

FLORIDA BUILDING COMMISSION
CODE AMENDMENT PROCESS REVIEW
WORKGROUP

PHASE I RECOMMENDATIONS
TO THE FLORIDA BUILDING COMMISSION

APRIL 19, 2006

Tampa, Florida

Meeting Design & Facilitation By



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FLORIDA BUILDING COMMISSION

CODE AMENDMENT PROCESS REVIEW WORKGROUP

Overview

Raul L. Rodriguez, AIA, Chair of the Florida Building Commission, has made appointments to the Code Amendment Process Review Workgroup, and they are found below. Members are charged with representing their stakeholder group's interests, and working with other interest groups to develop a consensus package of recommendations for submittal to the Florida Building Commission.

Code Amendment Process Review Workgroup tasked with a short-term (Phase I) scope and a long-term (Phase II) scope. The scope of the Workgroup in the short-term is to make a recommendation regarding the 2007 Code Update schedule. The long-term focus of the Workgroup will be to deliver recommendations to the Commission regarding proposed enhancements to the annual interim amendment and triennial code update processes.

Triennial Code Update Process

Florida Statute, Chapter 553.73(6), requires the Commission to update the Florida Building Code every 3 years; by selecting the most current version of the International Family of Codes; the commission may modify any portion of the foundation codes only as needed to accommodate the specific needs of this state, maintaining Florida-specific amendments previously adopted by the commission and not addressed by the updated foundation code.

Annual Interim Amendment Process

Florida Statute, Chapter 553.73(7), provides that the Commission may approve technical amendments to the Florida Building Code once each year for statewide or regional application upon a finding that the amendment: there is a Florida specific need; has connection to the health, safety, and welfare of the general public; strengthens or improves the Code; does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities; does not degrade the effectiveness of the Code; and, includes a fiscal impact statement which documents the costs and benefits of the proposed amendment, and shall include the impact to local government relative to enforcement, the impact to property and building owners, as well as to industry, relative to the cost of compliance.

Proposed Glitch Amendment Process

The Commission is currently seeking statutory authority for an "expedited amendment" process in Chapter 553, F.S. for glitch and correlation (including errata) amendments to new editions/updates of the Code. The process would allow the Commission to implement expedited amendments using only the standard Chapter 120 rule development procedures.

Members and Representation:

Hamid Bahadori, Jeff Burton, Nick D'Andrea, Jack Glenn, Jim Goodloe, Dale Greiner, Gary Griffin, Jon Hamrick, Kari Hebrank, and Randy Vann.

CODE AMENDMENT PROCESS REVIEW WORKGROUP REPORT APRIL 19, 2006

WEDNESDAY, APRIL 19, 2006

Summary of Workgroup's Key Decisions

Opening and Meeting Attendance

The meeting started at approximately 9:00 AM, and the following Workgroup members were present:

Hamid Bahadori, Jeff Burton, Jack Glenn, Jim Goodloe, Dale Greiner, Gary Griffin, Jon Hamrick, and Randy Vann.

DCA Staff Present

Rick Dixon, Ila Jones, Mo Madani, and Betty Stevens.

Meeting Facilitation

The meeting was facilitated by Jeff Blair from the Florida Conflict Resolution Consortium at Florida State University. Information at: <http://consensus.fsu.edu/>

Project Webpage

Information on the project, including agenda packets, meeting reports, and related documents may be found in downloadable formats at the project webpage below:

<http://consensus.fsu.edu/FBC/cprwg.html>

Meeting Objectives

The Workgroup voted unanimously, 7 - 0 in favor, to approve the agenda as presented including the following objectives:

- To Review and Adopt Work Group Procedures and Guidelines
- To Review Relevant Legislation and Meeting Scope
- To Discuss Staff Proposed Option
- To Propose Options for Evaluation
- To Evaluate, Rank, and Refine Proposed Options
- To Consider Public Comment
- To Identify Needed Next Steps and Agenda Items For Next Meeting

Work Group's Decision-Making Procedures and Meeting Guidelines

Jeff Blair reviewed the Workgroup's decision-making procedures found on page 4 of the agenda packet.

Overview of Relevant Legislation and Phase I Meeting Scope

Rick Dixon provided the Workgroup with an overview of the code development process and answered member's questions.

Overview

Florida Statute, Chapter 553.73(6), requires the Commission to update the Florida Building Code every 3 years; by selecting the most current version of the International Family of Codes; the commission may modify any portion of the foundation codes only as needed to accommodate the specific needs of this state, maintaining Florida-specific amendments previously adopted by the commission and not addressed by the updated foundation code.

