were approved subject to certain agreed modifications.
- My notebook that was assigned to me did not have the items discussed fully loaded into the machine. I would suggest that DCA look into a wireless network with a room based server. This would give equal access to the information for all the notebooks. There is a further problem with the CD received in the mail in that it is different than what is loaded on the machines. Since we do not take the notebooks home, the latest information is not available for our records. Perhaps a “record” CD could be sent out after the meeting, or the website could post this additional information.
- Seating was too tight.
- Like the last meeting, the computer file are difficult to access. Suggest clearer labeling of the files.
- I was interrupted on several occasions after being recognized by the chairs at TAC meetings.
- Declaratory statements were disorganized—Didn’t give a positive appearance before the media that was in attendance.

ATTACHMENT 2

COMMISSION'S UPDATED WORKPLAN

MEETING DATES

2004

January 11, 12 & 13	Orlando	Adams Mark Hotel
February 28 & March 1 & 2	Orlando	Rosen Plaza Hotel
April 18, 19 & 20	Orlando	Rosen Centre Hotel
June 13, 14 & 15	Panama City	Marriot Baypoint Hotel
August 29, 30 & 31	Miami	Eden Roc Hotel
October 17, 18 & 19	Orlando	Rosen Plaza Hotel
December 5, 6 & 7	Orlando	Rosen Centre Hotel

2005

January 24, 25 & 26	Orlando	Rosen Plaza Hotel
March 14, 15 & 16	Orlando	
May 9, 10 & 11	Orlando	
June 27, 28 & 29	Sarasota	
August 22, 23 & 24	Miami	
October 10, 11 & 12	Orlando	
December 5, 6 & 7	Orlando	

FLORIDA BUILDING COMMISSION 2004 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 |
| Product Approval Work Group meetings | 10/20/04, 12/13-14/04 , 1/11-12/05, 2/9/05 |
| Rule development workshop | 3/15/05 |
| Rule adoption hearing | 5/10/05 |
| Rule effective | 6/05 |
- B. Review Wind Loads Design Criteria (ASCE 7)**
- | | |
|--|----------|
| Workshop | 9/29/04 |
| (Canceled due to hurricanes) | |
| Commission considers recommendation to Legislature | 10/19/04 |
| Finalize report to Legislature | 12/ 8/04 |
- C. Review Duplicate Provisions of Florida Building Code and Florida Fire Code**
Delayed until completion of the 2004 FBC
- | | | |
|----|---|---------|
| 05 | Joint Fire TAC/Fire Code Advisory Council begin identifying overlap | Jan 05 |
| | Stakeholder assessment and recommended process complete | Jan-Feb |
| | Appoint workgroup and begin consensus recommendation development | Mar 05 |
- D. Quality of Construction Issues Assessment**
- | | |
|---|--------------|
| Conflict Resolution Consortia conducts assessment | Sep-Dec 2004 |
| Report on assessment considered and recommendations developed | 1/25/05 |
- E. Address Statutory Requirements for Modular School Buildings**
- | | |
|--|----------|
| Commission considers for recommendation to Legislature | 10/19/04 |
| Finalize report to Legislature | 12/ 7/04 |
- F. 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
Finalize Report to Legislature	12/ 8/04

G. Review Attic Ventilation Criteria

Hire contractor to conduct literature search and provide consulting services	12/04
Conduct issue assessment/consensus development workshop	1/05
Conduct second consensus workshop	2/05
Report to TACs and Commission	3/14-15/05

H. Update Florida Energy Code Compliance Software and Develop Training Materials

Obtain match funding from US Department of Energy	10/04
Software Updated and Training Materials Delivered	3/05

Other Tasks:

1. Hurricane Damage Investigations/Code Actions

Hurricane Researchers Workshop co-sponsor with IBHS	12/6/04
Hurricane Symposium	2/11-12/05

2. Conduct a Design Options Workshop (Charrette) on Miniature Golf Courses

Conduct Charrette	2/05
Report to Commission	3/05

3. Recommendations for Report to 2005 Legislature

Note: Also includes tasks B. and F.

Consider recommendations to Legislature	10/19/04
Finalize report to Legislature	12/ 8/04

4. ICC Codes Development Participation

Work Group Appointed	10/04
First Work Group Meeting	12/7/04
Second Work Group Meeting	1/24/05
Workgroup Recommendation and Commission Policy Adoption	1/25/05

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 effective	1/1/04
Code implemented	7/1/04

5.1 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)		
Code effective		7/1/04

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	7/1/04
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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)	7/1/04

6. 2006 Annual Interim Amendments:

Alternative 1:

Note: Amendments due at about time 2004 FBC is implemented July 1, 2005.

