

Florida Building Commission

Attachment to the August 21, 2000 Minutes

Facilitators' Report of the August 21, 2000 Commission Meeting

Orlando, Florida

Meeting Design & Facilitation By:



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**Florida Building Commission
Attachment to the August 21, 2000 Minutes**

I. OVERVIEW OF COMMISSION'S KEY DECISIONS

Monday, August 21, 2000

Rule Making Hearing for Fiscal Impact Criteria

The Commission conducted a hearing and received public comment on the proposed fiscal impact statement rule.

Hearing on Notice of Proposed Changes to Building Code Rule

The Commission conducted a hearing and received public comment on the proposed changes to the Building Code Rule. The Commission will review the public comment and testimony and decide whether or not to reconsider any proposed changes.

Product Approval Ad Hoc

The Product Approval Ad Hoc met and committee members reviewed, amended, and adopted the grandfathering subcommittee's recommendations as amended. In addition, the committee was asked to review the various comments under each of the key topical areas and to propose options to bridge any differences between the comments for consideration at September's meeting.

(Attachment 3—Product Approval Ad Hoc and Grandfathering subcommittee reports)

Review and Approval of June 13, 2000 Meeting Minutes

The Commission unanimously, by a vote of 18 – 0 in favor, adopted the minutes as amended from the July 10 - 11, 2000 Commission meeting.

Review and Approval of Agenda

The Commission reviewed and unanimously, by a vote of 18 – 0 in favor, approved the agenda as amended. The Commission voted in support of rescheduling Education workshop I in September in order to schedule presentations prior to their facilitated session to identify key issues and needed resources.

Approval of Meeting Dates and Locations

The Commission reviewed and unanimously, by a vote of 18 – 0 in favor, approved the proposed meeting dates and locations for the first six months of 2001 (January – June). Following are the approved dates and locations:

January 8 – 9	Tampa/St. Petersburg	
February 12 – 13	Orlando	
March 12 – 13	Miami	
April 10 – 11	Orlando	<i>Note: Tuesday and Wednesday</i>
May 21 - 22	St. Augustine	<i>Note: Session ends May 4, 2001</i>
June 11 – 12	Orlando	

Review and Approval of Commission's Workplan

The Commission reviewed the workplan and task delivery schedule and voted unanimously, by a vote of 18 – 0 in favor, to adopt the workplan as presented.

Consideration of Accessibility Waiver Applications

The Commission reviewed and decided on the Waiver applications submitted for their consideration.

Review of Commission's Budget

Ila Jones, Codes and Standards administrator at DCA, presented the Commission with a report and overview of their annual budget for conducting business.

(Attachment 2)

Product Approval Ad Hoc Progress Report

Commissioner Mehlretter presented the committee's report which included the ad hoc's recommendations on grandfathering. The Commission voted to amend the grandfathering recommendations to allow Broward county to utilize their current system for product approval during the approved grandfathering phase. The Commission unanimously approved the report and recommendations as amended by a vote of 17 – 0 in favor.

Ad Hoc members were asked to review the key issues for resolution and to consider and be prepared to offer options to bridge differences between any differences recorded under each of the topical areas.

(Attachment 3)

Manufactured/Prototype Buildings Ad Hoc Report and Recommendations

Commissioner Kopczynski presented the committee's report and final recommendations on the manufactured building program. After approving errata corrections submitted by Commissioner Calpini, the Commission unanimously approved the final recommendations on manufactured buildings as amended and moved to proceed with rule adoption, by a vote of 17 –0 in support.

(Attachment 4)

Code Dissemination Ad Hoc Report and Recommendations

Commissioner Wiggins presented the committee's report and recommendations. The Ad Hoc recommended that Chairman Rodriguez, or his designee, enter into negotiations to finalize the copyright and royalty issues associated with the dissemination of the code. The Commission unanimously approved the report and recommendations by a vote of 17 – 0 in favor.

Plumbing TAC Report and Recommendations

Commissioner Shaw presented the committee's report and the Commission unanimously approved the report by a 17 – 0 vote in favor. In addition, the Commission was asked to approve several recommendations.

The Plumbing Ad Hoc will meet every other month in Orlando.

Errata omission in plumbing Code will be corrected. Approved 17 – 0.

Commission will take necessary action to ensure well contractors will be permitted to perform their historic tasks relative to wells. Approved 17 – 0.

