



**FLORIDA
BUILDING
COMMISSION**

"STRONGER CODES THROUGH SCIENCE AND CONSENSUS"



**FLORIDA BUILDING COMMISSION CONSENSUS PROCESS
AND
MEETING MANAGEMENT AND PARTICIPATION GUIDELINES**

**GUIDANCE FOR FLORIDA BUILDING COMMISSION
COMMITTEE CHAIRS, COMMISSIONERS, AND
COMMITTEE MEMBERS**

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**PROCESS DESIGN, CONSENSUS-BUILDING AND FACILITATION BY
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FLORIDA BUILDING COMMISSION

COMMISSION CONSENSUS BUILDING PROCESS

CONSENSUS PROCESS. The Florida Building Commission (FBC) seeks to develop consensus decisions on its recommendations and policy decisions. General consensus is a participatory process whereby, on matters of substance, the members strive for agreements which all of the members can accept, support, live with or agree not to oppose. In instances where, after vigorously exploring possible ways to enhance the members' support for the final decision on substantive decisions, and the Commission finds that 100% acceptance or support is not achievable, final decisions require at least 75% favorable vote of all members present and voting. This super majority decision rule underscores the importance of actively developing consensus throughout the process on substantive issues with the participation of all members and which all can live with and support.

The Commission's consensus process is conducted as an open public process with multiple opportunities for the public to provide input to the Commission on substantive issues. At each Commission meeting, the public is welcome to speak during the public comment period provided for each substantive issue under consideration, as well as general public comment periods provided at the end of each day's meeting. In addition, many substantive issues before the Commission go through a workgroup process where consensus recommendations are developed by appointed representative stakeholder groups, providing additional opportunities for public input. Workgroup recommendations approved by the Commission usually require rule development to implement, affording at least two additional entry points for public comment.

Since its formation in July of 1998, The Commission has demonstrated a commitment to working with affected interests to build consensus on complex issues. The adoption of the first edition of the Florida Building Code (2001 Edition), developed from September 1998 through January of 2001, involved 27 Commission meetings, many dozens of facilitated public workshops, and hundreds of TAC meetings. The Commission is required by law to update the Florida Building Code (FBC) every three years, and the 7th Edition (2020), Florida Building Code represents the sixth update and seventh edition of the Code. The Commission has consistently worked with all affected interests to build the best possible consensus-based decisions for the citizens of Florida.

Through its committees and workgroups of experts, the Commission has always developed its decisions on the results of the best engineering-based science available. Since 1999 the Commission has convened 68 special issue workgroups to work with affected stakeholders to develop broad-based consensus recommendations on the topical issues relevant to their scope and charge. Although the Code is by law a minimum building code, the Florida Building Code is the strongest consensus and science based building code in the country. The Insurance Institute for Business and Home Safety (IBHS) ranked the Florida Building Code as number one in their 2018 assessment of residential building code enforcement systems for life safety and property protection in hurricane prone regions.

In summary, the Florida Building Commission provides a forum for stakeholders representing key interests to participate in a consensus-building process where issues affecting the construction industry are discussed and evaluated on their technical merits and cost-benefits to the citizens of the State of Florida. In addition, as a result of the Commission's proven consensus-building process and success in developing consensus on tough issues, each year the Florida Legislature typically assigns policy issues to the Commission for evaluation and implementation.

CONSENSUS DEFINITIONS

CONSENSUS DEFINITIONS. Consensus is a **process, an attitude and an outcome.** Consensus processes have the potential of producing better quality, more informed and better-supported outcomes.

As a **PROCESS**, consensus is a problem solving approach in which all members:

1. Jointly share, clarify and distinguish their concerns;
2. Educate each other on substantive issues;
3. Jointly develop alternatives to address concerns; and then
4. Seek to adopt recommendations everyone can embrace or at least live with.

In a consensus process, members should be able to honestly say:

- I believe that other members understand my point of view;
- I believe I understand other members' points of view; and
- Whether or not I prefer this decision, I support it because it was arrived at openly and fairly and because it is the best solution we can achieve at this time.

Consensus as an **ATTITUDE** means that each member commits to work toward agreements that meet their own and other member needs and interests so that all can support the outcome.

Consensus as an **OUTCOME** means that agreement on decisions is reached by all members or by a significant majority of members after a process of active problem solving. In a consensus outcome, the level of enthusiasm for the agreement may not be the same among all members on any issue, but on balance all should be able to live with the overall package. Levels of consensus on a committee outcome can include a mix of:

- Members who strongly support the solution;
- Members who can "live with" the solution; and
- Some Members who do not support the solution but agree not to veto it.

