

**BUILDING CODE SYSTEM UNIFORM
IMPLEMENTATION EVALUATION WORKGROUP**

**REPORT TO THE FLORIDA BUILDING
COMMISSION**



MEETING III—APRIL 8, 2013

ST. AUGUSTINE, FLORIDA

PROCESS DESIGN, CONSENSUS-BUILDING AND FACILITATION BY



CONSENSUS CENTER

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FLORIDA BUILDING COMMISSION
BUILDING CODE SYSTEM
UNIFORM IMPLEMENTATION EVALUATION WORKGROUP REPORT

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PROJECT OVERVIEW

BUILDING CODE SYSTEM UNIFORM IMPLEMENTATION EVALUATION WORKGROUP

Chairman Browdy recommended to the Florida Building Commission the convening of a *Workgroup* to evaluate the uniform implementation of the Florida Building Code System. The Chair explained to the Commission that the Commission's statutory authority is currently limited to Code issues, updates, code administration, interpretations, energy efficiency, accessibility, product approval and building code education. Through an expertly managed consensus building process, the Commission has created an exemplary work product that is to be applied uniformly throughout the State. However, the uniform application of the Commission's work product has yet to be achieved. There are significant disparities within the State in code enforcement, permitting requirements and associated fees that are detrimental to the aims and objectives articulated in the 1996 Building Codes Study Commission report and Governor Scott's objectives to encourage the creation of construction in these most difficult economic times. With the Commission's move to DBPR the Commission has an opportunity to initiate a discussion regarding the uniformity of the implementation of our statewide code. The Chair expressed that a good first step would be to convene a stakeholder workgroup to identify and evaluate key issues and possible agency solutions, as well as a possible strategies for implementing a more uniform interpretation and administration of the Code. The initial scope of the *Building Code System Uniform Implementation Evaluation Workgroup* will be to evaluate how well the Commission's efforts to create a unified building code have been implemented throughout the State. The Chair explained that his preference before appointing a workgroup on an issue of this importance is to determine whether the Commission concurs with the proposed strategy and supports convening a workgroup to evaluate the uniformity of the implementation of the Florida Building Code System. At the January 31, 2012 meeting the Commission voted unanimously to convene the *Building Code System Uniform Implementation Evaluation Workgroup*. Following are the *Workgroup* appointments:

| WORKGROUP MEMBERSHIP | |
|-------------------------|--|
| MEMBER | AFFILIATION |
| Dick Browdy (FBC Chair) | Florida Building Commission (FBC) |
| Tom Allen | Building Officials Central Florida (BOAF) |
| Steve Bassett | Florida Engineering Society (FES) |
| Rusty Carrol | Building Officials S.E. Florida (BOAF) |
| Wayne Fernandez | General/Commercial Contractors |
| Jack Glenn | Florida Home Builders Association (FHBA) |
| Rick Logan | American Institute of Architects Florida Chapter (AIA Florida) |
| Danny Weeden | Building Officials N.W. Florida (BOAF) |
| Louie Wise | Mechanical Contractors and Subcontractors |
| Mark Zehnal | Florida Roofing and Sheet Metal Association (FRSA) |

REPORT OF THE APRIL 8, 2013 MEETING—MEETING III

OPENING AND MEETING ATTENDANCE

The meeting started at 1:00 PM, and the following six *Workgroup* members were present: Dick Browdy (FBC Chair), Gary Brevoort alternate for Tom Allen, Steve Bassett, Rusty Carrol, Jack Glenn, and Mark Zehnal.

Commission Members Present (Non-Workgroup Members)

Bob Boyer, Charles Frank, Jon Hamrick, Brad Schiffer, Jim Schock, Jeff Gross, and Brian Swope.

DBPR Staff Present

Chris Burgwald, Jim Hammers, April Hammonds, Ila Jones, Mo Madani, and Jim Richmond.

(Attachment II—Public Participants)

Meeting Notes

Meeting notes were taken by Chris Burgwald, DBPR technical staff.