The Plumbing TAC will review water heater safety devices with input from manufactures and deliver recommendation to the Commission. Approved 17 – 0.

(Attachment 5)

Education System—Legislative Mandates and Reporting Requirements

Rick Dixon gave the Commission an overview of the importance of an education system component to the Florida Building Code for the long-term effectiveness and viability of the code. He explained that the Commission is required to report annually to the Legislature on the effectiveness of the code and that the Study Commission's findings indicated that education is the most effective method to ensure that the code is both enforced and complied with.

Jeff Blair explained that beginning in September the Commission will take up development of the education system beginning with targeted presentations and a facilitated session to identify key issues, existing resources, needed resources, and next steps. The Commission should complete their recommendations in time to submit them to the 2001 Legislature.

(Attachment 6)

Legal Staff Reports/Discussions/Recommendations

Suzanne Schmith gave the Commission an update on the pending rule challenge to the Building Code Rule, and asked the Commission to authorize a closed session to discuss the challenge and possible settlement options at the September meeting. The Commission voted unanimously, by a vote of 17 – 0 in favor, to hold a closed session.

Additional Commission Decisions

- ☐ The Commission voted unanimously, by a vote of 17 – 0 in favor, to appoint Commissioner Ed Carson to the Manufactured/Prototype Buildings Ad Hoc committee.
- ☐ The Commission voted unanimously, by a vote of 17 – 0 in favor, to appoint Bunny Armstrong and Warren Jernnigan to the Accessibility TAC.
- ☐ The Commission voted unanimously, by a vote of 17 – 0 in favor, to send proposed modification number 4PFC056 to the appropriate TAC for review and recommendations.

Committee Assignments and Issues for September's Commission Meeting

Following are the Ad Hoc committees and TACs that will meet prior to the September 18, 2000 Commission plenary session.

- □ Review comments on proposed changes to the Building Code Rule.
- □ Closed session to discuss challenges to Building Code Rule.
- □ Education Commission Workshop I. (I)
- □ Product Approval Ad Hoc (E)
- □ Chair appoints Building Construction Issues Ad Hoc and schedules organizational meeting for Ad Hoc. (D)
- □ Examine Applicability of FBC to Storage Sheds and Lawn Storage Buildings (F):
Commission reviews and identifies issues for Ad Hoc consideration
- □ Establish Commission Rules of Procedure (Q)
- □ Board of Appeals Process (R)
- □ Technical Support for the Code (S)
- □ Develop Procedure and Process for Commission Commentary (U)
Commission reviews statutes and identifies key issues
- □ Partnership for Building Department Effectiveness Task Group (V)
- □ Code Dissemination Ad Hoc; or, report from Commission Chair. (O)
- □ Mechanical TAC

Public Comment

The Chair offered members of the public an opportunity to address the Commission; however, there were no speakers who wished to address the Commission.

Attachment 1

Meeting Evaluation Summary

**Florida Building Commission
August 21, 2000
Orlando, Florida**

How Well Did the Commission Achieve the Meeting Objectives?

	<i>Circle One</i>					<u>Avg.</u>
	<u>Good</u>		<u>Poor</u>			
Rulemaking Hearing on Fiscal Impact Statement Rule	5	4	3	2	1	
	4	4	1	0	0	4.33
Hearing on Notice of Proposed Changes (If requested)	5	4	3	2	1	
	3	4	1	0	0	4.25
Adoption of Updated Commission Workplan and Meeting Dates	5	4	3	2	1	
	5	3	1	0	0	4.44
Consideration of Accessibility Waiver Applications	5	4	3	2	1	
	3	5	1	0	0	4.22
Review of Commission's Budget	5	4	3	2	1	
	4	5	0	0	0	4.44
Product Approval Ad Hoc Report	5	4	3	2	1	
	4	4	1	0	0	4.33
Manufactured/Prototype Buildings Ad Hoc Report/Recommends.	5	4	3	2	1	
	4	5	0	0	0	4.44
Code Dissemination Ad Hoc Report and Recommendations	5	4	3	2	1	
	4	4	1	0	0	4.33
Plumbing TAC Report and Recommendations	5	4	3	2	1	
	4	5	0	0	0	4.44
Legal Staff Reports/Discussions/Recommendations	5	4	3	2	1	
	4	5	0	0	0	4.44
Review of Assignments for Next Month	5	4	3	2	1	
	3	4	1	0	0	4.25

Rate the Following Aspects of the Meeting?

