

Florida Building Commission

Attachment to the January 21 - 22, 2001 Minutes

**Facilitators' Report of the December 21 - 22, 2001
Commission Meeting**

Orlando, Florida

Meeting Design & Facilitation By:



consensus.fsu.edu

**Florida Building Commission
Attachment to the January 21 - 22, 2001 Minutes**

I. OVERVIEW OF COMMISSION'S KEY DECISIONS

MONDAY, JANUARY 22, 2001

Plumbing TAC Transition Training Demonstration

Commissioner Shaw convened a demonstration of transition training highlighting the key differences between the current plumbing code and the Florida Building Code. Attendance was good and comments were positive.

Education Training System Ad Hoc Committee

The Education Ad Hoc committee unanimously agreed to the following strategy for implementing their transition training recommendations. The Ad Hoc committee agreed to charge the TACs that would be developing recommendations for the four topical modules to the following process:

- Review the changes between the existing code and the FBC;
- Review the five criteria for prioritizing;
- Decide if Topic is a Priority for Inclusion in Training based on criteria;
- If Yes, Rank Each Topic Using Consensus Scale (3 - 1);
- For Each Topic Vote Once, Offering a Rank of Three, Two, or One;
- Present Priority Topics to Training Contractor; and,
- Prepare Brief Report to the Commission.

The Committee agreed to the following five criteria for prioritization:

- Life Safety issue
- Commission priority issue
- Frequency of application
- Issue of significant confusion
- Significant cost impact—estimating perspective

Actions by the Ad Hoc Committee:

Motion: Approve the Miami-Dade comparison course for transition training highlighting the differences between the South Florida Building Code and the Florida Building Code. Approval is contingent upon the incorporation of DCA identified technical and editorial comments to the course content. In addition, Miami-Dade should remove their editorial comments in the training courses.

Unanimously approved by a vote of 9-0 in support.

Motion: Approved proceeding with an ITN for the Building Code Training Program administrator and to authorize staff to utilize the Commission approved Administration guidelines for developing the scope of services for the contract negotiations.

Unanimously approved by a vote of 9-0 in support.

Motion: Direct DCA to solicit proposals for interested organizations to serve as sponsor/convenor for transition training delivery (i.e., BOAF, and trade and professional associations). The proposal should make recommendations for funding requirements, marketing, trainers, training capacity, and venue for conducting training. Recommendations to be brought to the Education Ad Hoc

Unanimously approved by a vote of 9-0 in support.

(Attachment 2)

TAC Transition Training Meetings

The following TACs met and developed priority topical recommendations for inclusion in transition training modules:

- Plumbing /Gas TAC
- Building/Structural TAC—Joint Building Fire TAC
- Special Occupancy TAC
- Mechanical/Energy TAC
- Accessibility TAC

TUESDAY, JANUARY 23, 2001

Agenda Review and Approval

The Commission voted unanimously, 16 – 0 in favor, to approve the agenda as amended.

Review and Approval of December 11 - 12, 2000 Meeting Minutes

The Commission voted unanimously, 17 – 0 in favor, to approve the minutes as presented from the December 11 - 12, 2000 Commission meeting.

Review and Approval of Commission's Updated Workplan and Meeting Schedule

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

The following tasks delivery schedules were modified:

- G Exceptions to buildings exempt from the code
- P Prototype Buildings
- Q Commission Rules of Procedure
- T Role of State in Collaborating with Building Departments
- V Voluntary Standards for Building Departments
- W Funding recommendations
- Y Privatization
- Z Rating System
- AA Transition to IBC
- BB ISO Ratings Program

(Attachment 3)

Approval of 2001 Commission Meeting Date and Locations

The Commission voted unanimously (18 – 0) to approve the following meeting date and location schedule:

February	No meeting
March 5 – 6	Miami
April 10 –11	Orlando
May 17 - 18	St. Augustine
June	No meeting
July 9 – 10	Orlando
August 27 – 28	Orlando
September	No meeting
October 1 – 2	Orlando
November 5 – 6	Orlando
December 3 – 4	Orlando

Public Comment

The Commission heard testimony from 8 members of the public, who primarily expressed their views on the Commission's recommendations for the product approval system, and on whether or not the Commission should consider a delay to the current Code implementation date.

Code Dissemination Update

Chairman Rodriguez reported that agreements have been established with SBCCI for the printing and sale of the Code. The agreement will allow the Commission to provide city and county enforcement offices with code book sets at no cost, and to sell anyone code books through DCA at SBCCI membership prices. This agreement accomplishes the Commission's goal for the pricing the Code. Following is the negotiated pricing structure for the Code:

Florida Building Code Volume	\$ 55.00
Sub Code Volumes each at	\$ 40.00
Package sets	\$135.00

The Code rule was submitted to the Secretary of State, and according to the provisions of the printing contract, SBCCI has 30 days to deliver a camera ready copy to DCA for review and approval. The Code books should be ready for dissemination within the 60 day limit established in the agreement. The first set of code books will be reserved for local building departments with additional printings following soon thereafter.

Chair's Recommendations on Legislative Issues

1. Code Implementation Date

Chairman Rodriguez recommended that the Commission consider a three month delay for the implementation date of the Code. The Chair explained that the Commission spent three months building consensus and reaching a resolution on two important issues that the Legislature directed them to address: review modifications to the base code in light of fiscal impact statements, and resolve a rule challenge primarily directed toward the issue of airhandlers in the attic. As a result of the attention the Commission invested in successfully reaching a consensus resolution on these issues the finalization and publishing of the code was delayed. In addition, the finalization of transition training could not be completed until the code was completed.

Motion:

Recommend to the Legislature that the implementation date of the Code be October 1, 2001. The Commission unanimously approved the motion by a vote of 20-0 in support.

2. Funding Recommendations to the Legislature

The Commission voted unanimously (20 - 0) to authorize the Chair or his designee to meet with DCA to decide and make recommendations to the Legislature on any funding needs.

3. Multiple Permit Authority

The Commission voted unanimously (20 - 0) to authorize legal staff to seek Legislative authority to implement the Commission's direction/intent to consider the issuance of multiple permits (phased permitting) during the construction process.

4. Code Transition Issues

The Commission voted unanimously (20 – 0) to authorize legal staff to seek Legislative authority to make needed decisions for code transition issues (i.e., what code standards design professionals must meet for long-term design projects relative to the code).

Review Product Approval System Recommendations and Approve Submittal to the Florida Legislature

At the suggestion of Chairman Rodriguez the Commission voted unanimously (20 – 0) to submit their consensus recommendations to the Legislature as an explanatory narrative of the key concepts, and not a finalized technical document. The Commission is seeking legislative authority to implement their system recommendations by administrative rule. The Commission agreed to review the product approval system recommendations contained in the report to the Legislature for consistency with the intent of the consensus concepts approved by the Commission in December 2000. The Chair indicated that starting in March he would convene the Product Approval Ad Hoc Committee to work with stakeholders and seek a consensus on the final details of the system prior to rulemaking.

