

<p style="text-align: center;"><b>FLORIDA BUILDING COMMISSION</b>  <b>BUILDING CODE SYSTEM</b>  <b>UNIFORM IMPLEMENTATION EVALUATION WORKGROUP</b>  <b>OCTOBER 9, 2012—MEETING I</b>  <b>Hilton Daytona Beach Resort—100 North Atlantic Avenue—Daytona Beach, Florida 32118</b>  <b>1.386.254.8200</b></p>
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<i>MEETING OBJECTIVES</i>	
➤	To Approve Regular Procedural Topics (Agenda and Procedural Guidelines)
➤	To Hear an Overview of Workgroup Charge and Scope
➤	To Identify Issues and Options Regarding Uniform Implementation of Building Code System
➤	To Discuss and Evaluate Level of Acceptability of Proposed Options
➤	To Consider Public Comment
➤	To Identify Needed Next Steps: Information, Assignments, and Agenda Items for Next Meeting

<i>MEETING AGENDA—TUESDAY, OCTOBER 9, 2012</i>			
<i>All Agenda Times—including Adjournment—are Approximate and Subject to Change</i>			
11:00 AM*	A.)	Welcome and Opening	Browdy
	B.)	Agenda Review and Approval	Blair
	C.)	Review of Commission’s Workgroup Meeting Guidelines, Consensus-Building and Decision-Making Process, and Sunshine Requirements	Blair
	D.)	Review of Building Code System Uniform Implementation Evaluation Workgroup Scope	Browdy
	E.)	Identification of Issues Regarding Uniform Implementation of the Florida Building Code System <ul style="list-style-type: none"> <li>• Review of referrals from Building Code System Assessment</li> <li>• Identification of Issues by Workgroup members in turn</li> </ul>	Workgroup
	F.)	Identification, Discussion and Evaluation in Turn of Options	Workgroup
	G.)	General Public Comment	Blair
	H.)	Discussion of Workgroup Delivery and Meeting Schedule	Blair
	I.)	Next Steps: Agenda Items, Needed Information, Assignments, Date and Location	Blair
	J.)	<i>Adjourn</i>	

*\*Meeting will start at the conclusion of the FBC Plenary Session.*

**CONTACT INFORMATION AND PROJECT WEBPAGE**

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## PROJECT MEMBERSHIP AND DELIVERY SCHEDULE

### OVERVIEW

#### **BUILDING CODE SYSTEM UNIFORM IMPLEMENTATION EVALUATION WORKGROUP**

Chairman Browdy recommended the convening of a Workgroup to evaluate the uniform implementation of the Florida Building Code System. The Chair reported 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 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. The Commission unanimously voted to appoint and convene the *Building Code System Uniform Implementation Evaluation Workgroup* at the January 31, 2012 Meeting. Following are the Workgroup appointments:

WORKGROUP MEMBERSHIP	
MEMBER	REPRESENTATION
Dick Browdy	Florida Building Commission (FBC)
Steve Bassett	Florida Engineering Society (FES)
Jack Glen	Florida Home Builders Association (FHBA)
Mark Zehnal	Florida Roofing and Sheet Metal Association (FRSA)

## WORKGROUP SCOPE

The scope of the Building Code System Uniform Implementation Evaluation Workgroup is as follows:

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 first step will be to convene a stakeholder workgroup to identify and evaluate key issues and possible agency solutions, as well as possible strategies for implementing a more uniform interpretation and administration of the Florida Building Code.

## BUILDING CODE SYSTEM ASSESSMENT PROCESS REFERRALS

The following issues were referred to the Workgroup with the following recommendation:

“Recommendation will be referred to the *Building Code System Uniform Implementation Evaluation Workgroup*. Staff will provide relevant background information to assist the Workgroup’s evaluation of the issue.”

### ***Recommendations referred to Workgroup for evaluation in rank order from BSCA Process:***

- (1) d.) Seek legislative authority for the Commission to challenge local technical amendments (III.)
- (9) j.) Statewide requirement for how product approval documentation should be submitted to building departments (V.)
- (11) k.) With BOAF ensure code interpretations are consistent (III.)
- (11) l.) Require FBC approval of local technical amendments (III.)
- (13) m.) Interagency coordination workgroup between state regulatory agencies and local jurisdictions (I.)
- (13) n.) Workgroup to ensure that the ISO recognizes the FBC (I.)
- (16) q.) FBC I-Code participation evaluation (I.)
- (16) r.) Workgroup to evaluate current education system (IV.)
- (20) t.) Workgroup on non-binding opinions for FACBC (I.)
- (24) x.) Cross-reference table regarding state agency regulations (I.)
- (24) y.) AA program for building officials (IV.)
- (27) aa.) Evaluate all exemptions/exceptions in the Code (I.)

