

FLORIDA BUILDING COMMISSION



**FACILITATOR'S SUMMARY OF ISSUES AND
RECOMMENDATIONS FOR INCLUSION IN THE
REPORT TO THE 2017 FLORIDA LEGISLATURE
REPORTING PERIOD OF JULY 1, 2015 - JUNE 30, 2016
(APRIL 12, 2016)**



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FLORIDA BUILDING COMMISSION
REPORT AND RECOMMENDATIONS TO THE 2017 LEGISLATURE
FOR THE REPORTING PERIOD JULY 1, 2015 – JUNE 30, 2016

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FLORIDA BUILDING COMMISSION
SUMMARY OF ISSUES FOR INCLUSION IN THE REPORT AND
RECOMMENDATIONS TO THE 2017 LEGISLATURE



I. EXECUTIVE SUMMARY AND RECOMMENDATIONS

OVERVIEW. The primary focus of the Florida Building Commission during the reporting period of July 1, 2015 – June 30, 2016 (fiscal year 2015 – 2016) was initiating the development of the Florida Building Code, 6th Edition (2017). The Commission’s Technical Advisory Committees (TACs) met in April of 2016 and reviewed and developed recommendations on 532 proposed Code modifications to the adopted Code. The TACs will review public comments on the TAC’s recommendations on July 18-21, 2016, and the Commission is scheduled to conduct a rule development workshop on the TAC’s recommendations regarding proposed code amendments on August 18-19, 2016, and conduct a final rule adoption hearing on June 8, 2017. The Florida Building Code 6th Edition’s adopted effective date is December 31, 2017.

In addition, during the reporting period the Commission completed the development and adoption of the *5th Edition of the Florida Building Code (2014)* with an effective date of Midnight, June 30, 2015. The 5th Edition maintained the efficiency of the Florida Energy Code and merged 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 eighteenth 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 the System.

PROCESS. During the reporting period the Commission continued their focus 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 newly constructed 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 approved funding research projects for fiscal year 2015-2016 as recommended by the TAC chairs on the basis that the approved projects meet the three criteria for funding: 1.) definition of research and/or technical enrichment, 2.) urgency/immediacy, and needed for the 2017 FBC and/or legislative directive, and 3.) funding available (full or partial); and are approved for funding based on the TAC chairs’ recommendations, and staff administering and overseeing the research, and charging staff with negotiating scoping and contracting as appropriate.

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: evaluate the economic impact of the delayed code provisions, estimate the cost impact of the 2015 International Building Codes changes, evaluate an approved method for achieving 1 hr. fire resistance rating under side of projections, continuation of the investigation of corrosion of fasteners for both roofing and screen enclosures, document field cases of attics sealed with spray foam insulation, and a swimming pool electrocution study.

CODE UPDATE. Florida law requires the Commission to update the Florida Building Code every three years, and the *Florida Building Code Sixth Edition (2017)* represents the fifth 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. At the April 2015 meeting the Commission initiated the 2017 Code Update process by voting to adopt the 2015 International Codes and 2014 NEC as foundation codes for the Florida Building Code, 6th Edition (2017). In response to stakeholder requests to provide at least six months between the effective date of the 5th Edition of the Code (2014) and the closing date of when modifications must be proposed for the 6th Edition of the Code (2017), the Commission voted to extend the period of time for the public to

propose modifications to the 2015 I Codes and the Preliminary Supplement to six months. At the August 2015 meeting the Commission voted to approve the updated workplan for development of the Florida Building Code, 6th Edition (2017) opting for rulemaking via an integrated Code, and conducting the Glitch amendment process, if needed, after the 2017 Code becomes effective. The adopted effective date for the Code is December 31, 2017.

The Code update process includes integration of the Florida Energy and Conservation Code (FECC) and the International Energy Conservation Code (IECC) maintaining the efficiencies of the FECC.

In addition, the Commission conducted a public hearing in conjunction with the December 2015 Commission meeting for the purpose of receiving public input regarding the recommendations from the report titled: *Florida Accessibility Code for Building Construction Review and Recommendations*. During the December meeting the Commission voted to accept the report and the report on the public meeting.

Finally, using its authority granted in 2014 to interpret the Florida Accessibility Code for Building Construction (FACBC), the Commission to date has issued two 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 21,501 product applications and 95,314 products for statewide use within limitations established by the approvals. In addition, the Commission has approved 118 entities, 3,874 product applications and 16,092 products for statewide use to the 2014 Code.

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.

CODE COORDINATION AND IMPLEMENTATION WORKGROUP PROJECT. At the October 2014 meeting the Commission voted unanimously to convene a Code Coordination and Implementation Workgroup to review and evaluate 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. The goal of the project was to ensure that any recommendations for statutory changes, once approved by the full Commission, would be delivered to the 2016 Florida Legislature. The Workgroup met four times starting in January of 2015 and concluding in August of 2015. The Workgroup identified, evaluated and consensus ranked a full range of options for each of the topical issues under consideration, and enjoyed extensive public participation throughout the process. The seven overarching key topics evaluated by the Workgroup were as follows: code printing and publication, errata, the Code amendment process, Florida specific amendments, statutory timeline requirements, adoption of standards and codes by reference, and Commission participation with the ICC code development process. The Workgroup concluded their work at the August 18 – 19, 2015 meeting and developed a package of consensus recommendations for submittal to the Commission that were adopted unanimously by the Workgroup and approved unanimously by the Commission at their October 15, 2015 meeting. The Workgroup’s recommendations for legislative changes were supported by industry stakeholders who agree to take the lead on any needed legislation.

