

FLORIDA BUILDING COMMISSION



**FACILITATOR'S SUMMARY OF ISSUES AND
RECOMMENDATIONS FOR INCLUSION IN THE
REPORT TO THE 2016 FLORIDA LEGISLATURE
REPORTING PERIOD OF JULY 1, 2014 - JUNE 30, 2015
(APRIL 14, 2015)**



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FLORIDA BUILDING COMMISSION
SUMMARY OF ISSUES FOR INCLUSION IN THE REPORT AND
RECOMMENDATIONS TO THE 2016 LEGISLATURE

I. EXECUTIVE SUMMARY AND RECOMMENDATIONS

OVERVIEW. The primary focus of the Florida Building Commission during the reporting period of July 1, 2014 – June 30, 2015 (fiscal year 2014 – 2015) was completing the development and adoption of the *5th Edition of the Florida Building Code (2014)* and the *2014 Edition of the Florida Accessibility Code for Building Construction*, with an adopted effective date of Midnight, June 30, 2015. In addition to maintaining the efficiency increases of the Florida Energy Code and its merger with the format of the national model energy code, major components of the *5th Edition of the Florida Building Code (2014)* include enhancements to the wind, water intrusion and hurricane protection provisions of the Florida Building Code. Entering its seventeenth year, the Commission is focused primarily on the maintenance of existing processes and programs, while continuing to work with stakeholders to enhance the effectiveness of the Florida Building Code System by continuously monitoring, evaluating and refining of the System.

PROCESS. During the reporting period the Commission once again focused on consensus-building efforts regarding the implementation of Commission policy, with extensive input from building construction industry stakeholders and interests affected by Commission policy. Chairman Richard Browdy, encouraged and led the Commission’s consensus-building efforts supported by DBPR.

RESEARCH—SCIENCE BASED HURRICANE AND CODE PROTECTIONS. The Florida Building Commission has continuously assessed building systems and component failures identified after major storms since its inception in 1998, and in response has funded research to strengthen the Code’s effectiveness against wind and water intrusion based on these assessments. Assessments subsequent to the implementation of the Florida Building Code indicate that the research based design wind speeds required by the Code’s enhancements were adequate, and buildings built to the new Florida Building Code did not experience nearly as severe damage as older buildings.

The Code establishes minimum requirements to protect buildings from wind, rain, flood and storm surge based on well-researched and continually-evolving engineering standards for buildings and the products that go into their construction. In addition to conducting research, developing state of the art hurricane resistance standards and integrating those standards in the Code at each revision cycle, the Commission seeks to be up-to-date with current national engineering and product standards within the Code. As with each subsequent version, the *5th Edition Florida Building Code (2014)* maintains this commitment.

The Commission has been funding hurricane resistance research based on legislatively approved spending authority since the formation of the Commission’s Hurricane Research Advisory

Committee in January of 2005. The Commission currently funds research projects pertaining to hurricane resistance and other Code related topical areas to ensure the development of code amendments that make Florida's structures, and the products that comprise them, more resistant.

During the reporting period—based on recommendations from the Commission's technical advisory committees (TACs)—the Commission established three key criteria for evaluating the proposed funding of research projects. In order to be considered for funding proposed research projects shall: 1.) Meet the adopted definition of research and/or technical enrichment; 2.) Address an urgent and/or immediate need relevant to the 2014 FBC; and, 3.) Full or partial funding must be available for the project.

As a result of evaluating proposed research projects in the context of the key evaluation criteria, the Commission sponsored important research projects on the following topics: effectiveness of whole-house mechanical ventilation systems, development of exhaust air energy recovery credits for the Florida Energy Code, assessment of energy efficient methods of indoor humidity control in Florida housing, impact of spray foam insulation on the durability of plywood and OSB roof decks, investigation of corrosion of fasteners for both roofing and screen enclosures, wind study of screen enclosure connectors, and development of an engineering method regarding structural wood panel performance and attachment to masonry wall systems.

CODE UPDATE. Florida law requires the Commission to update the Florida Building Code every three years, and the *Florida Building Code Fifth Edition (2014)* represents the fourth update of the Code. The update process is based on the code development cycle of the national model building codes, which serve as the “foundation” codes for the Florida Building Code. The development of the *Florida Building Code Fifth Edition (2014)* was initiated in 2012 with the Commission selecting the 2012 International Codes as the foundation codes for the *Florida Building Code Fifth Edition (2014)*. The Commission completed the primary aspects of the Code amendment review and adoption process including incorporation of Glitch amendments during 2013, and the final rule adoption hearing on the Code was conducted in January of 2015. Rule 61G20-1.001, which adopts by reference the *5th Edition (2014) Florida Building Code*, was filed for certification with the Department of State, and the effective date for the new Code is June 30, 2015. During the 2014 Code Update process the Commission focused on reviewing Florida specific requirements to the Code, achieving the goal of minimum variation from the foundation codes.