## WORKGROUP PROCEDURAL GUIDELINES

### PARTICIPANT'S ROLE

- ✓ The Committee process is an opportunity to explore possibilities. Offering or exploring an idea does not necessarily imply support for it.
- ✓ Listen to understand. Seek a shared understanding even if you don't agree.
- ✓ Be focused and concise—balance participation & minimize repetition. Share the airtime.
- ✓ Look to the facilitator(s) to be recognized. Please raise your hand to speak.
- ✓ Speak one person at a time. Please don't interrupt each other.
- ✓ Focus on issues, not personalities. Avoid stereotyping or personal attacks.
- ✓ To the extent possible, offer options to address other's concerns, as well as your own.
- ✓ Represent and communicate with member's constituent group(s).

### FACILITATOR'S ROLE (FCRC Consensus Center @ FSU)

- ✓ Design and facilitate a participatory task force process.
- ✓ Assist participants to stay focused and on task.
- ✓ Assure that participants follow ground rules.
- ✓ Prepare agenda packets and provide meeting summary reports.

### GUIDELINES FOR BRAINSTORMING

- ✓ Speak when recognized by the Facilitator(s).
- ✓ Offer one idea per person without explanation.
- ✓ No comments, criticism, or discussion of other's ideas.
- ✓ Listen respectfully to other's ideas and opinions.
- ✓ Seek understanding and not agreement at this point in the discussion.

### THE NAME STACKING PROCESS

- ✓ Determines the speaking order.
- ✓ Participant raises hand to speak. Facilitator(s) will call on participants in turn.
- ✓ Facilitator(s) may interrupt the stack (change the speaking order) in order to promote discussion on a specific issue or, to balance participation and allow those who have not spoken on an issue an opportunity to do so before others on the list who have already spoken on the issue.

### ACCEPTABILITY RANKING SCALE

During the meetings, members will be asked to develop and rank options, and following discussions and refinements, may be asked to do additional rankings of the options if requested by members and staff. Please be prepared to offer specific refinements or changes to address your reservations. The following scale will be utilized for the ranking exercises:

<b>ACCEPTABILITY RANKING SCALE</b>	<b>4= <i>acceptable, I agree</i></b>	<b>3= <i>acceptable, I agree with <i>minor</i> reservations</i></b>	<b>2= <i>not acceptable, I don't agree unless <i>major</i> reservations addressed</i></b>	<b>1= <i>not acceptable</i></b>
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## WORKGROUP'S CONSENSUS PROCESS

### CONSENSUS

The Florida Building Commission seeks to develop consensus decisions on its recommendations and policy decisions. The Commission provides a forum for stakeholders representing different interests to participate in a consensus-building process where issues affecting the construction industry are discussed and evaluated on their technical merits and cost-benefits to the citizens of the State of Florida. In order to achieve the best possible decisions, the Commission relies on its workgroups, ad hoc committees, technical advisory committees, and program oversight committees to develop consensus recommendations on project specific issues.

### Definitions

Consensus is a **process, an attitude and an outcome**. Consensus processes have the potential of producing better quality, more informed and better-supported outcomes.

As a **process**, consensus is a problem solving approach in which all members:

- Jointly share, clarify and distinguish their concerns;
- Educate each other on substantive issues;
- Jointly develop alternatives to address concerns; and then
- Seek to adopt recommendations everyone can embrace or at least live with.

In a consensus process, members should be able to honestly say:

- I believe that other members understand my point of view;
- I believe I understand other members' points of view; and
- Whether or not I prefer this decision, I support it because it was arrived at openly and fairly and because it is the best solution we can achieve at this time.

Consensus as an **attitude** means that each member commits to work toward agreements that meet their own and other member needs and interests so that all can support the outcome.

Consensus as an **outcome** means that agreement on decisions is reached by all members or by a significant majority of members after a process of active problem solving. In a consensus outcome, the level of enthusiasm for the agreement may not be the same among all members on any issue, but on balance all should be able to live with the overall package.

Levels of consensus on a committee outcome can include a mix of:

- Participants who strongly support the solution;
- Participants who can "live with" the solution; and
- Some participants who do not support the solution but agree not to veto it.

## WORKGROUP'S CONSENSUS PROCESS

The Workgroup will seek to develop a package of consensus-based recommendations for submittal to the Florida Building Commission. 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 a recommendation, and the Workgroup finds that 100% acceptance or support is not achievable, final decisions will require at least 75% 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. In instances where the Workgroup finds that even 75% acceptance or support is not achievable, publication of recommendations will include documentation of the differences and the options that were considered for which there is more than 50% support from the Workgroup.