SWIMMING POOL ELECTRICAL SAFETY PROJECT. The 2015 Florida Legislature identified the need to evaluate the electrical aspects of swimming pool safety focusing on minimizing electrocution risks linked to swimming pools. In response, the Florida Building Commission approved a research project (technical enrichment) for a *Swimming Pool Electrocution Prevention Study*. In order to implement the project the Commission convened a process to develop recommendations for pool safety focused on the prevention of electrocution in swimming pools. The Commission determined that the project would be evaluated and recommendations developed by convening concurrent meetings of the Commission’s Swimming Pool Technical Advisory Committee and Electrical Technical Advisory Committee (TAC). The objective of the project was to evaluate key topical issues, and as appropriate develop code amendment proposals designed to minimize electrocution risks linked to swimming pools.

In response to the Commission’s direction the Swimming Pool TAC and Electrical TAC agreed that the initial Phase I scope of the project was to determine whether to recommend a proposed code amendment that would require low voltage lighting in residential swimming pools for new construction. Once the Swimming Pool TAC and the Electrical TAC concluded their evaluation of low voltage lighting they would then evaluate additional project relevant topics in Phase II of the project: specifically bonding, grounding, retrofitting of existing pools, and education. The TACs met for the second time on October 14, 2015 and developed a consensus package of recommendations for both phases of the project (Phase I and Phase II). At their October 15, 2015 meeting the Commission voted unanimously to adopt the Swimming Pool TAC’s and Electrical TAC’s swimming pool safety consensus package of recommendations focused on the prevention of electrocution in swimming pools. The recommendations will be implemented during the 2017 Code update process.

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 has heard one binding interpretation to date.

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 2017 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's recommendations for statutory changes resulting from the Code Coordination and Implementation Workgroup were supported by industry stakeholders who will take the lead on initiating specific legislative proposals.

II. INTRODUCTION

In 1974, Florida adopted a state minimum building code law requiring all local governments to adopt and enforce a building code. The system provided four separate model codes that local governments could consider and adopt to establish minimum standards of health and life safety for the public. In that system, the state's role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes as they saw fit.

Hurricane Andrew demonstrated in 1992 that this system of local codes did not provide the level of public protection that was necessary. The South Florida Building Code, which was the local code universally acknowledged to set the strongest standard for hurricane protection, essentially failed. The resulting problems had impacts well beyond southern Miami-Dade County. The state filled the property insurer void left by failed and fleeing private insurance companies, and the federal government poured billions of dollars of aid into the disaster area. It became starkly apparent the state had a significant interest in the effectiveness of building codes.

After Hurricane Andrew, Miami-Dade County conducted an exhaustive review of its building code and made significant changes to both the code and support systems for code enforcement. In other areas of the state the Florida Board of Building Codes and Standards (the predecessor to the Florida Building Commission) adopted significant upgrades to the wind resistance standards of the model state minimum code that was used by the majority of other local governments. The state also began licensing local governments' building code enforcement personnel. These steps proved critical in leading to the building codes that produced improved building performance in the 2004 hurricane season.

Like Miami-Dade County, the State went beyond modernizing the minimum building codes. In 1996 a study commission was appointed to review the system of local codes created by the 1974 law and to make recommendations for modernizing the entire system. The 1998 Legislature adopted the study commission's recommendations for a single state building code and an enhanced oversight role for the state in local code enforcement. The same legislation created the Florida Building Commission to develop and maintain the Florida Building Code and related programs and processes. The 2000 Legislature authorized implementation of the Florida Building Code, and the first edition replaced all local codes on March 1, 2002. There have been five editions to date, and the Commission initiated the development of the Florida Building Code, 6th Edition (2017) in April of 2015.

III. COMMISSION REPRESENTATION AND PROCESS

COMMISSION REPRESENTATION. The Florida Building Commission is a 27 member representative stakeholder group who successfully created, implemented, and maintains the new statewide Florida Building Code. The Commission is comprised of the Chair, and 26 members appointed to represent specific stakeholder groups. They are as follows: four code officials, two state government representatives, a local government representative, a representative of persons with disability, a structural engineer, a mechanical engineer, representatives of fire protection technology, the building management industry, and the insurance industry, a general contractor, residential contractor, mechanical contractor, plumbing contractor, electrical contractor, roofing/sheet metal/air conditioning contractor, a manufactured building representative, a building product manufacturer, a swimming pool contractor, a representative of the green building industry, a natural gas system distribution representative, and a member representing the Department of Agriculture and Consumer Services' Office of Energy.

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 percent acceptance or support is not achievable, final decisions require at least 75 percent 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 to these opportunities for public input, most complex substantive issues before the Commission go through a consensus process where recommendations are developed by appointed representative stakeholder groups.

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, dozens of facilitated public workshops and hundreds of TAC meetings. 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 comprised of experts, the Commission has always developed its decisions based on the results of the best engineering and science available. Since 1999 the Commission has convened 61 special issue stakeholder workgroups to develop broad based consensus recommendations on issues of concern to stakeholders. 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.