COMMISSION’S DECISION-MAKING THRESHOLD OVERVIEW

The Florida Building Commission (FBC) will seek consensus decisions on its recommendations and policy decisions. General consensus is a participatory process whereby, on matters of substance, the members strive for agreements which all of the members can accept, support, live with or agree not to oppose. In instances where, after vigorously exploring possible ways to enhance the members’ support for the final decision on substantive decisions, and the Commission finds that 100% acceptance or support is not achievable, final decisions will require at least 75% favorable vote of all members present and voting. This super majority decision rule underscores the importance of actively developing consensus throughout the process on substantive issues with the participation of all members and which all can live with and support.

FLORIDA BUILDING COMMISSION* DECISION-MAKING VOTING THRESHOLD REQUIREMENTS	
Policy Decisions	75%
Code Amendments/Modifications—Commission	75%
Code Amendments/Modifications—TACs	67%
Substantive Decisions	75%
All Non-Procedural Decisions	75%
Approval of Agendas, Minutes and Reports	75%
Procedural Decisions Pursuant to Robert’s Rules (motions to reconsider/table, etc.)	Generally 51%
Election of Chair	51%
Declaratory Statements	51%
Accessibility Waiver Requests	75%
Product and Entity Approvals	75%
Accreditor and Course Approvals (Education)	75%
<i>*Applies to Commission and all Commission committees (TACs/POCs/Workgroups/Ad Hocs, etc.)</i>	

RULE 61G20-2.001, F.A.C., COMMISSION ORGANIZATION AND OPERATIONS.

(10) The Commission and all of its Committees will utilize *Robert’s Rules of Order** to make and approve motions except as provided in subsection (11).

(11) Resolution of petitions for declaratory statement shall be resolved as provided in Chapters 120 and 28, F.A.C., upon a vote of the majority of Commissioners or Committee members present. Resolution of petitions for waiver of accessibility requirements shall be resolved as provided in Chapter 61G20-4, F.A.C.

(12) In all other matters, excepting procedural motions, a 75% supermajority voting requirement will supercede the normal voting requirements used in Robert’s Rules of Order for decision making on all motions. The Commission and all of its Committees shall only consider motions to approve and not consider motions to deny. In addition, the Commission and all of its Committees shall utilize their adopted *Meeting Guidelines*** for conduct during meetings.

**Robert’s Rules of Order allows the Commission to revise their procedural rules as desired.*

*** The Commission’s adopted Procedural Policies and Guidelines document provides detail regarding the conduct of meetings in the Meeting Guidelines section.*

PARTICIPATION GUIDELINES

(Adopted Unanimously May/June 1999, and Updated Unanimously April 3, 2012)

OVERARCHING PARTICIPATION GUIDELINES

WE WILL BE SUCCESSFUL AND HAVE GOOD CONVERSATION WHEN

- ✓ All voices are invited, respected and heard.
- ✓ All experiences are treated as valid.
- ✓ Notes are captured in writing, on flip charts or on computers.
- ✓ We listen to each other.
- ✓ We observe time frames.
- ✓ We seek common ground and action.
- ✓ Differences and problems are honored—not “worked”.
- ✓ There is full and active attendance.
- ✓ We make the time and space to connect with each other.

THE FACILITATOR WILL SEEK TO

- ✓ Structure and facilitate a process that will enable us to discover and build on our best moments and practices as stakeholders in the Florida Building Code System Process.
- ✓ Keep us informed of established parameters for time and tasks.
- ✓ Support and facilitate Commission and committee discussions.
- ✓ Create the environment that helps people to be at their best.
- ✓ Keep purpose front-and-center.
- ✓ Suggest and encourage new ways of thinking and doing.
- ✓ Keep us focused and on track.
- ✓ Start and stop on time.

COMMISSION AND COMMITTEE MEMBERS WILL

- ✓ Participate actively and share opinions in the conversation—engage fully in this process.
- ✓ Tell stories, provide information—make meaning.
- ✓ Experiment & take risks to share, while engaging in conversation with others.
- ✓ Listen actively, attentively, respectfully.
- ✓ Take responsibility . . . for the conversation and the ideas developed here.
- ✓ Be here for the entire meeting, be on time, and be *here* while you’re here.
- ✓ Refrain from using electronic devices during the meetings—keep all electronic devices turned off or in a silent mode; your participation is valued.
- ✓ Be willing to reach consensus.

FOUR PERSONAL GUIDING PRINCIPLES:

1. Be impeccable with your word.
2. Don't take things personally.
3. Don't make assumptions.
4. Always participate fully.