MEETING FACILITATION

The meeting was facilitated by Jeff Blair from the FCRC Consensus Center at Florida State University. Information at: <http://consensus.fsu.edu/>



CONSENSUS CENTER

PROJECT WEBPAGE

Information on the project, including agenda packets, meeting reports and related project background documents are available at the project webpage. URL follows:

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

AGENDA REVIEW AND APPROVAL

The *Workgroup* voted unanimously, 6 - 0 in favor, to approve the agenda as presented/posted including the following objectives:

- To Approve Regular Procedural Topics (Agenda and Meeting Summary Report)
- To Review Key Issues Regarding Uniform Implementation of Building Code System
- To Discuss and Evaluate Acceptability of Recommendation to the Florida Building Commission
- To Consider Public Comment
- To Adopt Recommendations for Submittal to Florida Building Commission
- To Hear Reflections and Next Steps

(Attachment III—Meeting Agenda)

FACILITATOR’S SUMMARY REPORT REVIEW AND APPROVAL (DECEMBER 4, 2012)

The Workgroup voted unanimously, 6 - 0 in favor, to approve the December 4, 2012 Facilitator’s Summary Report as presented/posted.

REVIEW OF WORKGROUP PROJECT SCOPE

Dick Browdy (Commission Chair) reminded members and participants that the scope of inquiry for the *Building Code System Uniform Implementation Evaluation Workgroup* was to evaluate how well the Commission's efforts to create a unified building code have been implemented throughout the State relative to the interpretation and administration of the Florida Building Code. Additional details on the Project Scope, as outlined by Chairman Browdy, are provided in the “Project Overview” section located on page 2 of this Report.

OVERVIEW OF WORKGROUP KEY ACTIONS BY MEETING

Meeting I—October 2012. At the October 9, 2012 meeting the Workgroup reviewed a range of issues referred from the 2010 Florida Building Code System Evaluation process and from the Commission, and were provided an opportunity to offer any additional options for evaluation by the Workgroup. Following is a summary of key issues suggested as priority issues for *Workgroup* evaluation based on a synthesis of meeting participants’ comments:

Consistency in Submittal Requirements, Fees and Timeframes:

- Consistency in the baseline requirements for building permit application submittals, including the related forms and checklists used throughout the building permit application process, from submittal documents to requirements on the plans to plans review to issuance of building permits.
- Consistency in timeframes from submittal to receiving a building permit (across jurisdictions).
- Consistent fees for building permits, and requiring the use of building permit fees for building department functions and not for supporting other general revenue functions.

Consistency in Code Interpretations and Local Technical Amendments:

- Consistency in interpretation and enforcement of the Code based on the adopted Code, and not based on personal preference.
- Elimination of local technical code amendments not adopted as a local technical amendment and submitted to the Commission as required.

Central Repository for Code Requirements and Interpretations:

- Create (or enhance the existing BSCIS database) a comprehensive central repository at the Commission level for answers and input on correctly interpreting and enforcing the Florida Building Code to assist BOs in making an educated decision (e.g., binding and non-binding opinions, code interpretations, declaratory statements, code amendments, etc.).
- Development of a FAQ regarding code interpretations for inclusion on the repository (website).
- Development of Best Practices Guidelines for code requirements and interpretations to assist with consistency. Include on the central repository.

Education and Training on the Code:

- Education and training on the code, across licensure categories to ensure consistency.

Meeting II—December 2012. At the December 4, 2012 meeting the Chair explained that although the Workgroup previously identified a range of options* for evaluation, his preference was for the Workgroup to spend the December meeting more narrowly defining the scope of the project with the goal of ensuring the Workgroup has identified key priority issues relative to enhancing the uniform interpretation and enforcement (administration) of the Florida Building Code. At the December 2012 meeting *Workgroup* members were invited to offer one key issue from their stakeholders' perspective essential to enhancing the uniform interpretation and enforcement (administration) of the Florida Building Code. Subsequently Commissioners and members of the public were offered the same opportunity. The goal of the discussion, as explained by Chairman Browdy, was to more narrowly define the scope of the project by focusing on critical project relevant issues. The *Building Code System Uniform Implementation Evaluation Workgroup* evaluated a range of key issues and related options to address the key issues and developed a package of recommendations for submittal to the Florida Building Commission. The Workgroup agreed to recommend the Commission seek legislative authority sufficient to implement the goals described in the recommendations, and address issues evaluated during the *Workgroup* process summarized as:

- I. Enhance Consistency in Submittal Requirements, Fees and Timeframes;
- II. Enhance Consistency in Code Interpretations and Local Technical Amendments;
- III. Develop/Enhance a Central Repository for Code Requirements & Interpretations; and,
- IV. Enhance Education and Training on the Code.

