

FLORIDA BUILDING COMMISSION

CODE ADMINISTRATION ASSESSMENT INTERPRETATION AND ENFORCEMENT NEEDS OF LOCAL JURISDICTIONS

CODE ADMINISTRATION ASSESSMENT SURVEY RESULTS SUMMARY



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FLORIDA BUILDING COMMISSION

CODE ADMINISTRATION NEEDS OF LOCAL GOVERNMENTS ASSESSMENT SURVEY

OVERVIEW

One of the Florida Building Commission's (Commission) responsibilities is making a continual study of the Florida Building Code and related laws, and on a triennial basis reporting findings and recommendations to the Legislature. The first triennial assessment was conducted in 2005 and recommendations were reported to the 2006 Legislature. A variety of issues were identified during the course of the assessment survey and ad hoc committee review process, and one of the recommendations developed and adopted by the Commission was to conduct an assessment of local building officials on their needs regarding administration of the Florida Building Code (Code). Some of the key issues identified during the review process included training and education, communication and outreach, staffing and qualifications, interpretations and appeals, funding, and state oversight.

Local administration and enforcement of the Code is one of the key foundations of the Building Code System, and the Commission is seeking the views of local jurisdictions—of all sizes and in all geographic regions of the State—on their perspectives and needs regarding the local administration of the Code, as well as their recommendations for measures to improve the uniform and effective enforcement of the Code, including how the Commission could best assist local jurisdictions relative to the administration of the Florida Building Code.

The survey is the first step in the process and will serve as the basis for an assessment report, followed by a review of the topic by the Commission's Code Administration TAC, who will in turn make recommendations to the Commission. Results of the survey are reported in a general way and no views are attributed to individuals.

SUMMARY OF SURVEY RESULTS

Demographic Distributions

Respondents: 63

Geographic Distribution: Respondents represent views from the Florida Keys to South East and South West Florida, from Central East and West, and from the North East to the Florida Panhandle. Responses were received from city and county jurisdictions, large, medium and small. In summary, the survey results reflect the diversity of Florida from geographic, political, and demographic perspectives.

How well is local administration of the Florida Building Code (Code) functioning?

(Scale ranges from 5 for Very Well to 1 for Less Well)

Average	5	4	3	2	1
4.1	19	27	8	2	1

The Current State of Code Administration and Enforcement—Pros

What aspects of the current system are working well?

- All aspects of the code are working well.
- Licensing.
- On-line availability of Codes and access to product approvals.
- Code enforcement when the Code is written by code professionals.
- State-wide use of the same document.
- Local administration and control.
- Permitting, plan review, inspections, and issuance of Certificate of Occupancy and Certificate of Construction Completion.
- New construction aspects of the Code.
- The system for providing interpretations.
- The separate residential code.
- Knowledge of the code is pretty good throughout the industry. Contractors generally attempt to follow the code with little argument when correction is required. Not a lot of work by contractors done without proper permits. Code seems to require reasonable storm resistance and building strength.
- The fact the code enforcement is an administrative process and not up to the local officials to determine technical standards. The state-wide Code places the inspector or plans examiner in a much more neutral position when communicating code requirements, and relieves pressure at the local level.
- The out-reach and raised awareness that has accompanied the development of the new Code.
- Informal Interpretations are handled promptly and are a great resource tool.
- Understanding and enforcement of the requirements are uniformly applied.
- Increasing public safety.
- With the stringent requirements for local amendments, the code is enforced with more uniformity throughout the state with less local amendments.
- The new Code has increased compliance with the Code's requirements with consumers and contractors as well as jurisdictions that in the past were lax with enforcement.
- With all jurisdictions working from the same administrative provisions and code requirements, administration and enforcement throughout the state and local areas is more uniform and consistent.
- Education and training on the Florida Building Code is more accurate and comprehensive than ever before.
- Very high technical abilities of FBC Staff and willingness to assist the local jurisdiction.
- Efforts to improve the Product Approval System and logistics of the website.

