

**Report on the
Florida Building Commission's
Facilitated Public Hearings on Draft II of the
Florida Building Code**

Meeting Design & Facilitation By:



I. Overview

Panama City Beach

On September 8, 1999 the Florida Building Commission convened the first of five public hearings on Draft II in Panama City Beach. There were 48 registered attendees who participated in the four hour facilitated hearing process. The hearing began with an opportunity for public comments in which 25 members of the public offered testimony on Draft II in front of the full Florida Building Commission. Following the public comments, there were three facilitated sessions soliciting written questions from the hearing participants in each of the code areas. After the facilitators read, collected, and organized the questions by topic on flipchart paper, the Commission members discussed and responded to the questions offered by the participants.

The chair closed the hearing by thanking the participants for their questions and comments and offering Commission members an opportunity to provide any final responses or comments to the participants.

Miami

On September 22, 1999 the Florida Building Commission convened the second of five public hearings on Draft II in Miami. There were over 200 registered attendees who participated in the four hour facilitated hearing process. Although the hearing was designed to allow a public comment period and three facilitated question and answer sessions, there were approximately fifty people signed up to address the eight Commission members who were in attendance. As a result, the comment session took up the entire four hours of time scheduled for the public hearing. For four hours citizens, elected officials, building officials, and industry and business interests expressed their views and concerns to the Commission.

The hearing ended with Commission member Charles Danger resigning his position on the Commission. Commission Chair Raul Rodriguez expressed his appreciation for Commissioner Danger's contribution to the process and spoke for the entire Commission in expressing that he would be missed.

In light of not having any time for Commission members to address written questions, participants were promised that their questions would be included in the report that would be issued at the conclusion of the five facilitated public hearings.

Orlando

On October 11, 1999 the Florida Building Commission convened the third of five public hearings on Draft II in Orlando. There were over 150 registered attendees, most of whom were comprised of state agency and industry and association representatives and professionals, who participated in the four hour facilitated hearing process. The hearing began with an opportunity for public comments in which 33 members of the public offered testimony on Draft II in front of 12 members of the Florida Building Commission. Following over three hours of public comments, the Insurance Industry presented the Commission with their perspective on windload design protection issues and assessed what effect stronger standards would have on insurance rate premium costs. The industry's indication was that stronger standards equals lower costs. Following the presentation Commission members were provided with an opportunity to ask questions of the insurance industry representatives.

The chair closed the hearing by thanking the participants for their questions and comments and offering Commission members an opportunity to provide any final responses or comments to the participants..

Gainesville

On October 27, 1999 the Florida Building Commission convened the fourth of five public hearings on Draft II in Gainesville. There were 48 registered attendees who participated in the four hour facilitated hearing process. The hearing began with an opportunity for public comments in which 12 members of the public offered testimony on Draft II in front of the full Florida Building Commission. Following the public comments, there was a facilitated session soliciting written questions from the hearing participants in each of the code areas. After the facilitators read, collected, and organized the questions by topic on flipchart paper, the Commission members discussed and responded to the questions offered by the participants.

The chair closed the hearing by thanking the participants for their questions and comments and offering Commission members an opportunity to provide any final responses or comments to the participants.

Naples

On November 8, 1999 the Florida Building Commission convened the fifth of five public hearings on Draft II in Naples. There were over 75 registered attendees. The hearing offered an opportunity for public comments in which 17 members of the public offered testimony on Draft II to the Florida Building Commission. Following the hour and a half of public comments, the chair closed the hearing by thanking the participants for their comments and suggested the Commission consider these comments while it proceeded to debate and adopt its amendatory Draft III of the code on Tuesday.

II. Questions Posed by the Public

Below are the questions posed by the public in the course of the five hearings. The Commission committed to review these questions as they develop Draft III for adoption in December, 1999.

Accessibility

Miami

- Status of Figure 30E?

Gainesville

- In what manner will the Federal requirements of the ADA law and the Florida Accessibility Requirements be interwoven with the new Florida Building Code?

Building/ Structural

Panama City

- Since no Draft II revision of chapter 15 was included, I am asking this question based on Draft I. In Section 1507.3.7 Attachment for asphalt shingles, it states that roof covering located in areas with 90 mph or greater are required to use special methods of fasteners. What are the special methods or test standards? (Do Kim) (Panama City Beach, 9-8)
- If it is the intent of the FBC to reduce the national standard ASCE-7, should there not be a finding of fact justifying the reduction? Also, wouldn't it be better to specifically insert an amendment to ASCE-7 in Chapter 16 of the FBC so that users of the FBC will clearly understand the modification? (Jeffrey Stone)) (Panama City Beach, 9-8)
- What is the basis for Draft II's "special windborne debris regions," when current scientific knowledge shows that all of coastal Florida needs protection for windows and doors from windborne debris? (Do Kim, Florida Insurance Council).) (Panama City Beach, 9-8)
- Regarding section 1606.1.2 which requires wind born debris protection in Special Windborne Debris Regions when various prescriptive construction manuals are used:
 - The current version of SSTD 10 requires wind borne debris protection—this is the intent of the writers of the document. What justification is there to limit this protection to "special" regions? Shouldn't SSTD 10 be limited to "special" regions in the absence of the protection requirement being provided? (P Billing)) (Panama City Beach, 9-8)