Clarity of the meeting purpose and plan	5	4	3	2	1	
	4	4	0	0	0	4.50
Background Information was helpful	5	4	3	2	1	
	4	3	2	0	0	4.22
Agenda Packet was helpful	5	4	3	2	1	
	5	3	1	0	0	4.44
Balance of Structure and Flexibility	5	4	3	2	1	
	3	4	1	0	0	4.25
Group involvement and productivity	5	4	3	2	1	
	2	6	1	0	0	4.11
Facilitation	5	4	3	2	1	
	6	2	0	1	0	4.44
Facility	5	4	3	2	1	
	3	3	2	0	1	3.77

Comments:

Rooms are spread out to where it takes a while to get to meeting. When it rains, you can't get to your room without getting wet.

What Did You Like Best About the Meeting?

One (1) day meeting.

How Could the Meeting Have Been Improved?

Attachment 2

Commission's Budget

Department of Community Affairs
Florida Building Commission
Fiscal Year 2000-01 Budget

Salaries and Benefits	\$768,461
Other Personal Services (OPS)	
Temporary Employment	\$ 40,150
Professional Fees (Consultants)	<u>1,846,040</u>
	\$ 1,886,190
Expenses	
Legal Advertisement	\$ 100
FICA	1,000
Telephone	10,000
Data Processing	3,000
Postage	49,000
Printing/Reproduction	33,652
Equipment Repairs	5,000
In-State Travel	185,555
Class C Travel	2,000
Office Supplies	36,600
Office Supplies-Data Processing	1,500
Other-Materials/Supplies	1,000
Unemployment Compensation	1,000
Rent (DMS only)	150,000
Rent (non govt)	5,000
Rental-Equipment	20,000
Subscriptions	500
Other	1,000
Books & Other Library Resources	1,000
Equipment - \$100-199	<u>1,000</u>
	\$ 507,907
TOTAL	\$ 3,162,558

**Proposed Fiscal Year 2000-01 Budget
Professional Fees (Consultants)**

Code Research

Southern Building Code Congress, Inc.	Camera Ready Code/Materials	\$ 77,000
	Research-Code Development	72,476
Florida Solar Energy Center	Energy Software	5,000
Conflict Resolution Consortium	Facilitate FBC Meetings	<u>100,524</u>
		\$ 255,000

Building Code Information System

Information Systems of Florida, Inc.	Information System Enhancements	\$ 150,000
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Education/Training

Florida State University	Develop Transition Training (Building, Mechanical, Plumbing/Gas Electrical/Coastal)	\$ 675,000
	Field Representatives	300,000
Odyssey Center		<u>25,000</u>
		\$1,000,000

Other

Audio/Visual Equipment		\$ 36,000
Record/Transcribe Minutes		21,600
Monitor Manufactured Buildings		50,000
Triage		25,000
Credit Card Convenience Fees		<u>45,000</u>
		\$ 177,600

TOTAL		\$1,582,600
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Attachment 3

PRODUCT APPROVAL AD HOC REPORT

August 21, 2000

Voting members present: Jim Mehlretter, Nick D'Andrea, Steve Bassett, Dick Browdy, George Wiggins, Craig Parrino, Frank Quintana.

Approved agenda

Report on Grandfathering

Product Approval system is to coincide with implementation date of Florida Building Code.

Grandfathering definition: Florida Building Commission shall establish and make available a list of product evaluations entities, testing labs, certification, listing, and Quality Assurance agencies deemed to be approved on the effective date of the Florida Building Code. A report by these entities or agencies showing compliance with current applicable code in Florida shall grandfather the report for period of two years, or for the expiration date of the report. If less than two years, then the report will be recognized up to the two year period.

In Miami-Dade County only products w/ Miami-Dade approval can be grandfathered in Miami- Dade County.

Approved 6 – 1

Discussion items:

- Definition of grandfathering
- Would product have to re-submit if product approval system changes.
- Does grandfathering prevent scrutiny for life of the certification
- Provide 2 year grace period for existing product approval currently in place.
- Add natural expiration date
- Grandfathering validation of process not approval of product.
- In compliance with the current applicable Florida Building Code
- 2 years of expiration date whichever is less.
- Time limit to have current products to provide time come into compliance
- In Dade County only products with Miami-Dade approval can be used in Miami-Dade.
- Building Officials of Florida submitted a product approval proposal.