The Current State of Code Administration and Enforcement—Cons

What aspects of the current system are not working well?

- The seemingly constant manipulation of the code by special interest groups.
- Legislature writing provisions of the Building Code, with unintended consequences.
- Frequency of code changes, when it supposed to be a three year cycle.
- Dealing with DBPR: lack of enforcement support and responsiveness, and inspector licensing is too difficult.
- ICC control of the Code.
- Private provider inspections and plans review (except when used by local governments since accountability remains with the local government)
- The code revisions, DCA, and TAC's. Information flow between these functions and what is really happening in the field does not exist.
- Working with local fire marshal.
- Modifications and alterations to existing buildings.
- Product approval format.
- Exemptions: there needs to be a clear definition of the term farm buildings for agricultural use.
- Contractor discipline is too lax, and poor quality is paid for by the owners.
- Quality of training and education (Education should be useful and interactive).
- ICC training on Florida Building Code.
- Local contractors knowledge of the Code.
- Shortages of field personnel in the area of enforcement are considerable and they lead to unlicensed contracting increasing and lengthy periods of time in identifying and responding to citizen or contractor complaints.
- In-consistencies between jurisdictions are paramount. The use of "interpretation" or "equivalency" of systems or methods varies widely.
- Lack of accountability on the part of Building Officials, inspectors and other enforcement designees creates an atmosphere of immunity.
- Lack of code expertise in some small jurisdictions, and a lack of code expertise among the building community.
- Lack of design professionals that understand and design to the Code requirements.
- Lack of communication of code related updates.
- Those portions of the Florida Building Code that are subject to interpretation by the FBC and the Florida Fire Prevention Code.

The Future State of Code Administration and Enforcement

What are some issues local jurisdictions are likely to face in the future regarding administering and enforcing the Code?

- Code changes and the administration of them—resulting in inconsistent enforcement.
- Enforcement of state revisions to the I-Codes—Code revisions varying from ICC basic codes.
- Lack of transition training on Code changes.
- Public information and education.
- Communication regarding code changes and interpretations.
- Legislature injecting changes that are not going through the code change cycle (political involvement).
- Budget cuts and restrictions on participating in training and education—Funding should come from the state as for fire and police.
- Complying with unfunded state mandates.
- Lack of qualified inspectors—Retaining qualified staff, thus ensuring quality enforcement.
- Privatization, and conflicts of interest for private providers.
- Interference with the duties of licensed code professionals by unlicensed individuals (i.e., due to political or supervisory pressures).
- Green Building Code.
- Licensing with DBPR for inspectors and plans examiners.
- The ability to provide on call inspections in lieu of 24 hour notice inspections. This is likely to be more necessary in mitigation work.
- The code has become more complex. The administration requires more training & more experienced personnel. The expenses to enforce the code are increasing. The code is also increasing the cost of housing. I believe we will see increased resistance from the public due to the costs involved.
- Challenges to the Florida Existing Building Code, and bringing existing buildings up to Code compliancy.
- Codes must be responsive to current demands, which include buildings that are more hurricane resistant.
- Issues regarding sharing life safety regulations between the Florida Building Code and the Florida Fire Prevention Code.

Key Issues

What are the key issues that your jurisdiction faces in administering and enforcing the Code?

- Licensing, budgetary constraints, market fluctuations, interference by unlicensed personnel, and politics.
- Pressure from development interests, internal pressures from planning and zoning concerns, interference from various interests that deteriorate the intent and application of Codes.
- Uniform application of Code requirements.
- Understanding how product approval documents should be utilized to ensure proper installation of critical components.