Leaves no time for publication to have amendments available before implementation.

Amendment submittal cutoff	6/24/05
Post on website (45 days minimum)	7/3/05
TAC's consider/Commission approves for draft amendments	8/20-21/05
Post TAC recommendations on website (45 days minimum)	8/28/05
Commission considers in rule development workshop	10/10-11/05
Rule adoption hearing and filing with DOS authorized	12/5-6/05
Rule filed	12/13/05
Effective date of first update	7/1/06

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

Rule development workshop	4/20/04
Rule adoption hearing	
Rule effective	

7.1. 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".

8. 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.

ATTACHMENT 3

ADOPTED CHANGES TO RULE 9B-3.047

CHAPTER 2 Definitions

Delete two definitions

FIRE SEPARATION DISTANCE

FIRE SEPARATION DISTANCE EASEMENT

LOCATION ON LOT

R302.1 Exterior walls. Exterior walls ~~separated by~~ ~~with a fire separation distance~~ less than 6 3 feet (1828 914 mm) shall have not less than a one-hour fire-resistive rating with exposure from both sides. Projections shall not extend to a point closer than 4 2 feet (1220 610 mm) from an adjacent projection or wall ~~the line used to determine the fire separation distance.~~

Exception: Detached garages accessory to a dwelling located within 2 feet of a lot line shall be permitted to have roof eave projections not exceeding 4 inches.

Projections extending into the 6 foot ~~fire~~ separation distance shall have not less than one-hour fire-resistive construction on the underside. The above provisions shall not apply to walls which are perpendicular to a the line extending from the point from which the separation distance has been measured running and parallel to the property line ~~used to determine the fire separation distance.~~

Exception: Tool and storage sheds, playhouses and similar structures exempted from permits by R105.2 are not required to provide wall protection based on location on the lot. ~~Projections beyond the exterior wall shall not extend over the lot line.~~

R302.2 Openings. Openings shall not be permitted in the exterior wall of a dwelling or accessory building that is separated from an adjacent building by a ~~with a fire separation~~ distance of less than 6 3 feet (1828 914 mm). This distance shall be measured perpendicular to the line used to determine the ~~fire~~ separation distance.

Exceptions:

1. Openings shall be permitted in walls that are perpendicular to a the line extending from the point from which the separation distance has been measured running and parallel to the property line ~~used to determine the fire separation distance.~~
2. Foundation vents installed in compliance with this code are permitted.

R302.3 Penetrations. Penetrations located in the exterior wall of a dwelling ~~separated by~~ ~~with a fire separation distance~~ less than 6 3 feet (1828 914 mm) shall be protected in accordance with Section R317.3.

Exception: Penetrations shall be permitted in walls that are perpendicular to a the line extending from the point from which the separation distance has been measured running and parallel to the property line ~~used to determine the fire separation distance.~~

R703.6 Exterior plaster.

R703.6.1 Lath. All lath and lath attachments shall be of corrosion-resistant materials. Expanded metal or woven wire lath shall be attached with 1½-inch long (38 mm), 11 gage nails having a 7/16-inch (11.1 mm) head, or 7/8-inch long (22.2 mm), 16 gage staples, spaced at no more than 6 inches (152 mm), or as otherwise approved.

R703.6.2 Plaster. Plastering with portland cement plaster shall be not less than three coats when applied over metal lath or wire lath and shall be not less than two coats when applied over masonry, concrete or gypsum backing. If the plaster surface is completely covered by veneer or other facing material or is completely concealed, plaster application need be only two coats, provided the total thickness is as set forth in Table R702.1(1). On wood frame construction with an on-grade floor slab system, exterior plaster shall be applied in such a manner as to cover, but not extend below, lath, paper and screed. The proportion of aggregate to cementitious materials shall be as set forth in Table R702.1(3).

R703.6.2.1 Weep screeds. A minimum 0.019-inch (0.48 mm) (No. 26 galvanized sheet gage), corrosion-resistant weep screed or plastic weep screed, with a minimum vertical attachment flange of 3½ inches (89 mm) shall be provided at or below the foundation plate line on exterior stud walls in accordance with ASTM C 926. The weep screed shall be placed a minimum of 4 inches (102 mm) above the earth or 2 inches (51 mm) above paved areas and shall be of a type that will allow trapped water to drain to the exterior of the building. The weather-resistant barrier shall lap the attachment flange. The exterior lath shall cover and terminate on the attachment flange of the weep screed.