Options of proposed definitions, A through R

Decided to have committee review proposed definitions for next month, rank and vote on options.

Adjourned 12:20

Grandfathering (GF)
August 20, 2000

Voting members present: Craig Parrino, Dennis Braddy, Pete Billing, Tom Kopec

Approve agenda

Chairman decided to use the Task Group's definition for grandfathering

Would coincide with implementation of the Code

Minimum time limit (i.e. 1 year), expiration date of evaluation, testing, report, or approval

What products eligible for GF

GF testing organizations, QA entities, and not the products (cert. Agencies)

consider all products in evaluation process and consider GF after Legis session.

Consider more time i.e. 2 years.

Consider implementation date.

Any products would have to meet the new code.

~~Minimum time frame of existing approval and how long QA~~

Time limit

1 year after implementation of code or the expiration date of the product which ever is last.

Include evaluations and validation , testing report in timeline

2 year period instead of 1 year.

****2 year voted in, 2 years after implementation of code or the expiration date of the product whichever is last.**

Expiration is 2 year after implementation of code.

Product or entities

Entities should be GF.

Coincide w/ entire PA system

Tom Kopec – prefer 2 years of expiration date

entity should comply with requirements of approved PA system

GF what flows from entity and not entity.

Allow local jurisdiction to approve during GF phase.

Steve Bassett– PA effective 2 years after implementation of code.

Dennis Braddy – incorporates 2 year period, comply w/code and defines type of entities/agencies.

Craig Parrino – PA system implemented with the code and current PA system GF from minimum of 2 years.

PROPOSAL

PA system to coincide with implementation date of Florida Building Code.

GF Product evaluation entities, testing labs, certification and listing and QA agencies.

FB Commission establish and make available list of above deemed to be approved on effective date of FBC for a period of 2 years of expiration date whichever is later.

Voted 4 -- 0

Attachment 4

Mfg Bldg Ad hoc actions from the August 20, 2000 meeting Motion to accept the August 2000 report

Motion(s) to recommend to FBC

Motion to approve recommendation package to the FBC. Note: These recommendations were proposed by the Ad hoc and approved by the Commission at the July 2000 meeting. Further the recommendations were integrated in the draft version of the proposed modified rule 9B-1

9B-1 Rule development workshop September in Tallahassee, Rule adoption workshop in October at FBC meeting.

Motion for further study and recommendations by State Fire Marshall and 3rd party agencies relative to fire requirements and to report back to the Ad hoc and Commission in October, 2000.

Residency requirements to be considered.

- * For Manufactured Building remove requirement for Florida residency.
- * Needs research for rationale on residency requirements.
- * Committee consensus to research FS 633.

Other considerations relative to Fire requirements:

- * Consider specialty inspectors for Mfg Bldg.
- * Consider experience to qualify for certification testing.
- * Coordinate discussion between Fire Marshall and 3rd party agencies and report preliminary findings at the October meeting.
- * Look for a centralized entity (state agency) for education facilities?
- * Communication with local BO relative to approved State plans-except siting.
- * Consider minimum threshold requirements for different buildings (i.e. small offices).

It was noted that any “Grand-fathering” would require legislative change.

FS 633 Training requirements:

- * 200 hour - 5/40 hour for certification - examination (State fire college) continuing education 40 hours every three years.
- * Equivalent state training approved by Department for certification.

Eligibility requirements:

- * High school diploma
- * 18 years old
- * Resident Florida certification
- * The State Fire Marshall will maintain a list of certified Fire Officials or; utilize certified in house employees.

Reporting Procedures:

- * Plans review, 3rd party agency to be 633 certified.
- * Report to be kept in central entity.
- * Interpretations by the State Fire Marshall.

Out of State QC provisions:

- * Meet Florida requirements.