After reviewing and approving amendments to the Product Approval System recommendations contained in the Commission's report to the Legislature, the Commission voted unanimously (20 – 0) to submit their consensus recommendations for a framework of key concepts to the Legislature and to request rulemaking authority to implement the system. **(Attachment 4)**

Amendments:

- ☐ Add bullet to page 1 stating: Establish a uniform product approval system to be used throughout the state. (Approved 19 – 0)
- ☐ Clarify that state approval for products is voluntary. (Approved 19 – 0)
- ☐ Retain authority to approve additional products at the state level as experience with the system develops. (Approved 19 – 0) *Note: This is superceded by the Commission's approval allowing all products to apply for state approval.*
- ☐ Add language under summary indicating that the submittal process will be an expedited process and approval will be in a timely manner. (Approved 20 – 0)
- ☐ Under the Local Approval section: replace ~~listed~~ with used. (Approved 20 – 0)
- ☐ Under the State Approval section: clarify the confusion about state approval being only half of the approval required for products. (Approved 19 – 0)
- ☐ Under architects and engineer evaluations: clarify that in addition to rational analysis, testing or a combination of testing and rational analysis is included. (Approved 19 – 0)
- ☐ Clarify that both state and local approval will be valid until... (Approved 19 – 0)
- ☐ Remove system implementation date of ~~July 1, 2003~~ and specify two years from the implementation date of the Code.
- ☐ Add a 7th product category to the six: structural products. (Approved 20 – 0)
- ☐ Add: Any product requesting state approval may apply to the Commission for state approval. (Approved 19 – 1)

Review and Approval of Draft of Commission's Report to the Legislature

The Commission unanimously approved (20 – 0) the Report to the Legislature as amended and to authorize dissemination to the Legislature pending editorial and formatting review by DCA and final approval by the Chair.

(Attachment 5)

Consideration of Accessibility Waiver Applications

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

Education Ad Hoc Report and Adoption of Transition Training Strategy

Recommendations

Commissioner Browdy presented the committee's report and transition training recommendations. The Commission unanimously accepted the report and approved the committee's recommendations by a vote of 19 – 0 in favor.

(Attachment 2)

Prototype Building Ad Hoc Report and Recommendations

Commissioner Kopczynski indicated that the Ad Hoc committee had met on Sunday and would meet again on following the Commission meeting. The committee will report to the Commission in March.

Plumbing/Gas TAC Report and Recommendations

Commissioner Shaw presented the committee's report and transition training recommendations. The Commission unanimously accepted the report and approved the committee's recommendations by a vote of 19 – 0 in favor.

In addition, the Commission unanimously approved (19 – 0) sending a request to the Bureau of LP Gas to adopt the Florida Fuel Gas Code,

(Attachment 6)

Building/Structural—Joint Building/Fire TAC Report and Recommendations

Commissioner D'Andrea presented the committee's report and transition training recommendations. The Commission unanimously accepted the report and approved the committee's recommendations by a vote of 20 – 0 in favor.

(Attachment 7)

Mechanical/Energy TAC Report and Recommendations

Commissioner Harris and Lipka presented the committees' report and transition training recommendations. The Commission unanimously accepted the reports and approved the committees' recommendations by a vote of 20 – 0 in favor.

(Attachment 8)

Special Occupancy TAC Report and Recommendations

Commissioner Thorne presented the committee's report and transition training recommendations. The Commission unanimously accepted the report and approved the committee's recommendations by a vote of 20 – 0 in favor.

(Attachment 9)

Accessibility TAC Report and Recommendation

Commissioner Richardson presented the committee's report and transition training recommendations. The Commission unanimously accepted the report and approved the committee's recommendations by a vote of 20 – 0 in favor.

(Attachment 10)

Appointment of Swimming Pool Safety Issues Ad Hoc Committee

Chairman Rodriguez appointed the following Commissioners to review the pool safety issue and make implementation recommendations for ensuring that the safety protocols that the Commission has already approved for inclusion in the Code are effective and will provide safety requirements consistent with the Commission's intent:

Raul Rodriguez (Chair), Nick D'Andrea, Dick Browdy, John Calpini, Leonard Lipka, Christ Sanidas, Dan Shaw, Sam Walthour, George Wiggins, and Frank Quintana.

Appoint Rehabilitation Code Ad Hoc Committee

Chairman Rodriguez appointed all of the TAC chairs and Commissioners Marshall and Carson to serve on the committee and develop recommendations for integrating the rehabilitation code with the Florida Building Code.

Review Committee Assignments and Issues for March's Commission Meeting

Summary and Review of Meeting Work Products

- Product Approval Ad Hoc committee (E)
- Education Training Ad Hoc committee (I)
- Rules of Procedure (Q)
- Prototype Buildings Ad Hoc committee (P)
- Special Occupancy TAC
- Accessibility TAC (Tentative)
- Accessibility Council and Waivers

Attachment 1

Meeting Evaluation Summary How Well Did the Commission Achieve the Meeting Objectives?

	<i>Circle One</i>					
	Good			Poor		Avg.
Review and Adoption of Updated Commission Workplan	5	4	3	2	1	4.23
	14	3	0	0	0	
Consideration of Chair’s Recommendations	5	4	3	2	1	4.23
	14	3	0	0	0	
Consideration of Public Comment	5	4	3	2	1	4.70
	12	5	0	0	0	
Review and Submittal to the Florida Legislature Product	5	4	3	2	1	4.70
	13	3	1	0	0	
Approval System Recommendations						
Adoption of Draft of Commission’s Report to the Legislature	5	4	3	2	1	4.82
	15	1	1	0	0	
Decision on Accessibility Waiver Applications	5	4	3	2	1	4.82
	14	3	0	0	0	
Code Dissemination Update	5	4	3	2	1	4.76
	13	4	0	0	0	
Adoption of Education Ad Hoc Recommendations for	5	4	3	2	1	4.81
	13	3	0	0	0	
Transition Training Strategy						
Plumbing/Gas TAC Report and Recommendations	5	4	3	2	1	4.86
	13	2	0	0	0	
Building/Structural/Joint Building/Fire TAC Report/Recommendations	5	4	3	2	1	4.82
	14	3	0	0	0	
Mechanical/Energy TAC Report and Recommendations	5	4	3	2	1	4.88
	15	2	0	0	0	
Special Occupancy TAC Report and Recommendations	5	4	3	2	1	4.88
	15	2	0	0	0	
Accessibility Ad Hoc Report and Recommendations	5	4	3	2	1	4.88
	15	2	0	0	0	
Legal Staff Reports/Discussions/Recommendations	5	4	3	2	1	4.86
	13	2	0	0	0	

Rate the Following Aspects of the Meeting?

Clarity of the meeting purpose and plan	5	4	3	2	1	4.87
	14	2	0	0	0	
Background information was helpful	5	4	3	2	1	4.64
	12	4	1	0	0	
Agenda packet was helpful	5	4	3	2	1	4.11
	11	5	1	0	0	
Balance of structure and flexibility	5	4	3	2	1	4.70
	13	3	1	0	0	
Group involvement and productivity	5	4	3	2	1	4.64
	12	4	1	0	0	
Facilitation	5	4	3	2	1	4.88
	15	2	0	0	0	
Facility	5	4	3	2	1	4.29
	8	6	3	0	0	

Comments:

Facilitation excellent, particularly reviewing report to legislature.

Facility access from turnpike via Osceola.

Fine!

What Did You Like Best About the Meeting?

Short..

We were able to compromise a consensus.

How Could the Meeting Have Been Improved?

Use different hotel.

Attachment 2

Education Training System Ad Hoc Committee Report

Ad Hoc members present: Dick Browdy, Peggy Harris, Suzanne Marshall, Doug Murdock, Christ Sanidas, Dan Shaw, Diana Richardson, Frank Quintana, Karl Thorne.