Task 1 (to be completed in Phase 1)

The intent of the building code system created in 2000 was that the Florida Building Code would rely primarily on the national model codes with only modifications justified by Florida specific needs. The FBC was to be revised every 3 years to keep in sync with national standards established by the model codes. What has evolved via changes to the original law is a process that is tailored to promulgating a state Code rather than tweaking model codes. This process is inefficient and results in extensive time delays that keep the Florida Building Code out of sync with the national model codes thereby creating needs and pressures for additional code promulgation by the Commission. The 2004 FBC went into effect October 2005 and the Commission must start development of the 2007 FBC this year in order to implement it within 3 years of the 2004 FBC implementation.

Staff prepared a draft schedule for development, adoption and implementation of the 2007 FBC as a starting point for review and modification by the work group for recommendation to the Commission for its adoption. Key decisions are the starting date (cutoff for submittal of proposed amendments to the foundation codes) and the FBC publication date, which starts the 6 month delay period prior to implementation of the FBC. Intermediate scheduling is largely driven by the Commission meeting schedule and document development time requirements for intervening steps in the process.

Task 2 (to be considered in Phase 2)

Building Code Study Commission concluded Code changed too rapidly for industry and local governments to keep up, which reduced potential effectiveness.

It recommended code be revised only every 3 years.

Could not implement the recommendation in the original 2000 law because the Commission could not interpret the Code without amending it (Chapter 120 limitations).

There are three main issues to deal with that previously required the ability to amend the Code every year.

1. Making Commission interpretations binding throughout the state
2. Authorizing the use of new editions of product evaluation (e.g. testing) standards.
3. Resolving glitches that occur in the development and adoption of new editions of the FBC.

Each has been, or is proposed to be resolved and it now time to review whether annual amendments are still needed.

Rick explained that as a best case scenario, the Commission is two years behind the Model Code cycle. In addition, the Commission is required to coordinate the Florida Building Code and the Florida Fire Prevention Code.

Review and Discussion of Staff Proposed Schedule for 2007 Update Process

Rick Dixon reviewed the proposed schedule for the 2007 Code update process.

The proposal included: Proposed amendments to the 2006 I Codes with Florida amendments due date of September 1, 2006, and an implementation date of August 1, 2008.

Options Identification and Initial Evaluation of Options

Results are found on pages 6 – 9 of this Report.

Evaluation of Options—Ranking and Refinement of Options

Results are found on pages 6 – 9 of this Report.

Consensus Testing and Agreement on Phase I Recommendations

The members voted unanimously, 8 – 0 in favor, to support the following recommendation to the Florida Building Commission regarding the 2007 Update schedule:

Proposed amendments to the 2006 I Codes with Florida amendments due date:	1/1/07
Printed Codes available to the public:	6/1/08*
Code Implemented	1/1/09 *

* Note: the Workgroup agreed on a 1/1/07 start date, and a 1/1/09 implementation date. Staff worked the schedule with the 1/1/07 start date, maintained all of the required timelines, correlated with the ICC document development schedule, and determined the Code could be implemented on 10/1/08 instead of 1/1/09. Staff is recommending an implementation date of 10/1/08, with printed coded available to the public on 4/1/08.

The Workgroup recommends that publication of the Florida Building Code, as required by law, be defined as a printed document available to the public.

The Workgroup recommends that Florida specific amendments will only be reconsidered if the issue has been amended/addressed in the I-Code update. Otherwise all other Florida specific amendments will be carried forward and not subject to an automatic reconsideration. (Note: this is required by law, Chapter 553.73(6) F.S.).

Next Meeting, Next Steps, and Assignments

The Workgroup's next meeting is scheduled for July 10, 2006, to begin Phase II of the project. This Phase of the project is focused on reviewing and developing recommendations on the annual interim and triennial code update processes.

Members were requested to complete the survey and return to Jeff Blair by May 5, 2006.

Staff Recommended Schedule Based on Workgroup’s Recommended Start Date and Definition of Publication Correlated with the ICC Document Development Schedule