Required Fire inspections:

- * 50% at factory (before closing walls)
- * 100% final at site by local BO (CO)

Grand-fathering:

- * No provisions for certification currently exist,
- * State Fire Marshall to promulgate rule

Attachment 5

Plumbing/Gas TAC Report

August 21, 2000

- ☐ The TAC decided that it wants to keep meeting every other month.
- ☐ The TAC considered whether a licensed plumber is required to install well pumps and tanks and approved a motion to ask the commission to allow water well contractors to continue installing pumps and tanks.
- ☐ The irrigation subcommittee reported that they plan to have a revised draft irrigation code ready by the next meeting. They also have a licensure problem.
- ☐ The TAC moved that the pipe insulation criteria table, included in the notice of changes, be clarified to include residential in a separate column instead of as a footnote.
- ☐ Discussion of the grease interceptor issue concluded that the code is adequate as is and that other state and federal agencies are capable of monitoring maintenance.
- ☐ A new issue was raised of defective water heater dip tubes and their impact on pressure relief valves. The TAC approved a motion to ask the Commission to request that the industry look at the issue of clogged relief valves and report those results to the TAC at the next meeting.
- ☐ The TAC went over a list of major differences between the current plumbing codes and the new Florida plumbing code and prioritized those changes needing emphasis for code-change training. Representatives of the gas industry will submit a list of prioritized code change issues by the end of September.

Attachment 6

Building Code Education System Development— Timelines and Key Tasks

Overall Goal: To develop consensus recommendations on the programmatic and funding issues surrounding the implementation of the Building Code Education System for consideration by the Legislature and inclusion in an Education/Training Rule.

PHASE ONE: EDUCATION AND ISSUE IDENTIFICATION

September 2000 Commission Workshop #1 (1/2 Day)

- □ Review of Statute and legislative requirements
- □ Targeted briefing presentations on key education issues
- □ Review of the work of the Education Task Group
- □ Issues/Problem identification: programmatic and funding
- □ Consensus on identification of issues: what are the key issues
- □ Identify existing resources/models/pilots
- □ Role of Commission
- □ Identification of needed information to develop and implement work plan: technical, staff support, possible assessments/studies

October 2000 Facilitated Public Workshop #1: Purpose: Identify key stakeholder's and issues

Commission Workshop #2 (1/2 Day)

- □ Presentation and consensus on a draft workplan for system development and delivery
- □ Identification of existing resources: existing programs, systems, funding sources
- □ Development of and consensus on key principles and criteria for designing the system
- □ Identification of potential constraints to resolving key issues
- □ Ad Hoc(s) formed to develop consensus programmatic and funding recommendations to present to Commission

PHASE TWO CONSENSUS BUILDING AND DEVELOPMENT OF RECOMMENDATIONS

November 2000 Commission Workshop #3 (1 Day)

- □ Presentations on existing education programs and systems and any studies or assessments commissioned
- □ Ad Hoc(s) develops preliminary recommendations applying consensus criteria and principles and identifies any additional needed support (i.e., task groups, technical information)
- □ Commission reviews and offers comments on ad hoc preliminary direction and recommendations
- □ Identification of any additional needed information
- □ Commission discusses issues and, proposes and ranks initial options for system

PHASE THREE DECISION MAKING STEPS AND ADOPTION OF RECOMMENDATIONS TO THE LEGISLATURE

December 2000 **Facilitated Public Workshop #2: Comments on the workshop draft recommendations**
Commission Workshop #4 (1/2 Day)

- Ad Hoc finalizes and presents programmatic and funding recommendations to the Commission
- Commission adopts amendatory text of draft consensus recommendations
- Commission reviews and tests consensus on ad hoc draft recommendations and adopts a rule development workshop draft

January 2001 **Commission Workshop #5 (1 Day)**

- Commission reviews amendments and adopts by consensus the programmatic and funding recommendations to present to the Legislature.
- Commission's recommendations finalized for inclusion in the annual report to the Legislature.

February 2001

- Commission's recommendations submitted to the Legislature in a report

February – April 2001

- Commission solicits public feedback on recommendations to the Legislature

PHASE FOUR REVIEW OF NEXT STEPS AND INITIATION OF RULE ADOPTION

May 2001 **Commission Workshop #6 (1/2 Day)**

- Commission reviews Legislative action and identifies any needed modifications to programmatic and funding recommendations
- Commission moves to proceed with rule adoption

June – July 2001

- Public comment reviewed for any potential modifications to education rule
- Public Hearing on proposed Building Code Education Rule

August - September 2001

- Rule Adoption finalized