Discussion:

Technical Assistance Committee's (TAC's) chair's were requested to develop a priority list of issues for the inclusion into their respective transition course modules. Criteria for determining an issue priority agenda's were as follows.

- Life Safety
- Priority Issue (Commission)
- Frequency of Application
- Significant Cost Impact (Estimation)
- Misinformation or confusion on the code

Comments on the Plumbing Code Demonstration course:

Good Course

Should have a self test for competency

Should have a system of quality assurance.

Instructor maintained control of the meeting.

Presentation:

Presentation by Max Rodriguez, Miami-Dade Community College, of the South Florida Building vs the Florida Building Code comparison course.

Motion: Approve the Miami-Dade comparison course for transition training highlighting the differences between the South Florida Building Code and the Florida Building Code. Approval is contingent upon the incorporation of DCA identified technical and editorial comments to the course content. In addition, Miami-Dade should remove their editorial comments in the training courses.

Unanimously approved by a vote of 9-0 in support.

Motion: Approved proceeding with an ITN for the Building Code Training Program administrator, and to authorize staff to utilize the Commission approved Administration guidelines for developing the scope of services for the contract negotiations.

Unanimously approved by a vote of 9-0 in support.

Motion: Direct DCA to solicit proposals for interested organizations to serve as sponsor/conveners for transition training delivery (i.e., BOAF, and trade and professional associations). The proposal should make recommendations for funding requirements, marketing, trainers, training capacity, and venue for conducting training. Recommendations to be brought to the Education Ad Hoc

Unanimously approved by a vote of 9-0 in support.

Comments on Venues/Resources for training

- FHBA - Coordinate with associations to deliver training/conveners BOAF, AIA, FES, FHBA, etc.
- Building departments function as sponsor/conveners to facilitate multi-group participation.
- BOAF would serve as conveners /sponsor charge a fee;
- Trade Associations would market and add fee = total cost for course
- A representative from The Department of Business and Professional Regulation should be present at the Ad Hoc meetings.
- Seek proposal to function as conveners ITN - BOAF and trade associations

March meeting:

Members need to review the Building Code Core curriculum.

Attachment 3

Workplan—By Tasks

(Reviewed and Prioritized June 2000; Adopted Unanimously July 2000)
(Amended Unanimously January 2001)

I. HB 219 — Tasks Mandated by Statute

1. Finalize the Code

A. Establish Criteria for Fiscal Impact Statement of Proposed Amendments and for Reviewing Previously Adopted Modifications to the Base Code That Receive Public Comment Prior to May 19, 2000 [553.73 (7)(a)(b)]

Tasks Schedule

May 2000: Chair elects to address issue at Commission level.

June 2000: **Commission holds rule development workshop at June meeting, adopts criteria, and moves to proceed with rule adoption.**

August 2000: **Rulemaking hearing on adopting criteria for fiscal impact statements.**

September 2000: **Commission approves changes and proceeds with NOPC to the Rule.**

October/November 2000: Administrative rule adopted.

B. Plans Review Criteria and Minimum Standards [553.73 (4)(a)]

Tasks Schedule

(Including recommendations for emergency management/disaster relief permitting and inspections)

March 2000: Commission assigns task to Ad Hoc.

May-June 2000: Ad Hoc develops recommendations and reports to the Commission.

July 2000: **Ad Hoc delivers final recommendations and Commission adopts and includes as part of proposed changes to the Building Code Rule.**

C. Integrate Standards for State Regulated Facilities Identified in HB 219 [Section 40; 553.73 (1)(2)]

Tasks Schedule

June 2000: Legal reviews and recommends course of action.

Fall 2000: Proceed with rule adoption after Building Code Rule process finalized.

D. Projects Relating to the Building Construction Industry or Continuing Education Programs [HB 219 Section 40 – 489.109 (3)]

Tasks Schedule

Fall 2000/Winter 2001: Establish liaison with CILB

Spring 2001: Chair appoints Building Construction Issues Ad Hoc and schedules organizational meeting for Ad Hoc.

🍏 **Indicates change in delivery schedule from previous month**

2. Recommendations Mandated by HB 219 for 2001 Legislative Review

E. Product Approval System

(553.842—Recommendations on a statewide system for product evaluation and approval)

Tasks Schedule

June, 1999: TG presents preliminary recommendation to Commission.

October 1999: Commission appoints Ad Hoc to make final recommendations

September-December 1999: Commission receives public comment on recommendation.

December 1999: Ad Hoc convenes and develops recommendations

Commission adopts conceptual design of system.

Commission approved products for approval under the system. [Leg. 7]

January 2000: Commission reviews Ad Hoc's preliminary recommendations.

February 2000: **Commission approves continuing to develop system until July meeting and to report status to the Legislature**

May 2000: Legislature directs Commission to make recommendations and eliminates Commission's rule making authority for the system.

June 2000: Commission reviews Legislative direction and establishes new timelines.

July - November 2000: Ad Hoc develops recommendations, reviews Commission and public comments, and reports to the Commission.

November 2000: **Commission adopts amendatory product approval system recommendations.**

December 2000: **Commission decides on amendments and adopts final recommendations to present to the Legislature.**

F. Examine Applicability of FBC to Storage Sheds and Lawn Storage Buildings [HB 219 – Section 112] Report to 2001 Legislature

Tasks Schedule

July 2000: Referred to Manufactured Building Ad Hoc

November 2000: Commission reviews recommendations from Ad Hoc.

December 2000: Ad Hoc proposes final recommendations.

Commission approves recommendations, receives public comment, and adopts final recommendations.

G. Make Recommendations for Exceptions to Buildings Exempt from the Code [553.73 (7)]; [553.79 (3)(5)(7)(10)(12)(14)(16)]; [HB 219 – Section 112]

Tasks Schedule

January 2000: Commission appoints Ad Hoc to review and make recommendations.

July 2000: Task assigned to Manufactured Building Ad Hoc (M)

Spring or Summer 2001: Ad Hoc identifies key issues and forms workplan.

II. Education System

H. Information and Communication Support for the Building Code System

Tasks Schedule

September 1999: Center for Professional Development (at FSU) begins assessment phase for system conceptual design

December 1999: Report on assessment phase including system conceptual design

December 2000: System on line and operational

I. Refinement and Further Development/ Implementation of the Education/Training Programs for the Florida Building Code [HB 4181; HB 219—Section 42; Section 89; Section 120] and Transition Training—BCTP

Tasks Schedule

April 2000: Commission reviews and approves workplan for 2000 – 2001.

June 2000: Commission discusses transition training requirements.

September 2000: Commission Identifies key issues for system development; and, chair appoints Ad Hoc to develop implementation recommendations for the BCTP.

October 2000: Ad Hoc reviews previous project findings and recommendations, and BCTP as outlined in Statute; and, develops implementation strategy.

November 2000: Ad Hoc develops preliminary “Program” implementation recommendations for Commission consideration.

December 2000: Ad Hoc approves BCTP recommendations.

Commission reviews public comment, refines as needed, and adopts final recommendations to include in the annual Report to the Legislature.

January 2001: “Building Code Training Program” implementation recommendations submitted to Legislature for review.

Spring 2001: Commission moves to proceed with rule adoption for “Building Code Training Program” implementation.