Meeting III—April 8, 2013. A summary of the April 8, 2013 meeting is provided in subsequent sections of this Report.

* (*Attachment IV—Project Relevant Options for Evaluation*)

DISCUSSION OF RECOMMENDATIONS TO THE COMMISSION

Jeff Blair, Workgroup Facilitator, reviewed the list of issues identified for evaluation and asked whether any member wished to consider specific recommendations for evaluation by the Workgroup. Following questions and answers, public comment and discussion the Workgroup agreed to a package of recommendations for submittal to the Commission as follows:

(1) The Florida Building Commission developed the Florida Building Code to be implemented uniformly throughout the State with the exception of the HVHZ; (2) The Commission through its established processes continually addresses current relevant issues and model code updates; (3) The Florida Building Commission's *Building Code System Uniform Implementation Evaluation Workgroup* has determined that there are significant disparities within the State in Code enforcement, permitting requirements and associated fees; (4) All regulatory agencies and licensees engaged in the process of implementing the Florida Building Code are required to implement the Florida Building Code and its associated processes; (5) Local technical amendments should be clearly defined in Chapter 553, F.S., and local technical amendments should only be enacted when they fully comply with the provisions in Section 553.73 (4)(b)(1.-10.), F.S. governing adoption of local technical amendments; (6) the Building Code System should be continuously monitored and evaluated for enhancements to the System relative to achieving the goal of uniform implementation and interpretation of the Code

while preserving the Code's foundations of local administration and enforcement.

In specific, the *Building Code System Uniform Implementation Evaluation Workgroup* recommended, and the Commission adopted, the following actions including the above stated goals:

- 1.) A definition of the term “*local technical amendment*” should be added to Chapter 553.73, F.S., as follows:
“An action by a local governing authority that results in a technical change to the Florida Building Code and its local enforcement.”
- 2.) The Commission be granted statutory authority to interpret the Florida Accessibility Code for Building Construction consistent with the Commission's ability to interpret all other sections of the Code.
- 3.) The Commission Chair should work with DBPR staff to draft a letter to all of Florida's city and county attorneys, and city and county managers and mayors regarding the statutory requirements contained in Section 553.73 (4)(b)(5.), F.S., requiring any amendment to the Florida Building Code: *“shall be transmitted within 30 days by the adopting local government to the commission. The commission shall maintain copies of all such amendments in a format that is usable and obtainable by the public. Local technical amendments shall not become effective until 30 days after the amendment has been received and published by the commission.”*

GENERAL PUBLIC COMMENT

Commissioners in attendance and members of the public were provided an opportunity to comment to the Workgroup regarding the proposed recommendations. Following are the public comments:

- C.W. Macomber: agreed that defining what constitutes a “local technical amendment” should help clarify the issue for local jurisdictions. Noted that continuing education is a good method to ensure that the local technical amendment requirements are understood.
- Dwight Wilkes: is in agreement with the requirement to post local technical amendments to the BCIS, and defining “local technical amendments” in statute. Proposed there should be more requirements for code related continuing education courses. Likes the standardized building permit submittal checklist concept.
- Jon Hamrick: requested the letter proposed for sending to local jurisdictions not include sending it to school superintends on the basis that they don't make code amendments and it might stimulate them to consider doing so.
- Jamie Gascon: spoke in support of the Workgroup's discussion and recommendations. Stated the letter might include definitive language to ensure local jurisdictions understand what is required regarding notification and other requirements for adopting local technical amendments. Noted that education is a key factor in making sure the requirements for adopting local technical amendments are understood by the professions.

ADOPTION OF RECOMMENDATIONS FOR SUBMITTAL TO THE COMMISSION

Following public comment and an invitation for additional discussion, the Workgroup took the following action:

Workgroup Action:

MOTION—The Workgroup voted unanimously, 6 – 0 in favor, to approve and submit the package of recommendations detailed above in the section titled “Discussion of Recommendations to the Commission” to the Florida Building Commission.