- Keeping abreast of all the "Product Approvals" and identifying products on the site which are not marked with identification.
- Citizen and contractor complaint resolution.
- Unlicensed contractors, unqualified licensed contractors, indifferent designers, non-code related interference, lack of support from DBPR and DCA.
- Inability to get concrete decisions out of DBPR for contractor licensing under CILB and ECLB. State contractor/local licensing is very unclear in many applications.
- Getting newly hired people through the licensing procedures at DBPR.
- CILB too lenient on contractors who violate codes and state laws.
- Educating the public, architects, engineers, and trades people. Trying to convey that if they meet the minimum required, you can obtain a permit.
- Owner/contractor adherence to the Code.
- Unlicensed contractors doing work for homeowners who pull homeowner permits. There needs to be a more stringent enforcement law that can be easily administered at a local level with less paper work for inspectors.
- Being able to pay market rate to retain qualified inspectors and staff. With fewer staff and more inspection requests quality of enforcing the code will suffer.
- Lack of Qualified people in the chain of succession.
- Having a small staff requires individuals to have a diverse knowledge of the various disciplines.
- Constant unreasonable code changes varying greatly from the ICC code series. Florida specific changes are problematical.
- Understanding the reasons behind and intent of state mandates.
- Having to use the I-codes for licensing exams, but enforcing the Florida Building Code.
- Differences of interpretation of codes with local fire marshal.
- The Fire Code Official and the local independent fire districts use building permitting plans review as a revenue source and not solely to ensure public safety.
- Keeping up with all of the demand for plans examining and inspections after a storm has passed.
- Codes that are not specific (i.e., exemption for agricultural buildings, when they are turned into multi-story office buildings).
- New Computer technology for code enforcement.
- Enforcement for low income single family projects.
- The private provider system is not working due to the lack of competence by the providers and mistakes in plans examination and inspections, lack of adherence to department schedule for inspections, lack of proper documentation, a financial conflict of interest for the provider, and an increase in the AHJ's need to provide oversight.
- Inability to request and receive interpretations of the Accessibility Code.
- Require a review by the board of adjustment and appeals prior to seeking a formal interpretation.
- Interpretation of a Level III alteration as pertains to the Florida Existing Building Code. Specifically, a clear definition of "25% of the work area" needs to be provided. Is this referring to the area of rooms in which work is happening or the area consumed by altered walls?
- The current codes, which respond to hurricane impact demands are very complicated and the standards that they have established are not readily achievable.

- Recent changes to state statutes allowing contractors to use master plans for screen enclosures etc. from any engineer.

Recommendations—Options

Any suggestions/options for enhancing the existing system of administering the Code?

- More training for the architects and engineers on energy, accessibility and basic minimums that are necessary to provide the AHJ with the level of comfort that the structure(s) will be constructed to the minimum code.
- Have the state accept ICC certification in all categories for state certification of inspectors. They would still have to take the principles and practice exam.
- Get the state legislature out of the code making business.
- Ensure the consensus methodology is used for code rules.
- Move toward incorporating the Florida requirements into, and adopting the ICC Family of Codes. Provide quality education around the state on the technical aspects of the Code. Make the education mandatory. Provide the training at times that do not interfere with the operations of the Building Departments and at a very reasonable price or free.
- Continue with the BOAF interpretation program, that works very well.
- Eliminate local licensing, discipline and registration of contractors.
- Adopt the ICC codes for all of Florida except Dade and Broward with no amendments.
- Put fire inspecting to just inspecting fire suppression and fire alarm systems and leave construction inspections to the professionals who know construction and codes.
- Keep the Code simple and focus on "Life Safety" and structural issues.
- Adopt a code that is uniform so all professionals are used to it.
- Eliminate the Building Commission as a Code writing body and use them as an appeals Board.
- Adopt the I-Codes without changes. No major re-writes or supplements unless a major issue is discovered.
- Have only one State Certification for inspectors without additional requirements.
- The language of the code is difficult to understand. It might be more efficient to group disciplines such as electrical, which only references the NEC in one specific part of the article.
- More outreach with the citizens to make them aware of the licensing requirements for contractors and the permits required for repairs or alterations to their homes.
- Building Officials should be locally employed but under the authority of the state (a state agency) to eliminate local politics.
- When developing new code software make a hot link to formal interpretations and Dec statements at the code section effected. Provide for common approval of CEU classes that will satisfy all licensing boards without requiring approval from each board.
- The Florida Existing Building Code should reference the previous "50% of value" rule.
- Make all contractors providing construction on school district properties attend a class on state codes for schools. Section 423 of the building code and S.R.E.F. codes provided by the state D.O.E.