III. Ongoing Review and Response to Legislative Mandates

J. Develop Recommendations to the Legislature for Changes to Existing Laws and Conforming Amendments to Laws [553.77 (1)(a)(b)]

Tasks Schedule

June – December 2000: Commission develops recommendations as part of their annual review process and approves recommendations to be included in its report to the 2001 Legislature.

K. Respond to Legislative Mandates

Tasks Schedule

June – December 2000: Commission develops recommendations as part of their annual review process and approves recommendations to be included in its report to the 2001 Legislature.

L. Annual Report to Legislature

Tasks Schedule

June – December 2000: Commission develops recommendations as part of their annual review process and approves recommendations to be included in report to the Legislature.

M. Administrative Support for the Commission and Code Maintenance (Changes/Updates/Format/Glitches)

Tasks Schedule

Ongoing: Commission identifies tasks for staff review and recommendations.

January Annually: Commission reviews recommendations and takes action as needed.

IV. Commission Prioritized Tasks

N. Review Effectiveness of the Manufactured Buildings Regulation and Code Enforcement—s. 553.77(1)(b) [HB 4181 Task] [553.35 – 553.42]

Tasks Schedule

January 2000: Commission adopts amendatory text of recommended changes to law and additional preliminary program recommendations.

February 2000: Commission adopts final recommendations on changes to law and additional preliminary program recommendations.

March - July 2000: Ad Hoc develops recommendations, reviews Commission and public comments, and reports to the Commission.

August 2000: Ad Hoc delivers final recommendations to Commission on effectiveness of manufactured buildings regulation and code enforcement.

Commission receives public comment and approves recommendations to be included in its report to the 2001 Legislature.

O. Code Dissemination

Review Royalty and Copyright Agreements and Make Recommendations

Tasks Schedule:

May 2000: Chair appoints Ad Hoc to develop recommendations.

June 2000: Ad Hoc reports preliminary recommendations to the Commission.

July 2000: Ad Hoc reports and develops recommendations for the Commission.

August 2000: Commission approves Chair negotiating for Commission.

Sept. – Dec.: Chair and staff negotiate with key stakeholders.

November 20, 2000: Commission receives update on recommendations during conference call.

December 2000: Commission delegates authority to the Chair to finalize agreements for printing and distribution.

🍏 P. Establish System for Plans Review and Approval of Prototype Buildings [HB – 4181 Task] [553.77 (6)]

Tasks Schedule:

October 2000: Ad Hoc identifies key issues and forms workplan.

November 2000 – March 2001: Ad Hoc develops recommendations.

December 2000: Ad Hoc completes and Commission approves recommendations that require Legislative action.

January 2001: Ad Hoc develops details of proposed program.

March - April 2001: Ad Hoc refines recommendations.

May 2001: Ad Hoc finalizes recommendations based on Legislative action and Commission adopts final recommendations.

🍏 Q. Establish Commission Rules of Procedure [Procedural Task]

Tasks Schedule

Develop and adopt recommendations for Commission operational and decision-making procedures and adopt by administrative rule.

October 2000: Commission reviews statutes, identifies key issues, and approves code amendment process. Chair appoints Ad Hoc to develop final recommendations.

March - May 2001: Ad Hoc develops recommendations.

June 2001: Commission adopts final recommendations.

R. Board of Appeals Process [Procedural Task]

October 2000: Task assigned to Rules of Procedure Ad Hoc

Early 2001: Ad Hoc develops recommendations for Commission consideration.

S. Technical Support for the Code [Procedural Task]

Tasks Schedule

Recommendations to Commission for ongoing review and support for technical review of the code.

October 2000: Commission assigns to administrative agency (DCA) to develop recommend's.

🍏 T. Role of State in Collaborating with Building Inspection Departments

Tasks Schedule

February 2000: Commission assigns task to Partnership for Building Department Effectiveness Task Group.

April or May 2001: Ad Hoc identifies key issues and forms workplan.

June 2001: Commission approves preliminary recommendations and receives public comment.

July 2001: Commission adopts final recommendations.

**U. Develop Procedure and Process for Commission Commentary
[Procedural Task]**

Tasks Schedule

Review and adopt recommendations for Legislative consideration.

October 2000: Task assigned to Rules of Procedure Ad Hoc

Early 2001: Ad Hoc develops recommendations for Commission consideration.

**🍏 V. Voluntary Standards for Building Departments [HB 4181 Task] [553.76 (5)]
ISO Ratings Program for Building Departments [HB 4181] [553.77 (1)(n)]**

Tasks Schedule

February 2000: Commission assigns the task of developing recommendations for voluntary professional standards for operation of building departments and personnel development to Ad Hoc: Partnership for Building Department Effectiveness Task Group.

March 2000: Ad Hoc identifies key issues and forms workplan.

May 2000: Ad Hoc develops recommendations and receives presentations from representatives of Miami-Dade and Broward counties, state building officials association (BOAF), the insurance industry, federal emergency management agency (FEMA) and other vested groups.

June 2000: Ad Hoc reports to Commission.

April – June 2001: Ad Hoc develops recommendations, reviews Commission and public comments, and delivers completed recommendations to the Commission.

July or August 2001: Commission receives public comment and approves recommendations to be included in its report to the 2002 Legislature.

🍏 **W. Develop Funding Recommendations for Code Enforcement**
Note: Part of ongoing review for Commission's annual report to the Legislature.

Tasks Schedule

October 1999: Deferred to DCA Administrative Support Agency and Governor's office to address and make recommendations to the Legislature.

February – December 2000: Staff reviews as needed or requested by the Commission.

July 2000: Task referred to Partnership for Building Department Effectiveness Task Group

Spring or Summer 2001: Ad Hoc identifies key issues and forms workplan.

X. Review Commission and Staff Roles Relative to Public Information and Involvement & Review and Clarify Mutual Roles of DCA and Commission.

Task Schedule:

On Going: Commission and staff hold discussions as needed or requested on mutual roles in providing for public information and involvement in the code process.

🍏 **Y. Guidelines for Local Government Privatization of Inspection Functions**
[HB 4181 Task] [553.77 (1)(o)]

Tasks Schedule

Jan. 2000: Commission assigns task to Ad Hoc committee

May 2000: Task referred to Partnership for Building Departments Ad Hoc.

Spring or Summer 2001: Ad Hoc identifies key issues and forms workplan.

🍏 **Z. Review Creating a Rating System for Structural Integrity Under Storm Conditions**

Task Schedule:

Spring or Summer 2001: Commission reviews task, identifies key issues, and forms workplan.

🍏 **AA. Make Recommendations on FBC Policy for Transition to International Building Code**

Task Schedule:

Spring or Summer 2001: Commission reviews task, identifies key issues, and forms workplan.

🍏 **BB: ISO Ratings Program for Building Departments [HB 4181] [553.77 (1)(n)]**

Task Schedule:

Spring or Summer 2001: Commission reviews task, identifies key issues, and forms workplan.

Attachment 4

B. Product Approval Recommendations

- Make recommendations to the Legislature, prior to the 2001 session, to develop and implement a product evaluation and approval system (s. 553.842, F.S.).

At its December 11 - 12, 2000 meeting in Orlando, the Commission voted unanimously to forward a package of key conceptual recommendations to the 2001 Florida Legislature for a statewide Product Approval System as well as requests for specific Legislative actions for implementing the system recommendations by administrative rule.