NEXT STEPS

Dick Browdy explained that the next steps are to submit the Workgroup’s recommendations to the Commission for their consideration, and once approved by the Commission the action items would be implemented as appropriate, either through a recommendation to the Legislature for those requiring legislation or implementation by the Commission if no legislative authority is required.

ADJOURNMENT

Chairman Browdy requested a motion to adjourn, and the *Workgroup* voted unanimously, 6 – 0 in favor, to adjourn at 3:30 PM.

ATTACHMENT I
MEETING EVALUATION RESULTS
BUILDING CODE SYSTEM
UNIFORM INTERPRETATION EVALUATION WORKGROUP

April 8, 2013—St. Augustine, Florida

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

1. OVERALL MEETING ASSESSMENT.

- 9.5 The background information was very useful.
- 9.5 The agenda packet was very useful.
- 9.5 The objectives for the meeting were stated at the outset.
- 9.3 Overall, the objectives of the meeting were fully achieved.

2. MEMBERS LEVEL OF AGREEMENT THAT THE MEETING OBJECTIVES WERE ACHIEVED.

- 9.5 Review Key Issues Regarding Uniform Implementation of Building Code System.
- 9.7 Discussion and Acceptability Ranking of Recommendation to the Commission.
- 9.8 Adoption of Recommendations for Submittal to Florida Building Commission.
- 9.7 Project Reflections and Next Steps.

3. HOW WELL THE FACILITATOR HELPED THE MEMBERS ENGAGE IN THE MEETING.

- 9.8 The members followed the direction of the Facilitator.
- 9.8 The Facilitator made sure the concerns of all members were heard.
- 9.7 The Facilitator helped us arrange our time well.
- 9.7 Participant input was documented accurately in Facilitator's Report (last meeting).

4. MEMBERS LEVEL OF SATISFACTION WITH THE MEETING.

- 9.5 Overall, I am very satisfied with the meeting.
- 9.5 I was very satisfied with the services provided by the Facilitator.
- 9.7 I am satisfied with the outcome of the meeting.

5. HOW WELL THE NEXT STEPS WERE COMMUNICATED.

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

6. WHAT MEMBERS LIKED BEST ABOUT THE MEETING.

- Interaction of group.
- Progress.
- It ended.

7. COMMENTS REGARDING HOW THE MEETING COULD HAVE BEEN IMPROVED.

- Not sure if it could.
- It couldn't.
- Shorter.

8. OTHER GENERAL COMMENTS.

- Great meeting.

**ATTACHMENT II
MEETING ATTENDANCE**

| NAME | AFFILIATION |
|---|---|
| PUBLIC PARTICIPANTS | |
| Joe Belcher | JDB Code Services |
| Gary Brevoort | BOAF |
| Jaime Gascon | Miami-Dade County |
| C.W. Macomber | LP |
| Darrell Phillips | Department of Education |
| Dwight Wilkes | Key Tech |
| FLORIDA BUILDING COMMISSIONER PARTICIPANTS | |
| 1) Dick Browdy (Workgroup member) | Governor's Chair |
| 2) Bob Boyer | Municipal or Charter County Representative |
| 3) Charles Frank | State Insurance Representative |
| 4) Jeff Gross | Building Management Industry |
| 5) Jon Hamrick | Public Education Representative |
| 6) Brad Schiffer | Architects Representative |
| 7) Jim Schock | Code Official Representative |
| 8) Brian Swope | Roofing Sheet Metal & AC Contractors Representative |
| | |

Note: There were approximately twenty additional participants who did not sign-in.

**ATTACHMENT III
MEETING AGENDA**

MEETING OBJECTIVES

- To Approve Regular Procedural Topics (Agenda and Meeting Summary Report)
- To Identify Any Additional Issues and Options Regarding Uniform Implementation of Building Code System
- To Discuss and Evaluate Acceptability of Proposed Options
- To Consider Public Comment
- To Identify Needed Next Steps: Information, Assignments, and Agenda Items for Next Meeting