- Establish prescriptive standards for hurricane resistance components and construction methods that do not require site specific (and sophisticated structural analysis), as an alternate to site specific design requirements.
- More unlicensed contractor enforcement field personnel in all the jurisdictions under the jurisdiction of the local county authority. More training for enforcement personnel.
- Have the process of building permits and inspections under the State, no change in locations but have the administration under a State Agency Have Commission members do some off line field visits, a day here, a day there, vary jurisdictions from small to large.
- Give building officials more enforcement authority.
- The existing building code needs to be re-written to make the requirements clearer for the various types of alterations or change of occupancy. The current edition is very cumbersome and leaves a lot of doubt in the minds of those using the manual.
- Make the code-change process easier and more public. Increase the number and location of DCA / FBC / BCAIB meetings so jurisdictions throughout the state can attend.
- The inclusion of mid range levels of certification and experience would broaden the base of available staffing candidates.
- Customer service performance standards (i.e., minimum time for plans review and inspections) should be developed and mandated statewide, or a voluntary accreditation program should be created.

How well has the Florida Building Commission done regarding ensuring uniform and effective enforcement of the Code?

Average	5	4	3	2	1
3.3	6	17	23	8	3

Role of the Florida Building Commission

What do you see as the role of the Commission regarding ensuring uniform and effective enforcement of the Code?

- Developing, adopting, and providing education on a uniform state-wide Code to help ensure uniform enforcement and interpretations.
- Communicating interpretations, statements, and policy decisions.
- Streamlining the code to eliminate unnecessary Florida specific amendments.
- Making the Code more consistent with the ICC base documents.
- Serving as a hearing body for appeals.
- Providing assistance to local jurisdictions.
- Educating city and county commissioners and administrators about the requirements and duties of the building official.

Florida Building Commission Assistance

What could the Commission do to assist local jurisdictions regarding ensuring uniform and effective enforcement of the Code?

- Providing interpretations, clarification, and declaratory statements and maintaining and publishing the results.
- Providing interpretation(s) on all code changes as soon as they are adopted and publicizing the requirements.
- Place all building departments under the oversight of the Commission.
- Eliminate Florida specific amendments unless there is a real and proven Florida specific need.
- Limit code changes to once every three years.
- Provide education and updates electronically on a regular basis.
- Improve the Product Approval system.
- Work to eliminate discrepancies between the Florida Building Code and the Florida Fire Prevention Code.
- Provide a free uniform training program for all enforcement personnel.
- Clearer and easier to use website for legal interpretations, Declaratory Statements, and Code Interpretations.

Florida Building Commission Oversight

What oversight authority should the Commission have relative to the local administration of the Code?

- The same authorities as they currently have, and providing recommendations to local jurisdictions.
- Appeal process, declaratory statements, and binding interpretations to aid in code interpretation to enhance uniformity among the jurisdictions.
- Serving as a variance and appeals board.
- Adopt a complete Chapter 1 to provide consistency of administration.
- Promulgation and adoption of a uniform building code.
- Provide support, not oversight for local jurisdictions.
- Bi-annual meetings with the Commission and building official of all jurisdictions to discuss the code and building code system.
- Providing an educational and teaching function.
- A faster appeals process.
- Oversight for small understaffed departments.
- The Commission should form an Advisory Committee, prioritize the most important areas of the Code for uniform enforcement, and audit the local jurisdictions based upon the prioritization established.

In your view how important is the uniform interpretation and enforcement of the Code state-wide in ensuring uniform and effective enforcement of the Code?

(Scale ranges from 5 for Very Important to 1 for Less Important)

Average	5	4	3	2	1
4.4	36	13	3	4	0

In your view how important is the uniform interpretation and enforcement of the Code at the regional level in ensuring uniform and effective enforcement of the Code?