Summary of the Commission Recommendations for Product Approval

- Establish a system of uniform procedures to be used by local jurisdictions though out the state for approving the use of building products, materials and systems of construction.
- Approve all products for which standards are established by the code.
- Establish procedures for Commission approval of all products for statewide or regional use which manufactures may use in lieu of local approval.
- Retain authority to approve additional products as experience with the system develops.
- Provide three Commission approved methods of determining compliance for local approval and 2 methods for Commission approval.
- Subject the seven product categories to the more stringent methods for local and state approval.
- Validation and approval is conducted by local jurisdiction for local approval.
- Validation is conducted by Commission-approved validation entities and the Commission approves products for statewide acceptance.
- Recognize in law the following evaluation entities: National Evaluation Service, the International Conference of Building Officials Evaluation Services, the Building Officials and Code Administrators International Evaluation Services, the Southern Building Code Congress International Evaluation Services, and the Miami-Dade County Product Control Division.
- Testing laboratories, certification agencies, and quality assurance agencies that are approved by approved evaluation entities will be recognized by the Commission.
- Testing laboratories and certification agencies accredited by national accreditation entities will be recognized by the Commission.
- Testing laboratories, certification agencies, quality assurance agencies, and validation entities will be approved using national guidelines and other standards the Commission establishes by rule.
- Monitor all approved products via continuous quality assurance programs.
- State approval will be valid until such time as the code requirements change, the product changes, or the approval is revoked.
- The Commission shall investigate products for failure to comply with the code or approval requirements.
- Make the effective date for full implementation of the new system two years from the implementation date of the building code.
- Reinststate rulemaking authority and authorize the Commission to implement system recommendations by administrative rule.
- Provide timely and efficient processing of applications for approval.

Product Approval System Overview

Product performance standards are integral to the scheme used by building codes to establish minimum building safety and performance standards. The reforms to the building code system enacted by 98-287, LOF, specifically address how products' compliance with the code are to be established and approved for use in Florida. The Florida Building Commission was given the authority by 98-287, LOF, to complete the product approval system by administrative rule but was unable to achieve consensus on system specifics prior to the 2000 Legislative session. Consequently, the Commission recommended delaying implementation of the new state system, the continuation of the current system of local approvals until a consensus system is adopted by rule, and that a transition period be provided for implementation of the system after the rules are established.

The 2000 Legislature reviewed the Commission's recommendations and through HB219 suspended rule adoption authority and directed the Commission to make consensus recommendations to the 2001 Legislature for their review and action.

In addition, HB219 enhanced the existing intent language of the law by requiring the system to utilize private sector evaluations that indicate compliance with the code and ensure that there is an effective government oversight, prior to approving a product's acceptance in Florida.

During the course of developing and adopting consensus recommendations, the Commission focused on providing effective government oversight while relying on private sector evaluations. The Commission's recommendations are consistent with the parameters of the existing law governing the system and provide clarification to areas where the law is vague and potentially subject to differing interpretations by the various system participants. The Commission's recommendations include specific clarifying amendments to the law as well as a request for restoration of its rule adoption authority in order to implement the specifics of the system as recommended by the Commission.

Product Approval System of Section 553.842, Florida Statutes

Section 553.842, F.S., was created by 98-287, LOF, to establish the framework governing the product approval system and s. 553.77, F.S., directs the Commission to determine which products must have either state or local approval.

The product approval system framework establishes the following requirements:

- Custom fabricated products, using state or locally approved components, are exempt.
- The system allows manufacturers to have their products approved for use either at the local jurisdiction level, for specific local use, or by the state for statewide use.
- State approval constitutes a determination that the tests and evaluations required to demonstrate compliance with standards established by the code have been conducted and are adequate. As always, local code enforcement officials must determine that the products are being utilized in specific buildings according to the limitations of use established by the evaluations and according to the manufacturer's installation instructions.
- Statewide approval shall preclude local jurisdictions from requiring further testing, evaluation or submission of other evidence as a condition of using the product so long as the product is being used consistent with the conditions of its approval.
- The Commission must keep a list of approved products accessible to local code enforcement officials and the public.

- When approval is local, the local official must determine that both the testing and evaluation is adequate, and that the product is being used in accordance with the limitations and instructions established by the evaluation.
- Decisions of local officials regarding local approvals may be appealed first to local boards and then to the Commission. Decisions of the Commission regarding both local and state approval are subject to judicial review for any final determination.
- The system requires long-term approvals where feasible, but also provides for recall or revocation of approvals for due cause.
- Approval is based on validation of the reports on the evaluation-by testing or rational analysis-of product compliance with the standards set by the code or the intent of the code.
- Product testing shall be done by independent, third party, qualified, and accredited testing and laboratory facilities.
- Evaluation shall be conducted by: nationally accredited entities; Commission approved evaluation entities; or Florida registered engineers or architects who have no conflict of interest associated with the manufacturer of the product.
- Products approved based on evaluations and certifications by Florida registered engineers or architects must be manufactured under a quality assurance program certified by an approved product evaluation entity.
- To ensure a smooth transition from the current system to the new system, products certified or approved for statewide or local use by an approved product evaluation entity prior to the effective date of the law establishing the statewide product approval system are deemed approved.
- The law provides additional general guidance for developing the state product approval system by specifying that the system must be cost effective, must appropriately promote innovation and new technologies, and must ensure applications for product approval are processed in a timely manner.

Approval of products is a multi-step process. First, manufacturers have samples of their products evaluated for compliance by approved testing laboratories, evaluation entities or Florida registered engineers or architects. The evaluation is based on testing and/or rational analysis. Next, manufacturers submit reports on the evaluation to the approving authority for validation and approval. The approving entity issues an approval subject to conditions established by the evaluation. Typically, manufacturers have quality assurance programs which monitor production to ensure continued compliance and in some instances these programs are required as a condition of approval. The final step in approval is the determination that the product is being used consistent with the conditions of approval. This final step is always performed by the code enforcement official.

The most extensive private sector programs for verifying product compliance with standards are administered by "certification agencies". These organizations test products to evaluate compliance, conduct production monitoring programs to ensure continued compliance, and certify compliance to specific standards. The most widely recognized of these is Underwriters Laboratories (UL) which certifies and labels electrical products. The Product Approval System established by s. 553.842, F.S., stipulates that validation is not required where compliance is certified by recognized entities.

Commission Consensus on Product Approval System Implementation

The Commission recommends that either state or local approval be required for all products for which the code establishes standards. Approval of a product by the State would be voluntary and at the manufacturer's discretion.

As indicated in the previous section, approval is based on the evaluation of a product's compliance with the standards established by the code and validation of the information supporting compliance presented to the approving entity. The commission recommends that approval also require manufacturers operate quality assurance programs to ensure that approved products continue to comply. The Commission's recommendations for implementing the system incorporate the evaluation methods listed below and recognize the differences between local approval processes and State/Commission approval processes.

Local Approval

The evaluation methods and validation approach currently employed in building code enforcement should continue to be used by local and state enforcement agencies for local and agency product approval. All products will be evaluated by one of the three methods listed below except products in the seven building-envelope/structural component categories. These categories are: panel walls, exterior doors, roofing, skylights, windows, shutters, and structural components. This option could be extended to other products as experience and efficiencies develop. Products in the seven categories must be evaluated by Method 2 or Method 3.