R703.6.1 Exterior use of portland cement plaster shall comply with the application requirements of ASTM C 926.

R703.6.2 Installation of exterior lathing and framing shall comply with ASTM C 1063.

R703.6.3 Pneumatically placed portland cement plaster

R703.6.3.1 Pneumatically placed portland cement plaster shall be a mixture of portland cement and aggregate conveyed by air through a pipe or flexible tube, and deposited by air pressure in its final position.

R703.6.3.2 Rebound material may be screened and reused as aggregate in an amount not greater than 25% of the total sand in any batch.

R703.6.3.3 Pneumatically placed portland cement plaster shall consist of a mixture of one part cement to not more than five parts of aggregate. Plasticity agents may be used as specified elsewhere in this chapter. Except when applied to concrete or masonry, such plaster shall be applied in not less than two coats to a minimum total thickness of 7/8 inch (22.2 mm).

ATTACHMENT 4

RECOMMENDATIONS TO THE 2005 FLORIDA LEGISLAURE

- ❑ Eliminate the edition designation and referenced amendments of the American Society of Civil Engineers, Standard 7 (ASCE 7) currently in Section 109, 2000-141, Laws of Florida, and allow updated editions of the standard to be adopted through updates to the Florida Building Code.
- ❑ Eliminate the designation of the wind borne debris region for the panhandle of Florida from Chapter 200-141, Laws of Florida, and allow the wind borne debris region for that area of the state to be determined by the Florida Building Code.
- ❑ Eliminate the definition of wind exposure class C from Section 553.73, Florida Statutes, and allow the definition of ASCE 7 as adopted by the Florida Building Code to be used.
- ❑ Authorize the Commission to make determinations related to designing for internal pressures.
- ❑ Amend Section 553.73, Florida Statutes, to add “hospice” facilities to the list of state regulated facilities whose licensing standards are included in the Florida Building Code.
- ❑ Amend Section 553.842, Florida Statutes, to recognize the International Code Council Evaluation Services as a designated product evaluation entity.
- ❑ Amend Section 553.79, Florida Statutes, to authorize the Commission to determine facility types and criteria for the types of work that would qualify for facility maintenance permits.
- ❑ Amend respective sections of Chapter 553, Florida Statutes, to authorize the Commission to establish disciplinary rules for entities that conduct plans review and production inspections of manufactured buildings and for entities that conduct product evaluations, quality assurance inspections and validation of Code compliance.
- ❑ Amend Section 553.841, Florida Statutes, to clarify responsibilities for building code continuing education under the Building Code Training Program consistent with requirements currently in Chapters 468 Part B, 471, 481 and 489, Florida Statutes.
- ❑ Recommendations for the Alternative Plans Review and Inspections System
 - Clarify that a duly authorized representative means an employee of the private provider as defined by the Fair Labor Standards Act and the Internal Revenue Service.
 - Require that: the private provider must post contact information on the job site permit board; the permit holder shall be responsible to ensure the required information is posted; and, the information must be provided for plans review and/or inspection services.
 - Retain the 30 “business day” provision currently found in 553.791(6).

- Amend 553.791(1)(f) to read:
(f) “Permit Application,” means a properly completed and submitted application for the requested building or construction permit, and includes:
 1. The plans reviewed by the private provider.
 2. The affidavit from the private provider required pursuant to subsection (5).
 3. Any applicable fees.
 4. Any documents required by the local building official to determine that the fee owner has secured all other government approvals required by law.
- Require the private provider to submit to the local jurisdiction a certificate of their insurance coverage (certificate of insurance), pursuant to the requirements found in Section 553.791(15), Florida Statutes, prior to providing services within the jurisdiction.
- Add a new subsection to Section 553.791, Florida Statutes, that clarifies the law does not limit the authority of the local jurisdiction to stop work as authorized by provisions of other law or local ordinance.
- Revise Section 553.791(17), Florida Statutes, to read “Each local building code enforcement agency shall develop and maintain a process to audit the performance of building code inspection services by private providers operating within the local jurisdiction. Work may proceed after inspection and approval by the private provider provided that notice is given pursuant to 553.791(8).”
- Revise Section 553.791(9), Florida Statutes, to read “Upon completing the required inspections at each applicable phase of construction, the private provider shall record such inspections on a form acceptable to the local building official. These inspection records shall reflect those inspections required by the applicable codes of each phase of construction for which permitting by a local enforcement agency is required. The private provider, before leaving the project site, shall post each completed inspection record, indicating pass or fail, at the site and provide the record to the local building official within 2 business days. The Building Official is authorized to waive the requirement for a written record of each inspection within the time frame indicated provided that a copy is posted at the building site and they are submitted with the Certificate of Compliance. Records of all required and completed inspections shall be maintained at the building site at all times and made available for review by the local building official. The private provider shall report to the local enforcement agency any condition that poses an immediate threat to public safety and welfare.”
- Revise Section, 553.791(14), Florida Statutes, to read “ No local enforcement agency, local building official, or local government may adopt or enforce any laws, rules, procedures, qualifications, or standards more stringent than those prescribed by this section. Local enforcement agencies, local building officials, local governments, or other authorities having jurisdictions may establish a system of registration for the Private Providers and Duly Authorized Representatives working within their jurisdiction, whereby staff verifies statutory compliance with the insurance requirements of 553.791 (15) and the licensure requirements of 553.791 (1) (e) & (g).”