MEETING AGENDA—TUESDAY, DECEMBER 4, 2012

All Agenda Times—including Adjournment—are Approximate and Subject to Change

| | | | |
|----------------------|------------|--|----------|
| 11:00 AM* | A.) | Welcome and Opening | Browdy |
| | B.) | Agenda Review and Approval | Blair |
| | C.) | Review and Approval of Meeting I Summary Report (October 9) | Blair |
| | D.) | Identification of Additional Issues Regarding Uniform Implementation of the Florida Building Code System, If Any • Identification of Additional Issues by Workgroup members, in turn | Blair/WG |
| | E.) | Acceptability Ranking of Options in Turn Options Evaluation Worksheet (Starting on Page 5) | Blair/WG |
| | F.) | General Public Comment | Blair |
| | G.) | Next Steps: Agenda Items, Needed Information, Assignments, Date and Location | Blair |
| | H.) | <i>Adjourn</i> | |

ATTACHMENT IV OPTIONS PROPOSED FOR EVALUATION

I. THE FLORIDA BUILDING CODE

- A.) Evaluate all exemptions/exceptions in the Florida Building Code. {BCSA}
- B.) Convene an *Interagency Coordination Workgroup* between state regulatory agencies and local jurisdictions. {BCSA}
- C.) Convene a workgroup to ensure that ISO recognizes the FBC (equal to IBC). {BCSA}
- D.) Convene a process to determine whether the Commission should participate in the I-Code development process (FBC I-Code participation evaluation). {BCSA}
(Note: An *ICC Participation Workgroup* process was conducted by the Commission in 2004, and the Commission made a policy decision not to participate in the ICC, instead relying on BOAF participation)
- E.) Convene a Workgroup to determine whether to seek authority for non-binding opinions on the Florida Accessibility Code for Building Construction (FACBC). {BCSA}
- F.) Develop a cross-reference table (cross-walk) regarding state agency regulations. {BCSA}
- G.) Evaluate whether the International Fire Code should be adopted as the basis for The Florida Fire Prevention Code, versus NFPA 101 because it is better integrated with the International Code family. If so, then send a recommendation to the Legislature for needed statutory changes. {Workgroup}
- H.) In Lieu of adopting the IFC, develop a comprehensive comparison chart that fully outlines the conflicts/differences between the FFPC and the FBC (not just for the changes in the current code cycle). {Workgroup}
- **Note:** An option was offered as follows:
“That all true Non-Florida specific changes to the Model codes be stricken in the next code cycle.”
The option was not offered for ranking since Florida law {Section 553.73 (7)(c)-(g), F.S.} already addresses the issue, and specifies the allowable exceptions.

II. THE FLORIDA BUILDING COMMISSION

There were options evaluated related to the Florida Building Commission during the *Building Code System Assessment Triennial Process*, however none achieved a consensus level of support.

III. LOCAL ADMINISTRATION OF THE CODE (ENFORCEMENT)

- A.) Seek legislative authority for the Commission to challenge local technical amendments. {BCSA}
- B.) Require FBC approval of local technical amendments (would require Commission approval prior to implementation at the local level). {BCSA}

- C.) Recommend that the Florida Legislature enact legislation prohibiting municipalities and counties from adopting local technical amendments by ordinance. {*Workgroup*}
- D.) Commission should work with BOAF to ensure code interpretations are consistent. {*BCSA*}
- E.) Develop a uniform building permit application form for use by all jurisdictions statewide (Consider a two-part form where “Part A” is consistent statewide, and “Part B” provides for additional information required by local jurisdictions.). {*Workgroup*}
- F.) Evaluate Building Inspector qualifications, and continuing education requirements. {*Workgroup*}

IV. STRENGTHENING COMPLIANCE AND ENFORCEMENT (EDUCATION)

- A.) Evaluate development of an AA program for building officials. {*BCSA*}
- B.) Evaluate development of a joint training process between building officials and construction industry licensees for licensure continuing education requirements (e.g., BOAF, AIA, FES, FHBA, ABC, FRSA, etc.). {*Workgroup*}
- C.) Evaluate the issue of FBC code books (bound volumes) not being available for use during DBPR licensure exams. {Referral from Commission on 10/9/12} {*FBC*}

V. PRODUCT EVALUATION AND APPROVAL

- A.) Develop statewide requirement for how and what product approval documentation should be submitted to building departments. {*BCSA*}

| REFERRAL ACRONYMS | |
|-------------------|---|
| BCSA | Building Code System Assessment project (2010-2012) referral |
| FBC | Florida Building Commission referral |
| Workgroup | Building Code System Uniform Implementation Evaluation Workgroup referral |