- Why was the definition of “wind born debris regions” removed from proposed language in Draft II? (P. Billing)) (Panama City Beach, 9-8)
- Does the Commission believe that a building’s glazing needs to be protected from debris driven by 120 mph winds? If so, how will that protection be provided on a 5 or 6 story glass wall office building if it is not provided for in the construction of the building (Charles Everly)) (Panama City Beach, 9-8)
- How will a community find out that it should become a “special wind borne debris region?” The draft II gives no guidance. (Charles Everly)) (Panama City Beach, 9-8)
- What is the evidence that justifies limiting hurricane wind-borne debris protection requirements to Southeast Florida?) (Panama City Beach, 9-8)
- What is the basis and justification to limit the definition in 1606.1.4 of “high velocity hurricane zone” to Miami-Dade and Broward Counties?
Figure 1606 indicates a portion of Miami-Dade is in the 150 mph zone, and Broward is in the 140 mph zone. Monroe is also in 150 mph zone and St. Lucie, Martin and Palm Beach are in 140 mph zone.)
(Panama City Beach, 9-8)

Miami

- Does Florida use a national standard for welding on buildings? How about ASW d1.1 structural welding steel code?
- Since unincorporated Monroe County (the Keys) has adopted ASCE 7-95 with a windload standard that all structures must be designed to meet a minimum of 150 peak winds and certified by an A/E. Why would the Board allow discussion to lessen this requirement?
- Why does the Board seem to be lumping Palm Beach, Broward-Dade and Monroe counties together? Since Monroe County is the only county totally surrounded by water and since Monroe County is completely in a floodplain, would the Board consider separating Monroe County and allow them to keep their current requirements?
- Will the state code address structural design for flood protection like flood barriers, etc? Or just refer to F.E.M.A.?
- I would be interested in a sample of how a roofing contractor would assemble various SBCCI approved products to complete a roof installation capable of meeting a 207 PSF uplift.
- Will the state code include in its entirety the wind load provision of ASCE 7-98?

Energy Code

Panama City

- By allowing thermal storage to use source energy vs. site energy for savings calculations is there any provisions to show which method of savings

calculation is being used so as not to give one technology advantage over other technology.) (Panama City Beach, 9-8)

- The Florida Energy Code is recognized as one of the finest in the U.S. Why then, does this Draft II include a credit for white roofs when the evaluation of these systems being done at Oak Ridge National Lab, is not yet complete?) (Panama City Beach, 9-8)

Code Enforcement

Panama City

- Is there any provision to stop overly zealous and inflexible code enforcement? (Panama City Beach, 9-8)

Miami

- Will each jurisdiction still be allowed to amend the Florida Code? What will be the procedure?
- Are there provisions in the code for the qualification/certification of personnel who inspect welds, and who fabricate weldments (field and shop).

Gainesville

- How many inspections are required? There is inconsistency in sections of the code.
- Section 103.6 allows building officials to determine what is needed beyond the code. Is this practicing engineering?

Education

Miami

- What system have you set up to educate inspectors and finance proper enforcement of the new building code (particularly in less wealthy counties and cities).

Electrical

Miami

- How late can IAEE still submit changes in Chapter 27 on form to DCA?
- Chapter 45: 4505.4(0)(1) requires that swimming pools must have a pool transformer reducing voltage to a maximum of 15 volts; NFPA 70 Chapter 680 still permits 120 volts for underwater pool lighting.
- S.F.B.C. Chapter 45 4505.3(c): all branch circuits and feeder conductors for circuits of 60 amps or less shall be of copper; N.F.P.A. 70 branch circuit allow aluminum conductors smaller than 60 amps.