2007 Update to the Florida Building Code—Proposed Schedule

Design of Update Process	April—May 06
2006 International Codes published and available to the public	3/1/06
Replacement pages version of 2006 FBC amendments available	11/1/06
<i>[Joint Fire TAC/Fire Code Advisory Council review of 2006 FBC to 2006 NFPA 1 and 2006 NFPA 101 (2008 FFPC)]</i>	7/10/06
Joint Fire TAC/Fire Code Advisory Council review 2006 I Codes to 2008 FFPC	10/06
Proposed amendments to the 2006 I Codes with Florida amendments due date	1/1/07
Florida Specific amendment overlaps with 2006 I Codes, local amendments and 2008 FFPC correlation submitted as amendment proposals by staff	1/1/07
Proposed amendments posted to the Web by (45 day min before TAC review)	1/15/07
Commission selects 2006 I Codes as foundation for 2007 FBC	10/11/06
45 day comment period ends	2/28/07
<i>(Note: 2006 I Codes must be available to public for 6 months prior to selection)</i>	
TACs review proposed Florida amendments, current Florida amendments and current Local amendments and make recommendations	3/12-15/07
TAC recommendations posted to web (45 day min before Commission review)	4/13/07
45 day comment period ends	5/27/07
Commission considers TAC recommendations on proposed amendments via a Rule Development Workshop	6/26&27/07
Rule Adoption Hearing	8/22/07
File Rule adopting the 2007 FBC	9/14/07
Printed Codes available to the public	4/1/08
Code Implemented (Staff Recommendation)	10/1/08

(Note: Law requires the Commission not select a new edition of the base codes for updating the FBC earlier than 6 months after they are in print and available to the public and the updated FBC not be implemented until 6 months after publication.)

PHASE I— OPTIONS ACCEPTABILITY RANKING EXERCISE

Acceptability Ranking Scale	<i>4 = acceptable, I agree</i>	<i>3 = acceptable, I agree with minor reservations</i>	<i>2 = not acceptable, I don't agree unless major reservations addressed</i>	<i>1 = not acceptable</i>
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A. *Staff proposed 2007 Update schedule option.*

Proposed amendments to the 2006 I Codes with Florida amendments due date (9/1/06)

	<i>4=acceptable</i>	<i>3= minor reservations</i>	<i>2=major reservations</i>	<i>1= not acceptable</i>
<i>Initial Ranking 4/19/06</i>	2	3	2	1

Members Reservations and Comments:

- I have to know where the Florida specific amendments are in the proposed code.
- ICC has a document that identifies the changes between 2003 and 2006 ICC codes.
- What happens to the 3 year cycle? Trying to keep with I Codes
- Start up date for code cycle? Anytime. Have not issued notice to public. After May 2006 Commission meeting.
- TAC meeting is scheduled for holiday.
- Deadline is 1 ½ months after adoption.
- Bring changes back to next code change cycle.
- Affects code education training, difficult to develop training using the web document, getting the training approved within 6 months. Training could be approved before the code goes into effect.
- The public needs to know when the cycle is open for proposed code changes.
- The amendment process is 24/7.
- Does the cycle start with the adoption of a code?
- Will start code cycle after the May Commission meeting.
- When will 2006 amendments to 2004 code be printed?
- Reservations: 2006 ICC, 2004 FBC, supplement, would need to open and put together. What would be the base code and determine what needs to be changed. Does not have time to review.
- Delaying implementation of the cycle, wants to minimize the process.
- One document, get rid of Florida specific amendments. Need to bring past amendments forward?
- Need to propose amendment to delete Florida specific amendments.
- If the I-Code addresses.
- Putting off process to clean code.
- Legislature has tied hands. Tweak legislation. Quickly or right?
- You are ahead of I-Code residential.

B. The Commission selects the current edition I Codes. It is an available document. Bring in the changes with rationale to the 2006 I Code.

	4=acceptable	3= minor reservations	2=major reservations	1= not acceptable
Initial Ranking 4/19/06	1	3	3	1

Members Reservations and Comments:

- 2003 I Codes, 2004 FBC, 2006 amendments to ICC
- What Florida specific amendments overlap the 2006 ICC amendments?
- Does not solve the problem.
- Do the code changes need to be moved forward?
- We adopted the 1997 SBC and adopted the 1999 amendments as Florida specific requirements. They have been carried forward in the code.
- Will national standards take care of Florida problems?
- Cannot wait to fix Florida problems, politicians will fix the problem for us.

C. The Commission select the 2006 I Codes. Submit Florida specific amendments to the base code, which is the 2006 I Codes.

	4=acceptable	3= minor reservations	2=major reservations	1= not acceptable
Initial Ranking 4/19/06	3	1	4	

Members Reservations and Comments:

- Legal? Have to reconsider where there is an overlap
- Commission would not have authority to act on amendments, must bring forward.
- Anyone can propose code change.
- How to distinguish code mandate from code proposals?
- Automatically debate every change that has been proposed as a Florida specific requirement.
- If no code change submitted, would be automatically carried forward.
- Does this solve the problem of being able to evaluate changes?
- Re-evaluates changes brought forward.
- Uses the same process to bring forward existing Florida specific requirements.