Average	5	4	3	2	1
4.7	42	10	2	1	0

In your view how important is the uniform interpretation and enforcement of the Code at the local level in ensuring uniform and effective enforcement of the Code?

Average	5	4	3	2	1
4.8	48	6	2	0	0

In your view what is the importance of Communication and Outreach in ensuring uniform and effective enforcement of the Code?

Average	5	4	3	2	1
4.8	47	8	1	0	0

In your view what is the importance of Binding Interpretations from the Commission in ensuring uniform and effective enforcement of the Code?

Average	5	4	3	2	1
4.5	39	10	4	0	2

In your view what is the importance of Declaratory Statements from the Commission in ensuring uniform and effective enforcement of the Code?

Average	5	4	3	2	1
4.3	36	9	7	1	3

In your view what is the importance of Education and Training in ensuring uniform and effective enforcement of the Code?

Average	5	4	3	2	1
4.9	54	1	1	0	0

In your view what is the importance of the Licensing of code officials in ensuring uniform and effective enforcement of the Code?

Average	5	4	3	2	1
4.8	47	5	4	0	0

In your view what is the importance of sufficient Funding in ensuring uniform and effective enforcement of the Code?

Average	5	4	3	2	1
4.8	47	7	1	0	0

In your view does your jurisdiction have sufficient Funding to ensure uniform and effective enforcement of the Code?

(Scale ranges from 5 for Sufficient to 1 for Insufficient)

Average	5	4	3	2	1
3.5	16	16	10	7	6

ENFORCEMENT OF THE CODE(S)

How does your jurisdiction prioritize and distribute resource between Commercial and Residential Construction?

- Equally based on workload and activity in each of the categories.
- There is no prioritization of one over the other, both are important and must be accomplished.
- First come first served.
- No difference of prioritization or resource distribution exists between the two.
- Projects are prioritized by complexity and impact on the community, while also recognizing that there must also be recognition of a "first come, first served" equity.
- We provide much greater flexibility with regard to scheduling for commercial versus residential due to the demand of construction schedules and scope of work.

What level of priority does your jurisdiction give to the enforcement of the Accessibility Code?

(Scale ranges from 5 for High Priority to 1 for Low Priority)

Average	5	4	3	2	1
4.7	43	10	1	2	0

What level of priority does your jurisdiction give to the enforcement of the Building Structural requirements of the Code?

Average	5	4	3	2	1
4.8	49	5	1	1	0

What level of priority does your jurisdiction give to the enforcement of the Energy Code?

Average	5	4	3	2	1
4.2	26	19	6	5	0

What level of priority does your jurisdiction give to the enforcement of the Existing Building Code?

Average	5	4	3	2	1
4.2	32	14	4	4	2

What level of priority does your jurisdiction give to the enforcement of the Fire Protection requirements of the Code?

Average	5	4	3	2	1
4.7	44	8	4	0	0

What level of priority does your jurisdiction give to the enforcement of the Fuel Gas Code?

Average	5	4	3	2	1
4.5	34	17	3	1	0

What level of priority does your jurisdiction give to the enforcement of the Mechanical Code?

Average	5	4	3	2	1
4.6	37	16	2	0	0

What level of priority does your jurisdiction give to the enforcement of the Plumbing Code?

Average	5	4	3	2	1
4.6	38	14	3	0	0

What level of priority does your jurisdiction give to the enforcement of the Roofing requirements of the Code?

Average	5	4	3	2	1
4.6	40	12	2	0	1

In your view how well does your jurisdiction prioritize and enforce the Accessibility Code?

(Scale ranges from 5 for Very Well to 1 for Less Well)

Average	5	4	3	2	1
4.6	38	13	2	1	1

In your view how well does your jurisdiction prioritize and enforce the Building Structural requirements of the Code?