COMMISSION CONSENSUS BUILDING PROCESS PARTICIPANT GUIDELINES AND ROLES

COMMISSION CHAIR

- Provide leadership and guidance to commission members, staff, stakeholders and general public.
- Provide commitment to the consensus-building process.
- Participate directly in the substantive process of seeking agreement on recommendations.
- Ensure a fair process during which all perspectives are considered.
- Enhance the opportunity for consensus building encouraging constructive discussions among the members.
- Maintain neutrality, managing meetings to help maintain the flow.
- Consult with legal staff and facilitator to resolve any procedural issues.
- Consult with senior staff and facilitator to design agendas and meeting processes that will be both efficient and effective.
- Assign staff and facilitator to provide needed information and documentation.
- Appoint all TAC, POC, workgroup and ad hoc committee members, including chairs.

COMMITTEE CHAIR

- Provide commitment to the consensus-building process.
- Participate directly in the substantive process of seeking agreement on recommendations.
- Ensure a fair process during which all perspectives are considered.
- Enhance the opportunity for consensus building encouraging constructive discussions among the members.
- Maintain neutrality, managing meetings to help maintain the flow.
- Consult with legal staff and facilitator to resolve any procedural issues.

COMMISSION AND COMMITTEE MEMBERS

- Keep to the agenda and meeting procedural guidelines.
- The Commission's meeting process is an opportunity to explore possibilities. Offering or exploring an idea does not necessarily imply support for it.
- Listen to understand. Seek a shared understanding even if you don't agree.
- Be focused and concise—balance participation & minimize repetition. Share the airtime.
- Look to the chair/facilitator to be recognized. Please raise your hand to speak.
- Speak one person at a time. Please don't interrupt each other.
- Focus on issues, not personalities. Avoid stereotyping or personal attacks.
- To the extent possible, offer options to address others' concerns, as well as your own.
- Participate fully in discussions, and complete meeting assignments as requested.
- Serve as an accessible liaison, and represent and communicate with member's appointed stakeholder group.

FACILITATOR

- Design and facilitate a participatory and fair meeting process.
- Provide consensus building and conflict resolution guidance.
- Enhance the opportunity for consensus building encouraging constructive discussions among the members, and that all perspectives are considered.
- Assist members to stay focused and on task.
- Facilitate public participation and input.
- Prepare agenda packets and provide meeting summary reports as requested.

MEMBERS OF THE PUBLIC

- Respect meeting process and guidelines.
- Provide input during provided comment opportunities.
- Consult and provide input to their representative stakeholder members to enhance the efficacy of the process.

THE NAME STACKING PROCESS

- Determines the speaking order.
- Participants raise hand to speak. Chair/Facilitator will call on participants in turn.
- Chair/Facilitator may interrupt the stack (change the speaking order) in order to promote discussion on a specific issue or, to balance participation and allow those who have not spoken on an issue an opportunity to do so before others on the list who have already spoken on the issue.

GUIDELINES FOR DISCUSSIONS AND PROPOSALS

- Facilitator guides process.
- Chair focuses on substantive aspects of the discussion.
- Meeting guidelines remain in effect.
- Facilitator stacks names.
- Proposal is presented (no comments or discussion).
- Clarifying questions are taken (no comments or discussion).
- Discussion of proposal (focus on issues, refine proposal, and consensus building).
- Consensus/Acceptability ranking as needed.
- Test for consensus with a motion to approve and a vote (Chair or facilitator asks for motions at chair's preference, with exception of code development meetings where motions are handled by the Commission's facilitator).

ACCEPTABILITY RANKING SCALE

During meetings, members may be asked to develop and rank options, and following discussions and refinements, may be asked to do additional rankings of the options if requested by members and staff. Please be prepared to offer specific refinements or changes to address your reservations. The following scale will be utilized for the ranking exercises:

ACCEPTABILITY RANKING SCALE	4 = acceptable, I agree	3 = acceptable, I agree with <i>minor</i> reservations	2 = not acceptable, I don't agree unless <i>major</i> reservations addressed	1 = not acceptable
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OVERVIEW. The Commission develops its decisions and recommendations using consensus-building techniques with the assistance of the Facilitator (i.e., brainstorming, acceptability ranking, prioritization, etc.). **The following procedures are also used with the Commission's various committees with the exception that committees make recommendations to the Commission for the Commission's consideration and final action.**

The Commission's consensus process is conducted as an open process consistent with applicable laws and rules. Commission members, staff, and facilitator are the only participants seated at the table, and only Commission members may vote on proposals and recommendations. To the extent reasonable, on each substantive issue the Commission shall identify and evaluate the full range of options prior to offering a formal motion. This ensures that the Commission makes the best possible decision informed by the public's and Commissioner's perspective on the issue and range of alternatives.