The Code update process included integration of the Florida Energy and Conservation Code (FECC) and the International Energy Conservation Code (IECC) maintaining the efficiencies of the FECC. On a related note, the Commission voted to maintain the requirement for local governments to submit forms submitted to certify compliance with the Energy Code through the adoption of a separate rule from the Building Code Rule. This action ensured that important energy data continues to be available for research purposes.

In addition, the Commission revised Rule 61G20-4.001, Procedures (Accessibility Code waiver application form) to provide for an electronic accessibility waiver application submittal process and form.

Finally, during the reporting period, using its authority granted in 2014 to interpret the Florida Accessibility Code for Building Construction (FACBC), the Commission received and issued their first interpretations regarding petitions for declaratory statements on the Accessibility Code.

PRODUCT APPROVAL. The product approval system is an internet-based system operated and administered by the Department of Business and Professional Regulation. During the reporting period the Commission voted to move the Product Approval application submittal completion deadline back by one week to the current preliminary review deadline date for the product approval application cycle, providing additional time for applicants to resolve any issues with their product approval applications. Since January 1, 2014 DBPR staff has been administering the Product Approval System, and stakeholders report a high level of satisfaction with DBPR staff's administration of the System.

The Product Approval system efficiently processes hundreds of applications monthly. The Commission's Product Approval Program Oversight Committee (POC) convenes prior to every Commission meeting to review product and entity applications, address petitions for declaratory statements and consider enhancements to the product approval system. Since the system went into effect in October 2003, the Commission has approved 17,894 product applications and 80,883 products for statewide use within limitations established by the approvals.

EDUCATION. Education is one of the cornerstones of the Building Code System, and the effectiveness of the Building Code depends on the knowledge of professionals who design and construct buildings. The Commission continues to work with the Department of Business and Professional Regulation and representatives of the licensing boards to establish a cooperative system for approving building code courses and integrating building code continuing education into licensing requirements. In collaboration with the System Administrator and stakeholders, the Commission is working to ensure the accountability and efficacy of the Education System. During the reporting period the Commission continued to efficiently review and approve course and accreditor applications. In addition, the Commission completed adoption of Rule 61G20-6.002, F.A.C. (Commission Approval and Accreditation of Advanced Building Code Training Courses) including providing for approval of courses that are based on Commission approved changes to the Code that are not yet formally adopted by rule.

CODE COORDINATION AND IMPLEMENTATION WORKGROUP PROJECT. During the reporting period, the Commission in consultation with Building Code System stakeholders, voted unanimously to convene a *Code Coordination and Implementation Workgroup* charged with reviewing and evaluating all of the regulatory requirements currently impacting the code development process (code update process), and to propose a legislative path to a more efficacious timetable for the implementation of the Florida Building Code update process going forward. The Workgroup is meeting regularly, and evaluating the following key issues: code printing and publication, Commission authority to issue errata, the Code amendment process (triennial, annual and glitch), Florida Specific amendments, statutory timeline requirements, adoption of standards and codes by reference, and Commission participation with the ICC code development process. It is expected that any recommendations for statutory changes, once approved by the full Commission, will be delivered to the 2016 Florida Legislature.

BINDING INTERPRETATION PROCESS. In order to maintain the Binding Interpretation process as it must be lawfully implemented, the Commission appointed a panel of eight experienced building code administrators from geographically diverse regions of Florida to serve as an Interim Binding Interpretations Panel. The Panel heard one binding interpretation during the reporting period.

RECOMMENDATIONS. Monitoring the building code system and determining refinements that will make it function better is a primary responsibility of the Commission, and consequently the Commission is continually effecting refinements to the building code system by administrative rule amendment(s) where the statutes provide authority. However, the building code system is established in law, requiring that some refinements must be implemented through changes to law. The Commission's recommendations for 2016 legislative actions designed to improve the system's effectiveness are summarized below:

THE FLORIDA BUILDING COMMISSION'S RECOMMENDATIONS FOR LEGISLATIVE ACTIONS DESIGNED TO IMPROVE THE SYSTEM'S EFFECTIVENESS ARE SUMMARIZED AS FOLLOWS:

The Commission currently has no recommendations for statutory changes. However, it is anticipated that the Commission will have statutory recommendations for the 2016 Legislature resulting from the Code coordination and implementation evaluation project.