Average	5	4	3	2	1
4.6	38	16	1	1	0

In your view how well does your jurisdiction prioritize and enforce the Energy Code?

Average	5	4	3	2	1
4.1	26	16	7	6	0

In your view how well does your jurisdiction prioritize and enforce the Existing Building Code?

Average	5	4	3	2	1
4.2	29	14	8	2	2

In your view how well does your jurisdiction prioritize and enforce the Fire Protection requirements of the Code?

Average	5	4	3	2	1
4.6	38	15	3	0	0

In your view how well does your jurisdiction prioritize and enforce the Fuel Gas Code?

Average	5	4	3	2	1
4.5	32	17	5	1	0

In your view how well does your jurisdiction prioritize and enforce the Mechanical Code?

Average	5	4	3	2	1
4.6	34	18	2	0	0

In your view how well does your jurisdiction prioritize and enforce the Plumbing Code?

Average	5	4	3	2	1
4.6	36	15	4	0	0

In your view how well does your jurisdiction prioritize and enforce the Roofing requirements of the Code?

Average	5	4	3	2	1
4.5	36	12	5	1	0

Does your jurisdiction have the resources needed to enforce the Accessibility Code?

Yes	No
49	7

Does your jurisdiction have the resources needed to enforce the Building Structural requirements of the Code?

Yes	No
50	6

Does your jurisdiction have the resources needed to enforce the Energy Code?

Yes	No
45	9

Does your jurisdiction have the resources needed to enforce the Existing Building Code?

Yes	No
49	6

Does your jurisdiction have the resources needed to enforce the Fire Protection requirements of the Code?

Yes	No
46	9

Does your jurisdiction have the resources needed to enforce the Fuel Gas Code?

Yes	No
49	5

Does your jurisdiction have the resources needed to enforce the Mechanical Code?

Yes	No
51	4

Does your jurisdiction have the resources needed to enforce the Plumbing Code?

Yes	No
50	4

Does your jurisdiction have the resources needed to enforce the Roofing requirements of the Code?

Yes	No
48	7

Does your jurisdiction have the resources needed to enforce Commercial building?

Yes	No
52	4

Does your jurisdiction have the resources needed to enforce Residential building?

Yes	No
49	3

For the Nine (9) Code Categories Previously Evaluated, Please Rank Them in Order of Priority of Enforcement From 1 – 9.

Accessibility Code:

Average: 4.1

9	8	7	6	5	4	3	2	1
7	3	2	5	3	4	7	5	14

Building Structural requirements of the Code:

Average: 4.0

9	8	7	6	5	4	3	2	1
13	6	0	0	1	0	0	4	27

Energy Code:

Average: 5.1

9	8	7	6	5	4	3	2	1
7	6	5	6	5	6	0	4	10

Existing Building Code:

Average: 4.8

9	8	7	6	5	4	3	2	1
12	3	4	2	4	3	3	6	13

Fire Protection Requirements of the Code:

Average: 4.3

9	8	7	6	5	4	3	2	1
10	5	2	1	3	0	5	9	15

Fuel Gas Code:

Average: 5.3

9	8	7	6	5	4	3	2	1
9	5	8	5	4	2	5	0	11

Mechanical Code:

Average: 5.3

9	8	7	6	5	4	3	2	1
10	4	8	4	7	1	3	2	11

Plumbing Code:

Average: 5.3

9	8	7	6	5	4	3	2	1
9	10	3	4	5	4	1	2	12

Roofing requirements of the Code:

Average: 5.2

9	8	7	6	5	4	3	2	1
10	9	1	2	7	4	4	2	11

Does your jurisdiction require any rules in excess of the Florida Building Code?

Yes	No
21	34

Has your jurisdiction adopted any local technical amendments?

Yes	No
10	46

If yes from above, has your jurisdiction posted the local technical amendments to the Commission's website (Department of Community Affairs)?

Yes	No
7	17

Did your jurisdiction submit the local technical amendments as proposed amendments to the Florida Building Code during the 2007 Code Update process?

Yes	No
8	20