

**FLORIDA BUILDING COMMISSION**  
**BUILDING CODE SYSTEM ASSESSMENT AD HOC**  
**REPORT TO THE FLORIDA BUILDING COMMISSION**

*October 11, 2005*

*Orlando, Florida*

Meeting Design & Facilitation By



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# FLORIDA BUILDING COMMISSION

## BUILDING CODE SYSTEM ASSESSMENT AD HOC REPORT OCTOBER 11, 2005

### Overview

**Triennial Report to the Legislature.** Florida Statute, Chapter 553.77(1)(b), requires the Commission to make a continual study of the Florida Building Code and related laws and on a triennial basis report findings and recommendations to the Legislature for provisions of law that should be changed. This year (2005), the Commission solicited stakeholder input in the form of an on-line survey (conducted from August through September 16, 2005), and at the December Commission meeting the Commission will consider and develop a package of recommendations for enhancements to the Florida Building Code System. The Commission's recommendations will be a major component of their Report to the 2006 Legislature. In order to accomplish this in a participatory manner, Chairman Rodriguez announced on August 24, 2005, that he was appointing an Ad Hoc Committee comprised of Commissioners to meet in a facilitated process, and to develop recommendations to the Commission between October and December of 2005. The appointments to the Building Code System Assessment Ad Hoc are: Dick Browdy, Ed Carson, Nick D'Andrea, Herminio Gonzalez, Jim Goodloe, Jeff Gross, Do Kim, Randall Vann, and George Wiggins.

### Members and Representation

Dick Browdy	Homebuilders
Ed Carson	Contractors and Manufactured Buildings
Nick D'Andrea	Building Officials
Herminio Gonzalez	Product Evaluation Entities
Jim Goodloe	State Insurance and Fire Officials
Jeff Gross	Architects and Building Management Industry
Do Kim	Engineers and Insurance Industry
Randall Vann	Plumbing Contractors and Construction Subcontractors
George Wiggins	Local Government

### Meeting Schedule

Meeting I	October 11, 2005	Orlando, FL
Meeting II	November 16, 2005	Orlando, FL
Meeting III	December 6, 2005	Tampa, FL

## **REPORT OF THE OCTOBER 11, 2005 MEETING**

### **Opening and Meeting Attendance**

Jeff Blair, Commission Facilitator, opened the meeting at approximately 1:00 PM, and the following Ad Hoc Committee members were present:

Dick Browdy, Ed Carson, Herminio Gonzalez, Jim Goodloe, Jeff Gross, Do Kim , and Randall Vann.

### **DCA Staff Present**

Rick Dixon, Dennis Harquail, Ila Jones, David Littlejohn, Mo Madani, Jim Richmond, 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 at the project webpage: <http://consensus.fsu.edu/FBC/bcsa.html>

### **Agenda Review**

Jeff Blair reviewed the agenda with members and the public. The agenda included the following objectives:

- To Review and Adopt Ad Hoc Committee's Procedures and Guidelines
- To Hear an Overview of Ad Hoc Charge and Scope
- To Review Building Code System Assessment Survey Results
- 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 procedural guidelines and decision-making procedures that will be used during the course of the process, including the 75% favorable vote threshold requirement for consensus recommendations to the Commission.

### **Ad Hoc's Charge and Scope**

Jeff Blair reviewed the Workgroup's charge and scope as defined in statute and initiated by Chairman Rodriguez (details on page 1 of this report). The Workgroup members were asked to review the results of an on-line survey and to propose recommendations for evaluation by the Ad Hoc at the subsequent meeting.

## **Overview of Assessment Survey Results**

In order to solicit public comment on the Building Code System and related programs, the Florida Conflict Resolution Consortium designed an on-line Building Code System Assessment Survey. The survey has been subsequently conducted and compiled, and the results will serve as the basis for the Building Code System Assessment Ad Hoc Committee's evaluation and development of recommendations for consideration by the Commission.

The survey ran from August 3, 2005 (first response received) through September 17, 2005, and there were 218 respondents to the survey.

The survey was arranged to solicit input on the five key components of the Building Code System: the Code, the Commission, administration of the Code, compliance and enforcement (education), and product approval. In addition, comments were solicited for four key Building Code System programs: the Building Code Information System, the Manufactured Buildings Program, the Prototype Buildings Program, and the Private Provider System.

For each of the five components and four programs, respondents were asked to evaluate how well they were functioning on a 5-point scale, where 5 corresponds to very well and 4 through 1 for progressively less well. In addition, for each of the components and programs evaluated, respondents were requested to identify what is working well and what is not working well, and to offer their specific recommendations for enhancements.