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ATTACHMENT 2
COMMISSION MEETING SUMMARY REPORTS FY 2014 - 2015

August 22, 2014 Meeting. At the August 22, 2014 meeting the Commission considered and decided on Chair's issues and recommendations, product and entity approvals, applications for accreditor and course approvals, petitions for declaratory statements, accessibility waivers, and recommendations from the Commission's various committees. The Commission discussed whether to change the date for the adoption of the 5th Edition of the Florida Building Code (2014), deferring action until the October meeting in order to correlate with the adoption of the 2014 Florida Fire Prevention Code. Specific actions included: approving the formation of an Interim Binding Interpretations Panel and the appointment of the eight members recommended for the Panel; approving funding the research projects for fiscal year 2014-2015 as recommended by the TAC chairs on the basis that the proposed projects evaluated met the three criteria for funding: 1.) definition of research and/or technical enrichment, 2.) urgency/immediacy, and needed for the 2014 FBC, and 3.) funding available (full or partial), and approving them for funding based on the funding levels recommended by the TAC chairs, and staff administering and overseeing the research, and negotiating contracting as appropriate; approving DBPR legal staff's recommendations for revising the draft Education Rule language to address JAPC's comments as detailed in the letter responding to JAPC, by issuing a Notice of Change, and proceeding with rule adoption for Rule 61G20-6.002, Commission Approval and Accreditation of Advanced Building Code Training Courses; and, changing the Product Approval application submittal completion deadline by moving it back by one week to the current preliminary review deadline date for the product approval application cycle.

The full report is available on the BCIS (select meeting month Facilitator's Report) at the following URL: http://www.floridabuilding.org/fbc/commission/2014_Archive_Commission_Meetings.html

October 14, 2014 Meeting. At the October 14, 2014 meeting the Commission considered and decided on Chair's issues and recommendations, product and entity approvals, applications for accreditor and course approvals, petitions for declaratory statements, accessibility waivers, and recommendations from the Commission's various committees. The Commission discussed whether to change the date for the adoption of the 5th Edition of the Florida Building Code (2014), voting to make the tentative effective date of the 5th Edition of the Code no earlier than June 30, 2015. Specific actions included: voting unanimously to convene a *Code Coordination and Implementation Workgroup* to review and evaluate all of the regulatory requirements impacting the code development process, and to develop recommendations to create a legislative path to a more effective time table for the implementation of Florida Building Code updates; and, voting to maintain the requirement for local governments to submit forms submitted to certify compliance with the Energy Code through the adoption of a separate rule, and to schedule a rule development workshop for the December 2014 meeting.

The full report is available on the BCIS (select meeting month Facilitator's Report) at the following URL: http://www.floridabuilding.org/fbc/commission/2014_Archive_Commission_Meetings.html

December 12, 2014 Meeting. At the December 12, 2014 meeting the Commission considered and decided on Chair's issues and recommendations, product and entity approvals, applications for accreditor and course approvals, petitions for declaratory statements, accessibility waivers, and recommendations from the Commission's various committees. The Commission: discussed participation in the ICC code development process and referred the issue to the *Code Coordination and Implementation Workgroup*; received a report on a binding interpretation issued by the Commission's Interim Binding Interpretation Panel; and Chairman Browdy appointed the *Code Coordination and Implementation Workgroup* members. Specific actions included: voting unanimously to revise the product approval deadline completion date for application submittal to provide additional time for the process; and approved the Summary of Statement of Estimated Regulatory Costs Checklist and Legislative Ratification as completed for Rule 61G20-4.001, Procedures (Waiver Application Form).

The full report is available on the BCIS (select meeting month Facilitator's Report) at the following URL: http://www.floridabuilding.org/fbc/commission/2014_Archive_Commission_Meetings.html

February 20, 2015 Meeting. At the February 20, 2015 meeting the Commission considered and decided on Chair's issues and recommendations, product and entity approvals, applications for accreditor and course approvals, petitions for declaratory statements, accessibility waivers, and recommendations from the Commission's various committees. The Commission: received a report that Rule 61G20-1.001, which adopts by reference the 5th Edition (2014) Florida Building Code, was filed for certification with the Department of State, and the effective date for the new code will be June 30, 2015. In addition, the Commission received an update regarding the progress of and schedule for the Code Coordination and Implementation Workgroup. Specific actions included: voting unanimously to approve the schedule for 2015 Legislative issues teleconference meetings.

The full report is available on the BCIS by selecting the Facilitator's Report for the meeting month at the following URL: <http://www.myfloridalicense.com/dbpr/bcs/buildingcomm.html>

April 14, 2015 Meeting. At the April 14, 2015 meeting the Commission considered and decided on...

The full report is available on the BCIS by selecting the Facilitator's Report for the meeting month at the following URL: <http://www.myfloridalicense.com/dbpr/bcs/buildingcomm.html>

June 19, 2015 Meeting. At the June 19, 2015 meeting the Commission considered and decided on...

The full report is available on the BCIS by selecting the Facilitator's Report for the meeting month at the following URL: <http://www.myfloridalicense.com/dbpr/bcs/buildingcomm.html>