Special Occupancy/Specialty Codes

Panama City

- What was the legislature's intent with respect to the state agency enforcement? Where does agency enforcement start and stop?
 - All plan review and enforcement after issuance of CO to local?
- Local's authority ends after issuance of CO?
 - State agencies retain plan review and enforcement authority with cooperation to local? Per Ch 1, 101.4.7 (Bill DeBraul, DACS)) (Panama City Beach, 9-8)
- When drafting F.S. 553.73(1)(a) did the legislature have the benefit of the knowledge of the expertise of the various state agencies that have made presentations to the Commission? (Bill DeBraul, DACS)) (Panama City Beach, 9-8)

Product Approval

Panama City

- Will Miami/Dade County establish the testing protocols (a legislative/code development process)? If so, how will the FBC transfer the authority to Miami/Dade and to what degree will the Commission review the rule-making? How will other counties adopt the testing protocols? (Jeffrey Stone) (Note: National Standards are cited in the code, developed through open consensus process and published. This reference of a specific standard in the code is a "legislative process" that occurs through public hearings and code adoption process.) (Panama City Beach, 9-8)
- How will you justify two or more product approval systems with the law? (Dennis Braddy)) (Panama City Beach, 9-8)

Miami

- Given the 'Andrew' experience, how can this committee or any jurisdiction not require a strong standard product approval? The source of so many building failures was penetrations or failure of windows, doors, and roof systems, which are addressed by Dade City.
- What provisions in the product approval report to the Florida Building Commission disallow the Miami-Dade product approval system from continuing?
- If the government is truly concerned with public safety, then the risks are greater driving I-95 every day than the remote chance of death from hurricane. Why does the government not mandate that every one drive Volvos, Mercedes and BMWs for our own safety? Please try to behave in a rational, reasonable manner.

- **Plumbing/piping:** Will Dade-Broward have authority of approval for those products inside the structure? If a material complies with national standards and is listed with code bodies and testing labs, will it be installed as per the manufacturers recommendations, or will Dade and Broward be able to force their own opinion as to its installation? It should be as per manufacturer's recommendation and by the contractor's requirements.
- If shutters are mandated who will be liable for deaths resulting from people not being able to escape their homes in emergencies such as fires?

Gainesville

- Will roof system manufactures be allowed to limit choice in their product approval?

Plumbing

Gainesville

- Is the main vent in 903.1 still required to be a 3" vent?
- Has the old section 913.2 requiring fixtures downstream of water closet to be individually vented been deleted?

General

Panama City

- When can we get the current draft of the roofing codes? They are missing from the yellow handouts even though they are in the table of contents.) (Panama City Beach, 9-8)
- On comment forms, do the consensus criteria have to be addressed item by item, specifically addressing each of the 11 criteria?) (Panama City Beach, 9-8)
- What actual evidence is there that stricter codes will provide average homeowners more protection?) (Panama City Beach, 9-8)

Miami

- Because the second draft of the Florida Building Code was not given to any building officials in Broward or Dade County, to review before the meeting, I feel that there should be a second meeting for the South Florida area.

Gainesville

- What is the purpose and goal of the formatting committee?
- Why, when the "B" chapters were created, was the work of the termite work group not included in the "B" chapter? I.e., Chapter 21 contains termite provisions and 21 B does not.
- What is the purpose of the November 1 TAC meetings?
- Will modifications to draft III be accepted by the Commission?

III. Summary of Hearing Evaluations

FLORIDA BUILDING COMMISSION DRAFT II FACILITATED PUBLIC HEARINGS

	<u>Agree</u>	<u>Disagree</u>				<u>Average</u>
WERE THE HEARING OBJECTIVES MET?						
• To present draft II of the Florida Building Code	5	4	3	2	1	3.00
• To offer an opportunity for general public comment	5	4	3	2	1	4.13
• To provide responses from Commission members to questions posed by the public and affected interests on the second draft of the code	5	4	3	2	1	4.14
• To help clarify the proposed code and code development process	5	4	3	2	1	3.71

HEARING ORGANIZATION

• Agenda packet was helpful	5	4	3	2	1	4.00
• General comment segment was effective	5	4	3	2	1	4.31
• The three facilitated question & response blocks were an effective process	5	4	3	2	1	4.08
• Facilitation	5	4	3	2	1	4.00

What Did You Like Best About the Meeting?

Opportunity to have active Q-A between commissioners and public as organized by subject through facilitators.

Open comments to all interested parties.

Open discussion format.

Public comment session; insurance industry input.

Public comment session.

What Could be Improved?

The room echoes. It is not the sound technician, it is the shape and volume of the space. Does the audience (public) speak of this _____.

Acoustics bad.

Finding the info is difficult. It could also be helpful to not receive duplicates of information. I would rather receive the info a couple of days later, rather than try to figure out which is latest. If revisions are needed, perhaps you can either identify them at the top of the page or print on different color paper.

Give general description of items changed from Draft I.

Overview of the Draft.

Have draft II available for review by the public sooner than the morning of the meeting.

Prior public information before process of implementation and draft draw ups.

Any Additional Comments:

Keep a strong focus on hurricane protection for the entire state.

Distribution of the draft should have occurred at least 30 days ahead of a meeting to receive the public's comments on it; the "public" did not really even know this meeting was going to happen.

DCA staff and facilitators can be more helpful and friendly.

Don't want outside dictatorship either by insurance companies or state etc.