### **Respondents represent the following segments of the System/Industry:**

- IT professionals
- Threshold inspectors
- Building officials (plans examiners, inspectors, administrators)
- Fire officials
- General contractors
- Building contractors
- Residential contractors
- Commission members
- DCA staff
- Local government code enforcement
- Architects
- Landscape architects
- Product and material manufacturers
- Product suppliers
- Truss manufacturer
- Training providers
- Specification writer
- Engineers (structural, mechanical, environmental, electrical)
- Plumbing contractor
- Electrical contractors
- Low voltage contractor
- Mechanical contractors

- Fire alarm contractor
- Roofing contractors
- Licensing administrators
- Attorneys
- Property/Home owners (consumers/citizens)
- Private providers
- Fence and deck contractor
- Home designers and drafting services
- Interior decorator
- Insurance industry
- Researchers
- Construction supervisors and project managers
- Association representatives
- Lobbyists
- Developers
- Local government representatives

### **Identification of Options and Related Issues**

Members were asked to review the survey results for each of the system components and programs, and to propose options for evaluation by the Ad Hoc Committee. In addition, members of the public were offered opportunities to propose additional options for evaluation. Following are the options proposed for evaluation for each of the system components and related programs:

### **ISSUES AND OPTIONS BY TOPIC:**

#### **FLORIDA BUILDING CODE AND CODE DEVELOPMENT PROCESS**

- Develop a code adoption schedule to allow more time for the adoption of model codes to the Florida Building Code.
- FBC should have better coordination with the adoption of the Florida Fire Prevention Code. Need to determine which code is adopted first,
- Develop a code development/adoption schedule that allows coordination between the two codes with sufficient time to allow coordination, and stick to the deadlines.
- Code changes and modifications to the Code should be timely published by the Commission to facilitate review by the public.
- Create a special streamlined code adoption process for adoption process for glitch amendments/issues and critical code changes.
- Keep all amendments to the Code Florida specific, and use ICC as the base code.
- Provide explanatory commentary for each code amendment/change.
- Require education and training on Code changes for building officials. Require minimum training on the current edition of the Code.

- When the feds adopted the accessibility code, it took 5 years to adopt into Florida law, quicker adoption of federal regulations into the Florida code is needed. Whenever federal regulations change we need quicker adoption into Florida Code.
- State legislature should recognize the Florida Building Commission as the expert with regard to code changes.
- When adopting the international family of codes, every Florida specific amendment should be identified, and explained why it is Florida specific. Need explanatory material and rationale on why there is a need to change after the ICC has been adopted.
- Define what a Florida specific amendment is.
- In the Florida Statutes, says an amendment must be specific to the needs of Florida, and address a Florida issue.
- All Code amendments must strengthen or at least not weaken the existing Code.
- Sunset Florida specific requirements. Local amendments follow sunset law.
- Have a method for the Building Commission to have a representative at the ICC meetings. Have all Florida specific requirements be considered by ICC. If not approved by the ICC, they would sunset.

## **FLORIDA BUILDING COMMISSION**

- Seek additional authority for the Commission to oversee enforcement of the Code.
- We need to keep a handle on the TAC memberships and review frequently, attendance and participation.
- TAC members need to be more accountable. Measure involvement. If not involved, replace them.
- We need to evaluate membership of the Commission. In terms of contractors, only one residential contractor, one other general contractor is on the Commission. Make representation based on statewide analysis, increase representation of contractors on the Commission.
- Never enough engineers!
- Increase product manufacturer's representation.
- We need to go to the panhandle region occasionally.
- Need vice chair for the Commission.
- Do more with technology, special accessible by the Commissioners web site for more up to date information, in place of the CDs for the Commission meeting.
- Distribute information through the web site to the Commission.
- Copy e-mails sent to building departments, so they are informed.
- Expenses of research, contractor work that staff does, where is the money going?
- The Commission needs an advocate in the Legislature separate and apart from the Department.
- Commissioners make presentations to Legislature Committees.
- Commissioners not happy with the return of money for travel.
- Deadline for items to be placed on TAC agendas.
- Agenda posted to the web site before the 7 days prior to the meeting.
- Travel arrangements take more than 7 days before the meeting.
- Legislature needs to delegate more authority to the Building Commission.

- Our powers seem totally empty.
- Seek statutory authority that the Commission handles all code development.
- Partnering with private enterprise, partner with licensing boards and different organizations.
- Senate or House Committees specific for Florida Building Code so that members could appear before the Committees.
- Position of Dept and what Commission advocates are different. Commission has own agenda and policy that needs to be advocated.
- Commission would not compromise the Dept.'s position.
- Building Commission is a gubernatorial agency.
- All gubernatorial agencies subject to review by Governor's office.
- More time during Commission meetings for public comment rather than at the end of the meetings.