D. Delaying one cycle. Use the draft date as the start date, 2/6/07, first draft available.

	4=acceptable	3= minor reservations	2=major reservations	1= not acceptable
Initial Ranking 4/19/06	2	3	1	2

Members Reservations and Comments:

- We will behind 1 year, but in the same code cycle. We will be an edition behind.

E. Use 1/1/07 submittal date. Printed codes available 6/1/08. Implementation date 1/1/09.

	4=acceptable	3= minor reservations	2=major reservations	1= not acceptable
Initial Ranking 4/19/06	7	1		

Members Reservations and Comments:

- If he has the supplement, does not need the draft. Need draft for Rule Development Workshop to add what Commission approved.
- Industry wants 2006 amendments as soon as possible.

Publication Date Discussion

The Workgroup was asked to determine whether publications should be defined as published to the web (option 1), or a printed Code on the street (option 2).

Option 1 (6 months from publishing to web) (1/1/08)
3 members preferred option 1.

Members Reservations and Comments:

- If legal, can we compromise 9 months from publishing on web?
- Repeating October implementation date?
- How is the fire code correlation affected? Correlate twice, fire code effective between cycles. If fire code delayed, will be two years behind. Should be able to change both codes at same time.

Option 2 (6 months from printed code on street) (8/1/08)
5 members preferred option 2.

Members Reservations and Comments:

- Can't function without document out in the field.
- Journeyman plumber, project foreman, project manager does not have access to computers during the building process.
- Code is defined by application date.
- Architects and engineers would be designing projects using the internet.
- The code has to work for everyone. Cannot be isolated, must work for architects and engineers, and work for the industry we serve.
- People who need the document are the architects and engineers.
- Can not do training with web documents.
- Can we use the process that Mo wants to do? Looking at all the amendments.
- We are amending the code not rewriting the code.
- We are proposing code changes to 2006 ICC codes.
- Are we prohibited from looking at all the Florida specific amendments?

Florida Specifics Discussion

Members discussed whether Florida specific amendments should all be reviewed when the Code is updated, or only those Florida specific amendments which were addressed by the updated foundation code.

5 members preferred reviewing all Florida specific amendments.

3 members preferred reviewing only those addressed by the updated foundation code.

Members Reservations and Comments:

- Legislators involved previously are no longer involved.
- Housecleaning only, should not be everything.

Address all Florida specifics except Chapter 4 provisions: 5 members supported, 3 opposed.

Members Reservations and Comments:

- Debate all the issues all over again.
- I-Code has a 2 week process.
- We are not rewriting the code every three years, we are amending the code.
- Good to revisit, issues that need the time, do not get considered.
- There is an opportunity for amendments to be challenged.

Members were asked again whether they support addressing all Florida specific amendments now that they have discussed the issue. No members voted in favor of this option.

Members were asked again whether they support addressing only Florida specific amendments addressed by the updated foundation code, now that they have discussed the issue.

Six members voted in favor of this option, and 2 against.

ATTACHMENT 1

CODE AMENDMENT PROCESS REVIEW WORKGROUP

April 19, 2006—Tampa, Florida

Meeting Evaluation Results

Average rank using a 0 to 10 scale, where 0 means totally disagree and 10 means totally agree.

1. Please assess the overall meeting.

8.57 The background information was very useful.

9.00 The agenda packet was very useful.

9.57 The objectives for the meeting were stated at the outset.

9.71 Overall, the objectives of the meeting were fully achieved.

9.71 Review and Adoption of Workgroup Procedures and Guidelines.

8.83 Review of Relevant Legislation and Meeting Scope.

9.42 Discussion and Consideration of Staff Proposed Option.

9.85 Identification, Evaluation, Ranking, and Refinement of Workgroup Proposed Option(s).

9.57 Identification of Needed Next Steps and Agenda Items For Next Meeting.

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

9.85 The members followed the direction of the Facilitator.

9.85 The Facilitator made sure the concerns of all members were heard.

9.71 The Facilitator helped us arrange our time well.

10.00 Participant input was documented accurately.

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

9.71 Overall, I am very satisfied with the meeting.

9.71 I was very satisfied with the services provided by the Facilitator.

9.85 I am satisfied with the outcome of the meeting.

4. What progress did you make?

9.57 I know what the next steps following this meeting will be.

9.28 I know who is responsible for the next steps.

5. Member's Written Evaluation Comments.

- Jeff, Rick, Mo, Betty, and Ila: Thanks for a job very well done!
- Provide fewer revisions if possible.