The Workgroup will develop its recommendations using consensus-building techniques with the assistance of the facilitator. Techniques such as brainstorming, ranking and prioritizing approaches will be utilized. Where differences exist that prevent the Workgroup from reaching a final consensus decision (i.e. with support of at least 75% of the members) on a recommendation, the Workgroup will outline the differences in its documentation.

The Workgroup's consensus process will be conducted as an open process consistent with applicable law. Workgroup members, staff, and facilitator will be the only participants seated at the table. Only Workgroup members may participate in discussions and vote on proposals and recommendations. The facilitator, or a Workgroup member through the facilitator, may request specific clarification from a member of the public in order to assist the Workgroup in understanding an issue. Members may request time to consult/caucus with constituent stakeholder representatives. Observers/members of the public are welcome to speak during the public comment period provided at each meeting, and all comments submitted on the public comment forms provided in the agenda packets will be included in the facilitator's summary reports.

Facilitator will work with staff and Workgroup members to design agendas that will be both efficient and effective. The staff will help the Workgroup with information and meeting logistics.

To enhance the possibility of constructive discussions as members educate themselves on the issues and engage in consensus-building, members agree to refrain from public statements that may prejudice the outcome of the Workgroup's consensus process. In discussing the Workgroup process with the media, members agree to be careful to present only their own views and not the views or statements of other participants. In addition, in order to provide balance to the Workgroup process, members agree to represent and consult with their stakeholder interest groups.

## SUNSHINE LAW GUIDELINES

(Section 286.011, Florida Statutes)

### APPLICABILITY OF SUNSHINE LAW

1. Meetings of public groups (workgroups) or commissions must be open to the public;
  2. Reasonable notice of such meetings must be given (by publication in FAW at least 7 days in advance of a meeting); and
  3. Minutes of the meetings must be taken.
- Equally applicable to elected and appointed members and applies to any gathering of two or more members of the same group (Workgroup) to discuss some matter which will foreseeably come before that group (Workgroup) for action. Applies to advisory groups.
  - Written correspondence (reports) circulated among group members for comments.
  - Telephone conversations and computer communications including e-mails and attachments.
  - Delegation of authority to a single individual.
  - Use of nonmembers as liaisons between group (Workgroup) members.

### ISSUES NOT SUBJECT TO SUNSHINE LAW REQUIREMENTS

- Use of a written report by one member to inform other members of a subject which will be discussed at a public meeting, if prior to the meeting, there is no interaction related to the report among the members.
- Members (Workgroup) or designee may be authorized to gather information as a fact-finder only.
- Members may meet together socially, provided they refrain from discussing matters on which foreseeable action before the (Workgroup) are discussed.

- Workgroup members are subject to the requirements of Florida's Government in the Sunshine Law, commonly referred to as the Sunshine Law (Section 286.011 F.S.).
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- There are four basic requirements of section 286.011, Florida Statutes:
  - (1) Meetings of public boards or commissions (workgroups) must be open to the public;
  - (2) Reasonable notice of such meetings must be given;
  - (3) Any voting of members must be done in public (including discussions between two or more members regarding a matter on which the Workgroup might foreseeably take action); and
  - (4) Minutes of the meetings must be taken.

## FLORIDA BUILDING CODE SYSTEM

**THE FLORIDA BUILDING CODE SYSTEM IS COMPRISED OF FIVE ESSENTIAL COMPONENTS. A SUMMARY OF EACH FOLLOWS:**

**I. The Florida Building Code and the Code Development Process.** Historically the promulgation of codes and standards was the responsibility of local jurisdictions. It was determined that Florida's system is "a patchwork of codes and regulations developed, amended, administered and enforced differently by more than 400 local jurisdictions and state agencies with building code responsibilities". A critical component for an effective building code system was to develop and implement a single state-wide code.

The purpose of developing a single state-wide building code was to:

1. Serve as a comprehensive regulatory document to guide decisions aimed at protecting the health, safety and welfare of all of Florida's citizens.
2. Provide uniform standards and requirements through the adoption by reference of applicable national codes and providing exceptions when necessary.
3. Establish the standards and requirements through performance-based and prescriptive based criteria where applicable.
4. Permit and promote innovation and new technology.
5. Require adequate maintenance of buildings and structures, specifically related to code compliance, throughout the State.
6. Eliminate restrictive, obsolete, conflicting and unnecessary construction regulations that tend to increase construction costs unnecessarily or that restrict the use of innovation and new technology.

The new Florida Building Code is a state-wide code implemented in 2001 and updated every three years. The Florida Building Commission developed the Florida Building Code from 1999 through 2001, and is responsible for maintaining the Code through annual interim amendments and a triennial foundation code update.