Validation is done by local building officials who must verify the following:

- Is the method of demonstrating compliance from an entity approved by the FBC?
- Is the method of demonstrating compliance current and has not been suspended, recalled or revoked?
- Has the product been recalled or revoked?
- Does the method of demonstrating compliance addresses the requirements and standards of the FBC?
- Verify manufacture installation instructions are provided, if required.
- Confirm that an FBC approved quality assurance program is in place.
- Does the method of demonstrating compliance contain any limitations that would restrict or prohibit use of the product as intended?
- Is the product appropriate for use in the project for which the permit has been filed?

State Approval

Approval of products by the Commission for statewide or regional use constitutes acceptance that the product as designed and manufactured complies with the code. This approval verifies that products have been evaluated appropriately and establishes conditions of approval that include limitations of the product's use. This level of oversight assists manufacturers by providing a single point for review and acceptance of the documentation supporting their claims of code compliance. It assists local governments by providing validation and acceptance of the technical documentation which may be beyond their expertise to review and by verifying other conditions of approval, such as quality assurance programs, are met. Validation for state approval would be conducted by validation entities approved by the Commission rather than Commission staff. Commission approval would be based on the certifications of compliance provided by "third party" (independent of manufacture) validation

entities. As indicated previously, the local official must approve the application of state approved products by determining their use is consistent with the conditions of the approval.

Evaluation Methods:

Method 1:

Approval through building plans review and inspection for products and materials for which the code establishes prescriptive provisions. (Note: this method can only be used by a code enforcement jurisdiction which reviews and approves building plans and inspects buildings during construction)

Method 2:

Products for which the code establishes performance standards shall demonstrate compliance by any one of the following.

- Certification mark or listing of an approved certification agency,
- A test report from an approved testing laboratory, or
- An evaluation report from an approved product evaluation entity. A report from a Florida registered architect or Florida professional engineer based on rational analysis, testing or combination thereof.

Method 3:

Alternate or innovative products not specifically addressed by standards in the code, but which comply with the code intent, shall demonstrate compliance by:

- An evaluation report from an approved product evaluation entity. A report from a Florida registered architect or Florida professional engineer based on rational analysis, testing or combination thereof.

Quality Assurance Programs are necessary since manufacturing practices will vary over time. Products must be produced within certain limits of variation so that their performance remains consistent with the performance determined by the evaluation.

The Commission recommends that manufacturers must operate Quality Assurance Programs for all approved products. It would establish by rule which products are subject to programs operated by independent third party agencies and which products would be subject to manufacturers in-house programs.

The Commission proposes to approve Quality Assurance Agencies which manufacturers may employ to monitor their products.

The Commission developed recommendations for approval of the private sector entities which conduct the technical evaluation of products. The law currently recognizes evaluation entities that are accredited by a nationally recognized evaluation authority (accreditor) as approved evaluation entities for the state product approval system. The Commission determined that, in addition to those entities explicitly recognized in the current law, the following five nationally recognized entities should also be explicitly recognized in law: the National Evaluation Service, the International Conference of Building Officials Evaluation Services, the Building Officials and Code Administrators International Evaluation Services, the Southern Building Code Congress International Evaluation Services, and the Miami-Dade County Product Control Division.

The other entities which may produce information on which product approval is based (testing laboratories, certification agencies, validation entities, and quality assurance agencies) would also require approval. The Commission proposes to recognize:

- ☐ Testing laboratories that are: accredited by national organizations A2LA and National Voluntary Laboratory Accreditation Program; accredited by approved evaluation entities; and those determined by the Commission to comply with international guidelines for testing laboratories established in national guideline ISO/IEC 17025.
- ☐ Quality assurance entities approved by evaluation entities and other entities that comply with standards established by national guideline ISO/IEC 17065.
- ☐ Certification agencies accredited by nationally recognized accreditors and other entities the Commission determines comply with ISO/IEC 17065.
- ☐ Validation Entities the Commission determines comply with accreditation standards it establishes by rule.

State and local approval will be valid until such time as the code requirements change, the product changes, or the approval is revoked. The Commission will investigate complaints of approved products and recall or revoke approval based on findings of failure to conform to specifications on which the approval was based, failure to perform properly even though meeting the specifications, failure to comply with any condition of approval, any intentional misstatement in a submittal or data submitted in support of the product, failure to comply with new, existing, or revised requirements of the code, or failure to maintain a current quality assurance program.

Finally, the Commission developed recommendations for an implementation date that facilitates industry transition to the new product approval system. The Commission recognizes that even though standards do not change for the majority of products, some manufacturers would not be in compliance with all of the new system requirements, if the new system becomes effective concurrent with the building code effective date. In addition, a reasonable transition time will be necessary to accredit entities that are not initially approved so that the products these entities have evaluated can continue to be recognized as provided for in current law.

The Commission recommends the appropriate effective date for the full implementation of the new state product approval system should be two years from the implementation date of the Code.

Attachment 5

The Florida Building Code

**A Report to the 2001 Florida Legislature by
The Florida Building Commission**

**COMMISSION
APPROVED DRAFT**

**Prepared By
The Florida
Department of
Community
Affairs
And
The Florida
Conflict
Resolution
Consortium**

February 2001

**Jeb Bush, Governor
Raul L. Rodriguez, AIA, Chairman FBC
Steve Seibert, Secretary DCA**

FBC—Facilitator's Summary January 21 - 22, 2001

FLORIDA BUILDING COMMISSION REPORT TO THE 2001 FLORIDA LEGISLATURE

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1. Executive Summary

The 1998 Florida Legislature passed HB4181 directing that a single statewide building code be developed by an appointed Commission and adopted by administrative rule. The legislation also directed the Commission to implement a Building Code Training Program and a statewide Product Approval System in accordance with the statutorily prescribed structure. The Legislature set an implementation date of January 1, 2001.

The Florida Building Commission was formed in July of 1998 and began the code development process in September 1998. After extensive review and public comment the Commission selected a national model code as the base code and spent the next 18 months considering modifications to ensure that the new code would meet the unique conditions and diverse needs of the State of Florida. In February 2000 the Commission adopted the Florida Building Code, moved to proceed with rule adoption, and submitted their recommendations on the code and other related issues to the 2000 Florida Legislature for review.

The 2000 Legislature reviewed the Commission's recommendations and responded by passage of SB219 directing the Commission to reevaluate any previously adopted amendments to the base code that received public comment prior to completing adoption of the code by administrative rule (s. 553.73, F.S.). In addition, the Legislature removed the Commission's rulemaking authority to implement the statewide Product Approval System and directed the Commission to finalize system implementation recommendations for review by the 2001 Legislature. Finally, the Legislature revised the effective date of the Florida Building Code to July 1, 2001 to allow time for the additional consensus-building efforts.

During 2000, the Commission continued its consensus-building efforts with all key stakeholders participating in resolving outstanding differences on the code and related issues. The Commission completed development of the Florida Building Code in December 2000 and the rule was filed with the Secretary of State in January 2001. The Commission also developed design and implementation strategies for the Building Code Training Program (s. 553.841, F.S.) and recommendations for implementation of the state Product Approval System (s. 553.842, F.S.).