- Amend Section 553.791, Florida Statutes, to authorize the Commission to develop a jobsite notification form and adopt it by administrative rule.
Direct the Commission to delineate on the form that a viewer should contact regarding the private provider on the job.
- Revise Section 553.791(4), Florida Statutes, to read “A fee owner using a private provider to provide building code inspection services shall notify the local building official at the time of permit application on a form to be adopted by the commission. This notice shall include the following information: ...
(4)(a) Exception: A fee owner using a private provider to provide only the inspection portion of the building code inspection services shall notify the local building official at the time of permit application or at least seven (7) business days prior to the first scheduled building department inspection.”
- Amend the definition of “Private provider” to allow any person licensed under Chapter 468 as a Building Code Administrator to perform services as a private provider subject to the limitations of the license/s they hold.
- The respective licensing boards shall adopt rules to facilitate better communication, uniform interpretation & enforcement of the laws regarding plan review and inspections, and training for both building officials and private providers. The Building Commission should further this effort by publishing applicable rules, interpretations & enforcement actions on its website. The Florida Building Commission believes this should be a coordination effort, and not a specific requirement.
- Amend Section 553.791(5), Florida Statutes, to clarify the private provider of building plans reviews must stamp each sheet of all plans reviewed and approved and authorize the Commission to establish the minimum information required on the stamp by administrative rule.

ATTACHMENT 5

REPORT OF THE ICC PARTICIPATION WORKGROUP MEETING I—DECEMBER 7, 2004

Overview

At the October 2004 Commission meeting, Chairman Rodriguez stated that the Commission's most pressing and time consuming issue is the code development process. He indicated that the Commission needs to maintain and update the Code with an emphasis on Florida Specific issues and defer to the national model code development process for issues which are more general and national in scope. As a result of delays arising from the code update process, the Chair stated, "It is my recommendation that the Commission participate in the ICC code development process by providing input related to amending the base national model code without having to make these nationally applicable type of changes on an interim basis in the Florida Building Code."

The Chair indicated that participating in the ICC process, the Commission will be able to influence code changes on non-Florida specific issues as well as work on a broader national consensus for the Florida specific issues that the Commission has had to address before the national processes can achieve a consensus solution.

The Chair appointed Commissioner D'Andrea to head up a task group that would investigate the Commission's options including how they could work with state partners like BOAF, and then to make a recommendation for a practical process for the Commission to use in participating in the ICC code development processes.

On December 7, 2004 the ICC Workgroup met for the first time. Rick Dixon provided the Workgroup with an overview including the following key points:

The formation of the Workgroup is an initiative spearheaded by Chairman Rodriguez in part based on the IRC prescriptives issue that required the Commission to delay the implementation of the 2004 Florida Building Code in order to retain the existing level of protections afforded in the current Code. Fortunately, the Commission discovered the potential code change prior to implementation; however, the reason the issue was not vetted prior to the rule adoption hearing is a direct result of the Commission not having participated in the ICC code development process. The Chair is committed to future code development processes being on schedule for implementation, and believes the Commission should take a proactive approach to the ICC code development process in the future. The Chair has charged the Workgroup with assessing the issues and exploring the range of options regarding the Commission's participation in the ICC process.

ICC Workgroup chair, Nick D'Andrea asked committee members and the public to brainstorm a list of issues that should be evaluated, and then to pose options for each of the issues in turn. Commissioner D'Andrea noted the committee membership and indicated that they represented the key stakeholder groups. Their charge will be to develop a package of consensus recommendations to deliver to the Chair and Commission over the coming months.