## **LOCAL ADMINISTRATION OF THE FLORIDA BUILDING CODE**

- Collaborate with DBPR on continuing education, make mandatory and tie to licensing.
- Consistent code interpretation throughout the state through oversight by the Commission.
- Educate building officials for local municipalities to be on the same page.
- Code officials and installers need training.
- More education is needed, allow authority by local board with oversight over local jurisdictions.
- State ombudsman to serve as mediator between state and local building officials.
- Consistent interpretation throughout the state, BOAF interpretations.
- Require building officials to attend training seminar on all previous binding interpretations. Building officials don't have time and money to attend meetings. Provide Commission funding to implement training.
- Code administration TAC has not met. Concerned with code administration, need to coordinate measurably to enforce Code throughout the state.
- Roofing TAC should be activated to examine roofing problems from the hurricanes.
- Staffing of local building departments, not enough time for training. They are understaffed and underfunded.
- Commission should conduct an assessment to determine the needs of local building departments.
- Building departments lack credibility for services they provide.
- Need to have authority over contractors.
- Provide training for job site supervisors and tradesmen.
- Continue education and communication.
- Provide requirements in the code that enhance enforceability of standards for products. Engineer designs easier to enforce.

## **CODE COMPLIANCE AND ENFORCEMENT THROUGH EDUCATION AND TRAINING**

- CEU training for changes to the code should be related to each discipline.
- Job site superintendents are not licensed or trained. Need mechanism in place to require education for those who implement the Code. Unlicensed tradesmen/participants need training and education on requirements of the Code.
- Apprenticeship training, work with Vo Tech. schools
- Outreach training for unlicensed contractors.
- Penalize contractors for leaving open expired permits, can't sell house.
- Coordination between fire and building officials, training, etc.
- Training for unlicensed contractors that pull permits, not required to be licensed to install properly.
- Educate public on unlicensed activities, penalize homeowner for using unlicensed contractors.
- Not able to establish criteria for builders, require quality control programs for construction of homes. Government has oversight of building code.
- Need to require qualifications for the trainers, properly qualified for conducting training programs, establish criteria.
- College courses on codes and accessibility, outreach to the universities in regards to their training requirements.
- Hazard mitigation training to allow for insurance discount for their homes. Educate on what they need to do when a hurricane comes, to prepare for storm events.
- Education system should encourage all types of labor/trades and not put stigma on blue collar labor.

## **PRODUCT APPROVAL SYSTEM**

- Accelerated process for revocation of noncompliant product approval.
- Streamline Commission meeting process, packaged consent agenda.
- Education on the system for suppliers, with a more user friendly web site.
- Product application list posted on web site is different from what is shown at the meetings. Should be the same. Work with posted list and make any change during the meeting.
- Quality assurance program inspection audit every two years instead of every year.
- Eliminate conditional approvals. Simplify the system. Approve or defer applications only.
- More public awareness of Florida approved products. Label on products. Manufacturers use for advertising.
- Fill in the blank product application. Clear criteria for application.
- Validation review should be a technical review.
- Granting conditional approvals in place of deferrals, which require returning to the commission
- They continue reviewing applications after posting the list on the web site.



- Grade validators? Which ones have conditional approvals?
- Check lists with the information that is needed for submittal and for validators.
- All four compliance options are not in best interests for all the products. Creates disparity. Not all at the same level, identify or standardize compliance options for the different categories.
- Implement in the process three strikes and then notify DBPR, certification agencies that continue to have problems.
- Uniformity of information posted on the website, irregardless of method used for PA.

## **BUILDING CODE INFORMATION SYSTEM**

- People not aware system exists, more public awareness is needed.
- User friendly logical system.
- Product approval is confusing, make more user friendly.
- Eliminate DCA information wrapped around the web pages.
- Once product is approved, do not allow additional changes by the manufacturer.

## **MANUFACTURED BUILDINGS PROGRAM**

- Upcoming workshop may have suggestions.
- Design system to solve problems with products.
- Useful use of fees collected, for training, etc.
- There is confusion regarding who is inspecting, who is in charge of what, need education on who is in charge of each aspect of the system.
- Alteration of buildings once building is approved. Need to maintain compliance with the Code. There are a lot of attachments to manufactured buildings, installation of attachments needs to be evaluated and comply with the Code.

## **PROTOTYPE BUILDINGS PROGRAM**

- People do not know about the program, need to market.
- What are the limitations of the program?
- Marketing program is needed.
- Local building departments are required to accept prototype buildings. Need to clarify this requirement.

## **PRIVATE PROVIDER SYSTEM**

- Private providers are hurting local jurisdictions. Are better able to serve the public, offer more money, having trouble filling building department positions.
- Delete private providers.
- Pay inspectors what they are worth, and they would not leave their positions.
- Private providers do work for building departments. Do not have the same responsibility. Do not receive permit, do not issue CO, do not have the same authority. Do turnkey, accept whole responsibility. As is, they do not have the responsibility of the building department.
- Turnkey option would level the playing field. Require turnkey operation for use of private providers.
- Building departments would not allow private providers to do turnkey operation.
- if private provider makes wrong call, is he liable in civil court for damages? Local board of appeals, take to licensing board, they carry insurance, no sovereignty, subject to liability of project. Building official has final say.
- Private Providers are even more liable, since building official has sovereign immunity.
- Private provider does not do specifications.
- Building departments do not feel protected by sovereign immunity.