**II. The Commission.** The Commission is an appointed representative stakeholder body that develops, amends and updates the Code. The Commission is comprised of members representing each of the key interests in the building code system. The Commission meets every six weeks and in addition to their code development responsibilities, regularly consider petitions for declaratory statements, accessibility waiver requests, the approval of products and entities, and the approval of education courses and course accreditors. The Commission also monitors the building code system and reports to the Legislature annually with their recommendations for changes to statute and law.

**III. Local Administration of the Code.** The Study Commission recommended, and subsequent legislation maintained, that the Code shall be administered and enforced by local government building and fire officials. The Commission has certain authorities in this respect such as the number and type of required inspections. However, the Commission's main responsibility remains amending the Code, hearing appeals of local building officials decisions, and issuing binding interpretations of any provisions of the Florida Building Code.



**IV. Strengthening Compliance and Enforcement.** Compliance and enforcement of the Code is a critical component of the system with the Commission's emphasis in this regard is on education and training. The Study Commission determined that in order to have an effective system a clear delineation of each participant's role and accountability for performance must be effected. There should be a formal process to obtain credentials for design, construction, and enforcement professionals with accountability for performance. Opportunities for education and training were seen as necessary for each participant to fulfill their role competently. Although many of the Commission's functions related to education were recently assigned to a legislatively created Education Council, education remains a cornerstone of the building code system. The Commission remains focused on the approval of course accreditors and the courses developed/recommended by approved accreditors.

**V. Product Evaluation and Approval.** In order to promote innovation and new technologies a product and evaluation system was determined to be the fifth cornerstone of an effective Building Code System. The product approval process should have specific criteria and strong steps to determine that a product or system is appropriately tested and complies with the Code. Quality control should be performed by independent agencies and testing laboratories which meet stated criteria and are periodically inspected. A quality assurance program was also deemed essential. The Commission adopted a Product Approval System by rule and currently approves products for state approval and product approval entities. Local product approval remains under the purview of the local building official as a part of the building permit approval process.

## ISSUES AND OPTIONS IDENTIFICATION WORKSHEET

### ISSUES IDENTIFICATION EXERCISE—MEETING NOTES

Think about the enforcement and administration of the Florida Building Code and related Building Code System, what are the key issues regarding uniform implementation of the Florida Building Code System? (What issues need to be addressed in order to clarify and/or enhance the uniform implementation of the Florida Building Code System?)

Please use the following space to jot down your thoughts.

### Prioritization Ranking Exercise

Members may be asked to rank the issues for discussion order purposes.

#### Ranking Scale:

- 5      **Highest Level of Priority; Urgent**
- 4      **High Priority**
- 3      **Moderate Level of Priority**
- 2      **Low Level of Priority**
- 1      **Lowest Possible Priority; Group Should not Pursue**

### OPTIONS IDENTIFICATION EXERCISE—MEETING NOTES

Please use the space below to write down possible options to address the key issues identified earlier regarding uniform implementation of the Florida Building Code System.

Please use the following space to jot down your thoughts.

During the meetings, members may be asked to develop and rank options, and following discussions and refinements, may be asked to do a second ranking of the options as refined. Please be prepared to offer specific refinements or changes to address your reservations. In general, 4s and 3s are in favor of an action and 2s and 1s are opposed. Once rated, action(s) with a 75% or greater number of 4s and 3s in proportion to 2s and 1s shall be considered consensus decisions. The following scale will be utilized for acceptability ranking exercises:

<b>Acceptability Ranking Scale</b>	<b>4 = <i>acceptable, I agree</i></b>	<b>3 = <i>acceptable, I agree with minor reservations</i></b>	<b>2 = <i>not acceptable, I don't agree unless major reservations addressed</i></b>	<b>1 = <i>not acceptable</i></b>
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# PUBLIC COMMENT FORM

The Florida Building Commission and the *Building Code System Implementation Evaluation Workgroup* encourage written comments—All written comments will be included in the meeting summary report.

NAME: \_\_\_\_\_

**ORGANIZATION/REPRESENTATION:** \_\_\_\_\_

**MEETING DATE:** \_\_\_\_\_

*Please make your comment(s) as specific as possible, and offer suggestions to address your concerns.*

*Please limit comment(s) to topics within the scope of the Workgroup, and refrain from any personal attacks or derogatory language.*

*The facilitator may, at his discretion, limit public comment to a maximum of three-minutes (3) per person, depending on the number of individuals wishing to speak.*

COMMENT: \_\_\_\_\_

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

*Please give completed form(s) to the Facilitator for inclusion in the meeting summary report.*