SUBSTANTIVE DISCUSSION ISSUE PROCESS OVERVIEW

- Issue is presented to the Commission,
- TAC, POC, Workgroup, Ad Hoc, or staff recommendations are presented,
- Commission asks clarifying questions (addresses a specific point that is not understood),
- Commission identifies any additional options they want discussed/evaluated,
- Public is provided an opportunity to comment on the options, and/or to offer alternative options for Commission consideration,
- Commission discusses the range of options,
- A motion is made for a specific action on the issue,
- Commissioners may, through the Chair or Facilitator, request clarification from the public,
- If the motion involves an option the public has already provided input on, then the vote is taken following any additional Commission discussion; if the proposed action (motion) is materially different from what was previously discussed, an additional opportunity is provided for public comment, and then the Commission votes on the motion.

COMMITTEE MEETING MANAGEMENT GUIDELINES. The following are guidelines for managing meeting agenda items: from opening a meeting, to reports, to discussion and decision items to closing the meeting. Meetings are generally facilitated by either the Commission's facilitator or DBPR staff depending on the meeting and complexity of issues. The role of the TAC chair will vary depending on the type of meetings. During the Florida Building Code development process the Commission's facilitator facilitates all aspects of the TAC meetings, including calling for motions, to ensure procedural consistency across TACs, stakeholder continuity of experience, and that the process flows as efficiently and effectively as possible. Generally during regular TAC meetings the facilitator will conduct roll call, the chair will review and seek approval for the agenda and meeting minutes, the facilitator will introduce and sequence substantive discussion items and public comment, and the chair will call for motions as required, and adjourn the meeting.

WELCOME AND INTRODUCTIONS

Facilitator: Just before meeting starts, let participants know when the meeting will be starting and that roll-call will be taken at that time.

Facilitator: Welcome participants to the (Month, Day, Year) meeting of the Florida Building Commission's: (TAC/POC/Committee Name).

Facilitator: Review *Virtual Meeting Participation Guidelines* and remind participants to state their name each time they speak.

Facilitator: Conduct roll call and determine whether a quorum is present.

Staff: Record names of members present and confirm with the chair a quorum is present.

Staff: Record meeting start time.

AGENDA REVIEW AND APPROVAL

Chair: review meeting agenda (review each agenda item) and ask for a motion to approve the agenda.

Motion to approve the agenda as presented (or, if any changes are made: motion to approve agenda as amended with the following change (list additions or deletions from the posted agenda). Call the vote and state the results (motion passes unanimously).

Example: “Would anyone like to make a motion to approve the (meeting date) agenda as presented, (*or as amended, if the published agenda is amended*)? Motion, seconded, discussion, call the vote. Let the record reflect a unanimous vote with the Chair joining...”

APPROVAL OF LAST MEETING MINUTES/REPORT

Chair: Ask if there are any corrections or additions to the (Month/Day/Year) posted minutes, and then ask for a motion to approve the minutes. Motion to approve the minutes as presented (or, if any changes are made: Motion to approve minutes as amended with the following amendments (list amendments to the posted minutes, if any). Call the vote and state the results (motion passes or motion fails).

Example: “Any corrections or additions to the posted Meeting Minutes you received electronically in advance of this meeting? Would anyone like to make a motion to approve the minutes as presented or amended?”

REPORTS/UPDATES

Chair: Ask staff person or presenter to provide a brief and concise overview of the issue (report or update topic). Introduce presenter by name and representation (if appropriate).

Staff: Provide a brief and concise overview of the survey results. Let the TAC/POC/Ad Hoc know if there is a staff recommendation(s) and whether any action is requested of the TAC/POC/Ad Hoc.

Chair: Ask members if they have any questions or comments on the report or update.

Chair: Ask for a motion to accept the report (if needed for the issue).

Staff: Clarify what the next steps are including assignments, needed information, and action items.

DISCUSSION AGENDA ITEMS

Facilitator: Introduce agenda item and ask staff or presenter to provide a brief and concise overview of the issue to be discussed.

Staff/Presenter: Provide a brief and concise overview of the issue. Let the committee know if there is a staff recommendation(s) and whether any action is requested of the TAC/POC/Ad Hoc (clearly outline what is being requested of the committee).