Under the committed leadership of Chairman Raul L. Rodriguez, AIA, the Commission strived to include all of the affected stakeholders throughout the entire code development and adoption process. The Commission's consensus building and decision making process is a participatory one whereby, on matters of substance, the members jointly strive for agreements which all of the members can accept, support or, at least, agree not to oppose. In instances where, after vigorously exploring possible ways to enhance the members' support for the final decision on an issue or package of recommendations, 100 percent acceptance or support is not achievable, final decisions of the Commission require at least a 75 percent favorable vote of all members present and voting.

This super majority decision rule underscores the Commission's view of the importance of seeking and developing agreements with the participation of all members and which all can live with and support. Consistent with the Commission's intent to include as many interests as possible in the development of the Code, the Commission convened over twenty public hearings in addition to the public comment times provided at each of the Commission's monthly meetings and Ad Hoc Committee meetings.

In addition to adoption of the Building Code, development of implementation strategies for the Building Code Training Program, and recommendations for a state Product Approval System, the Commission developed recommendations to correct building code system glitches and implementation strategies for additional programs that the Legislature has vested the Commission with the authority for developing.

Over the course of the next year the Commission will continue to refine the building code system to improve long-term viability and efficacy of the system. Projects include developing rules to govern the annual code revision process and operating procedures; implementing the Education and Building Code Training Program strategies; developing partnerships and collaborations with local building departments, trade and professional associations, and private industry; collaboration with industry licensing boards; and providing ongoing education training and technical support for the code. The combined effect of the Commission's actions will be to improve compliance through a combination of education initiatives, licensing requirements, and enforcement strategies with an emphasis on educational and collaborative efforts with building officials and the industry.

In summary, after two years of consensus-building efforts with the stakeholders affected by the system, The Florida Building Commission has adopted the Florida Building Code and made recommendations for additional programs outlined in this report. The Commission believes implementing these recommendations will provide the entire state of Florida with a Building Codes System, Education Program, and statewide Product Approval System which protects the health, safety, and welfare of all of the citizens of Florida in an efficient, coherent, and effective manner which will provide Florida with a better built environment.

2. Overview Of The Code Development And Adoption Process

Building Codes. Building code regulations are developed to protect the public. Building codes primarily establish minimum standards for the design and construction of buildings by addressing such issues as structural integrity; mechanical, plumbing, electrical, lighting, heating, air conditioning, ventilation, fireproofing, and exit systems; safe materials; energy efficiency; and accessibility by persons with physical disabilities. In doing so, these regulations protect lives and property, promote innovation and new technology, and help ensure economic viability through the availability of safe and affordable buildings and structures.

Governor's Building Codes Study Commission. In July 1996, a Building Codes Study Commission was established to evaluate Florida's building codes system and develop recommendations to reform and improve it.

After 18 months of exhaustive study, hearings, public input, and debate, the study commission found that Florida's current building codes system was not as effective as it should be. It was not weaknesses in the codes themselves that contributed to the extensive storm damage, but rather the failure to comply with and enforce the complex and confusing system of multiple codes and administrative processes in existence. The study commission also concluded that the building codes system was having detrimental impacts on Florida's economic development opportunities.

1998 Legislative Reform of the Florida's Building Code System. As a result of back-to-back natural disasters—Hurricane Andrew in August 1992, the “Storm of the Century” in March 1993, Tropical Storms Alberto and Beryl in the Summer of 1994, and Hurricanes Erin and Opal during the 1995 Hurricane Season—the building code system's effectiveness took on statewide significance for the construction industry and all of the stakeholders in the building codes system, including local governments, the banking and real estate industries, the insurance industry, labor unions, state agencies, manufacturers, and, the most affected group, Florida's citizens.

The 1998 Legislature considered the findings and recommendations of the Study Commission and enacted major legislation—CS/CS/HB4181; Chapter 98-287, Laws Of Florida—reflecting a majority of the Commission's proposals. The Legislature established the Florida Building Commission to develop, implement, and administer the Florida Building Code.

Development and Adoption of the Florida Building Code. The 1998 Legislature required the Florida Building Commission to begin the code development process by selecting a base code. Thereafter, the Commission was directed to make any changes necessary to tailor the base code to meet the needs and specific requirements of Florida, including unique local conditions.

Phase I—Adoption of the Base Code. Following much deliberation on information gathered from various presentations and comments received at four public hearings held around Florida, five codes were nominated for consideration as the base code. In October 1998, the Commission selected a national model code as the base code.

Phase II—Broad-Based Participation and Public Input. After selecting a base code, the Commission formed nine technical advisory committees to review various portions of this code (administration, building fire, building structural, mechanical, electrical, energy, accessibility, special occupancy, and plumbing) to evaluate modifications tailoring the code to Florida and to harmonize the code with the requirements of the Florida Fire Prevention Code.

These advisory committees began meeting in December 1998 and met at least monthly to review the base code and modifications solicited from communities and stakeholders by the Commission. The advisory committees completed their review and made initial recommendations for modifying the base code in May 1999. The Florida Building Commission accepted the recommendations of the technical advisory committees, without comment, and submitted them for general public comment as a Working Draft (Draft I) of the Florida Building Code.

Phase III—Adopting the Commission’s First Draft of the Code. The Florida Building Commission conducted a series of 11 rule development workshops throughout the state on the recommendations submitted by the technical advisory committees. In response to public comment, the Commission decided to solicit a second round of proposed modifications. The technical advisory committees reviewed this round of modifications to their original proposals and submitted their recommendations to the Commission.

In August 1999, the Florida Building Commission adopted amendments to the Working Draft, including Miami-Dade and Broward Counties’ hurricane standards and enforcement criteria for application only in those two counties, and created the First Commission Draft (Draft II) of the Florida Building Code.

Phase IV—Adoption of the Florida Building Code. Starting in September 1999, the Commission held five public hearings on the First Commission Draft of the Florida Building Code. In November 1999, modifications to the First Commission Draft were adopted to create the amendatory text of the Final Draft (Draft III). The amendatory text was amended in December 1999, further refined in January, and finalized in February 2000. Consistent with the authority vested to the Commission by the Florida Legislature, in February of 2000 the Commission moved to proceed with administrative rule adoption for the Building Code Rule.

3. Legislative Directives And Related Recommendations And Actions By The Florida Building Commission

Review of the Florida Building Code and Refinements by the 2000 Florida Legislature—HB219. The 2000 Legislature, through House Bill 219, reviewed the proposed statewide building code and directed the Florida Building Commission to proceed with adoption of the code by rule. The Legislature delayed the implementation date of the code from January 1, 2001 to July 1, 2001 and directed the Commission to complete the following tasks:

- Apply the criteria in s. 553.73(7)(a) and (b), F.S., to the adoption of new modifications to the base codes (Section 109).
- Review previously-adopted modifications to the base codes, identified during public hearings on the proposed code, under the criteria in s. 553.73(7), F.S., and vote to retain those modifications by a three-fourths majority (Section 109).
- Publish all amendments to the adopted Florida Building Code in legislative format (strike-through/underline) (Section 109).
- Adopt the specified windborne debris region (ASCE 7-98, as modified by the Legislature) (Section 109).
- Adopt the provisions relating to the Plumbing Code and Administrative Section set forth by the Legislature (Section 109).
- Make recommendations to the Legislature, prior to the 2001 session, to develop and implement a product evaluation and approval system (s. 553.842, F.S.).
- Examine the applicability of the full proposed code to storage sheds and lawn storage buildings and report recommendations to the Legislature prior to the 2001 session (Section 112).