ICC Participation Committee Membership

Nick D'Andrea, chair

Hamid Bahadori
Steve Bassett
Joe Belcher
Joe Crum
Jack Glenn
Mike Goolsby
Dale Greiner
Kari Hebrank
Gary Kozan
Phil McMahan
Steve Munnell
Craig Parrino
Larry Schneider
George Wiggins

Issues Identified for Evaluation

- Resources and funding for FBC participation .
- Roles of FBC and stakeholder groups in participating (i.e., DCA staff, FBC representatives, TAC's, stakeholder groups, etc.).
- How would/should the FBC participate as an entity.
- Florida specific issues—ensuring they are addressed in the ICC process.
- Coordinating overall state participation in the ICC process—with all of the entities that already participate in the process.
- Developing timelines for the process that works with the FBC process.
-

Comments

- FBC could participate as public entity – with 12 votes.
- FBC's participation will not negate other Florida representatives.
- FEMA resources utilized on earthquakes not wind issues, this should be re-evaluated in light of the recent hurricane events.
- There is value for FBC participation in the ICC process.

Options/Ideas

- Avoid duplicate participation and hire a consultant to serve as a liaison to FBC (i.e., regional fire committees).
- Resources determines level of participation by the FBC.
- Leveraging resources is in the best interest of Floridians.
- FBC should maintain their full power by amending State code first, then bring to the ICC process and encourage the ICC to take similar action.
- Water penetration is an issue that is Florida specific.
- Mold is an issue that is Florida specific.

- FBC needs the best knowledge available—ICC participation provides this level of expertise.
- ICC has great resources/experts excellent input useful to the Florida Building Code development.
- Need a presentation on ICC participation (Phil McMahan could provide) —Education is needed to ensure similar mission and fit between ICC and FBC.
- FBC issues are well noted and understood by experts.
- Model code process—review and revise for Florida specific issues/needs.
- More public participation is needed in Florida, the ICC is an open process.
- Need a group to review our proposed changes to the ICC.
- Perhaps existing FBC TAC's could be used to participate.
- Make Florida specifics part of the ICC Code.
- Coordinate—utilize BOAF/others need numbers to participate effectively.
- Develop a list of current ICC participants and coordinate for a Florida unified effort.
- Get large voting block—leverage by providing pre-filled out ballot to local entities based on review and developing a state consensus on the issues.
- Long range program and quick fix plan is needed (i.e., product approval, wind, water).
- Concern over competitors interests at the ICC—Florida needs a unified effort to prevail on key issues important to Florida.
- The FBC base code will revert to ICC with the 2004 FBC—We will need to keep coordination/participation to update.
- Need an individual to interface with BOAF/stakeholders to ensure consistency or reporting and monitoring.
- Use sale of Code to support staff person to coordinate/monitor (resources).
- In order to effect change, Florida members need to be on ICC committees.
- Hire consultant/s to represent Florida/FBC's interests.
- Allow FBC Commissioners to be on ICC Committees.
- Monographs currently on website for review and comments.
- Standards updates are done by experts and provide support to FBC. Industry groups will help the Commission with this aspect.
- FBC position on current code change proposal—review by TAC's
- Liaison to review ICC committee work for the FBC and then utilize the FBC TAC's or a special committee charged with evaluating Florida specific issues and representing them to the ICC process.
- Hire consultants to monitor/coordinate.
- Three functions – Florida specific issues, ICC participation, FBC code.
- ICC TAC changes to ICC first then Florida specific in the FBC, if not approved at ICC level – put before ICC first.
- Need to develop/define categories of Florida specific—wind, flooding, climate.
- Funding is available through participation on ICC committees.
- ICC will fund committee to participate.
- ICC should appoint Commissioners to ICC committees.
- Commissioner participation could be a problem due to stakeholder representation nature of the Commission.

- Workgroup members are invited to attend and evaluate the ICC process by attending the 2005 ICC Codes Forum and Expo in Cincinnati, Ohio from February 21 – March 6, 2005.

Next Steps

- Workgroup will meet next at the January 24 – 26 Commission meeting in Orlando.
- Phil McMahon will do a presentation on ICC participation.
- Members interested in attending the ICC Code Forum and Expo should contact Phil McMahon at: pncmahan@iccsafe.org
- Jeff Blair will write a report and post to FBC website.