Facilitator: After the presentation on the discussion item ask if committee member(s) have any clarifying question(s), then ask if there is any public comment(s), then offer an opportunity for committee discussion as appropriate. If a committee action is required ask the presenter to state the requested action in the form of a motion (if staff has a recommendation, then ask staff to review the recommended action for the committee). Finally, as needed ask for a motion to address the discussion item: either to approve staff's recommendation or to approve the motion/proposal as articulated by the motion's maker (based on the committee's discussion).

Chair: the motion is to (state the motion)—is there a second—any further discussion (by the committee)—all in favor say “aye” any opposed like sign (“aye”)—the vote is x to x in favor—motion passes* or motion fails.

**If the motion receives a 75% or greater favorable vote of the members present and voting it will be deemed approved. For Code modifications at the TAC level the motions require a 2/3 or greater threshold in support for approval.*

For declaratory statements: If the motion receives a 51% or greater favorable vote of the members present and voting it will be deemed approved.

PUBLIC COMMENT

Facilitator: Ask if any member of the public wishes to address the committee on any issue within the committee's purview. Ask them to state their name and representation and to please keep their comments brief. Generally comments are limited to three minutes per person.

COMMITTEE MEMBER'S COMMENTS AND ISSUES

Chair/Facilitator: Ask if any committee member wishes to address the committee on any issue within the committee's purview.

NEXT STEPS, ASSIGNMENTS AND AGENDA ITEMS FOR NEXT MEETING

Chair: ask staff if there is any remaining issues; then review assignments and any agenda items for the next meeting as appropriate.

ADJOURN

Chair: Thank participants, and adjourn the meeting as follows: "We stand adjourned".

As an alternative the chair can ask for a motion to adjourn and have the members vote in favor of adjournment.

Staff: record time meeting ended for inclusion in meeting minutes/report.

MEETING MANAGEMENT PROCEDURAL STEPS FOR CONSIDERING AGENDA ITEMS WITH TAC CHAIR AND FACILITATOR PRESENT

- ◆ Facilitator introduces each agenda item.
- ◆ Staff or proponent provides overview, rationale for proposal, and any requested action.
- ◆ Clarifying questions from members (something you don't understand). Names stacked.
- ◆ Committee begins discussion only after all questions are answered.
- ◆ Facilitator asks if any members of the public wish to address the committee on the issue currently under committee consideration.
- ◆ Facilitator asks for those who wish to speak in favor of the proposal or topic under discussion to offer brief comments, others who wish to speak in favor will be asked to offer new points or simply state agreement with previous speakers.
- ◆ The same opportunity and requirements will be offered for those who wish to speak in opposition to the proposal or topic under discussion.
- ◆ Chair and Facilitator ensures that all views are expressed and similar views are not repeated.
- ◆ Chair and Facilitator may instruct public to avoid repeating points, and to summarize key points and to submit lengthy prepared statements into the record (instead of reading them).
- ◆ Members of the public will be provided one opportunity to comment per discussion agenda item, and may be limited to three (3) minutes.
- ◆ Members may, through the chair, ask clarifying questions of members of the public offering comments.
- ◆ After public comment, facilitator calls for TAC discussion and stacks names of members wishing to speak.
- ◆ If the complexity of the issue warrants it, members will be encouraged to explore a range of options (pros and cons) prior to making a formal motion.
- ◆ Any committee member may make a motion when a quorum is present. Requires a second.
- ◆ If a motion is seconded, the chair opens the floor for discussion. The facilitator will recognize members wishing to speak on the motion.
- ◆ If the motion involves an option that the public has already commented on, then no additional public comment is taken, if the proposed action (motion) is materially different from what was previously discussed, an additional opportunity is provided for public comment, and then the TAC votes.
- ◆ Once a motion is on the floor discussion is restricted to committee members except as allowed by the chair for purposes of clarification.
- ◆ Members may offer friendly amendments and if accepted by maker and seconder of the motion, the friendly amendment becomes a part of the motion currently under discussion.
- ◆ The facilitator may recommend straw polls (non-binding votes) to get a read on an issue.
- ◆ Members may offer an amendment to the motion: second required, discussion, vote on the amendment.
- ◆ The motion on the table is now the motion as amended (if amendment was approved).
- ◆ After completing discussion, the chair/facilitate will call the discussion to a close and restate the motion, with any friendly amendments or approved amendments, and call for a vote.
- ◆ If the motion receives a 75% or greater favorable vote of the members present and voting it will be deemed approved. TAC actions on Code amendments require a 67% (2/3) favorable vote.
- ◆ For declaratory statements: If the motion receives a 51% or greater favorable vote of the members present and voting it will be deemed approved.