Final Review and Adoption of Changes to the Florida Building Code.

As required by the 2000 Florida Legislature, the Commission established and adopted by rule the criteria for submitting fiscal impact statements, opened an additional comment period to allow stakeholders an opportunity to comment on adopted modifications to the base code, and then reviewed and decided on each of the previously adopted modifications to the base code as well as proposed changes to the Building Code Rule in conformance with the parameters established in HB219.

Challenges and Successful Resolutions. Final adoption of the Florida Building Code by the Florida Building Commission was held up by two separate rule challenges filed by two groups of interested stakeholders. The first challenge was filed in February 2000 by the Florida Home Builders Association (FHBA), and the second filed in November 2000 by the Florida Air Conditioning Contractors Association (FACCA) in which the FHBA joined as a party. Both challenges concerned the propriety of locating air handling units in attic spaces, an issue about which both parties hold strong positions and have previously disagreed prior to development of the Florida Building Code by the Commission. Fortunately, both challenges were resolved without an

administrative hearing with both parties agreeing to specified criteria under which air handlers may be located in attic spaces.

At its December 11-12, 2000 meeting in Orlando, the Commission voted to execute a settlement agreement resolving the FACCA rule challenge, make no further changes to the proposed code until after adoption, and file the building code rule for adoption upon the close of that case. The case was closed by the Administrative Law Judge on December 27, 2000, and the Commission began the process of filing the code for adoption, including requesting certification of the rule from the Joint Administrative Procedures Committee of the Legislature. In January 2001, the Joint Administrative Procedures Committee certified the rule; and following certification, the Department of Community Affairs filed the rule with the Secretary of State. The effective date of the rule remains July 1, 2001, as set by the Legislature.

As a result of the Commission's efforts to build consensus on the rule challenges and review modifications to the base code mandated by the Legislature, the Commission recommends that implementation of the Florida Building Code be delayed until October 1, 2001. This will allow an additional three months for training of building officials, contractors, architects and engineers in the differences between the existing state minimum building codes and the new Florida Building Code. The date for printing of the new code, which is an integral part of training on the code, was tied to finalizing the code for rule adoption.

Summary of Commission Action Relative to Legislative Direction. An update on the status of each task assigned to the Commission by the 2000 Florida Legislature follows in *italics*:

A. Completion of the Code

- Review and reconsider previously adopted modifications to the base codes identified in public comment prior to May 19, 2000.

At its July 10-11, 2000 meeting in Sarasota, the Commission reviewed and reconsidered all of the previously adopted modifications which were identified by members of the public as needing further review. The review resulted in deletion of previously adopted modifications to the electrical code, and the retention of all other previously adopted modifications to the proposed code.

- Adopt the windborne debris region specified by the Legislature (ASCE 7-98 as modified)

At its July 10-11, 2000 meeting in Sarasota, the Commission voted to amend the proposed code to include the specified windborne debris region. Legal notice of these changes was provided in the July 28 edition of the Florida Administrative Weekly, and a hearing on the Notice was held at the Commission's August 21-22 meeting in Orlando.

- Amend section 611 of the Plumbing Section of the Proposed Code to include standards specified by the Legislature.

At its July 10-11, 2000 meeting in Sarasota, the Commission voted to amend the proposed code to include the specified water quality standards. Legal notice of these changes was provided in the July 28 edition of the Florida Administrative Weekly, and a hearing on the Notice was held at the Commission's August 21-22 meeting in Orlando.

- Reinsert into the proposed code sections of the Administrative Chapter which had been deleted by the commission due to conflict with Florida Statutes.

At its July 10-11, 2000 meeting in Sarasota, the Commission voted to include the specified provisions within the proposed code. Legal notice of these changes was provided in the July 28 edition of the Florida Administrative Weekly, and a hearing on the Notice was held at the Commission's August 21-22, 2000 meeting in Orlando.

B. Product Approval Recommendations

- Make recommendations to the Legislature, prior to the 2001 session, to develop and implement a product evaluation and approval system (s. 553.842, F.S.).

At its December 11 - 12, 2000 meeting in Orlando, the Commission voted unanimously to forward a package of key conceptual recommendations to the 2001 Florida Legislature for a statewide Product Approval System as well as requests for specific Legislative actions for implementing the system recommendations by administrative rule.

Summary of the Commission Recommendations for Product Approval

- Establish a system of uniform procedures to be used by local jurisdictions throughout the state for approving the use of building products, materials and systems of construction.
- Approve all products for which standards are established by the code.
- Establish procedures for Commission approval of all products for statewide or regional use which manufacturers may use in lieu of local approval.
- Provide three Commission approved methods of determining compliance for local approval and 2 methods for Commission approval.
- Subject seven product categories to the more stringent methods for local and state approval.
- Validation and approval is conducted by local jurisdiction for local approval.

- Validation is conducted by Commission-approved validation entities and the Commission approves products for statewide acceptance. Recognize in law the following evaluation entities: National Evaluation Service, the International Conference of Building Officials Evaluation Services, the Building Officials and Code Administrators International Evaluation Services, the Southern Building Code Congress International Evaluation Services, and the Miami-Dade County Product Control Division.
- Testing laboratories, certification agencies, and quality assurance agencies that are approved by approved evaluation entities will be recognized by the Commission.
- Testing laboratories and certification agencies accredited by national accreditation entities will be recognized by the Commission.
- Testing laboratories, certification agencies, quality assurance agencies, and validation entities will be approved using national guidelines and other standards the Commission establishes by rule.
- Monitor all approved products via continuous quality assurance programs.
- State approval will be valid until such time as the code requirements change, the product changes, or the approval is revoked.
- The Commission shall investigate products for failure to comply with the code or approval requirements.
- Make the effective date for full implementation of the new system two years from the implementation date of the building code.
- Reinstate rulemaking authority and authorize the Commission to implement system recommendations by administrative rule.
- Provide timely and efficient processing of applications for approval.

Product Approval System Overview

Product performance standards are integral to the scheme used by building codes to establish minimum building safety and performance standards. The reforms to the building code system enacted by 98-287, LOF, specifically address how products' compliance with the code are to be established and approved for use in Florida. The Florida Building Commission was given the authority by 98-287, LOF, to complete the product approval system by administrative rule but was unable to achieve consensus on system specifics prior to the 2000 Legislative session. Consequently, the Commission recommended delaying implementation of the new state system, the continuation of the current system of local approvals until a consensus system is adopted by rule, and that a transition period be provided for implementation of the system after the rules are established.

The 2000 Legislature reviewed the Commission's recommendations and through HB219 suspended rule adoption authority and directed the Commission to make consensus recommendations to the 2001 Legislature for their review and action. In addition, HB219 enhanced the existing intent language of the law by requiring the system to utilize private sector evaluations that indicate compliance with the code and ensure that there is an effective government oversight, prior to approving a product's acceptance in Florida.

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- ☐ To ensure a smooth transition from the current system to the new system, products certified or approved for statewide or local use by an approved product evaluation entity prior to the effective date of the law establishing the statewide product approval system are deemed approved.
- ☐ The law provides additional general guidance for developing the state product approval system by specifying that the system must be cost effective, must appropriately promote innovation and new technologies, and must ensure applications for product approval are processed in a timely manner.

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listed below and recognize the differences between local approval processes and State/Commission approval processes.

Local Approval

The evaluation methods and validation approach currently employed in building code enforcement should continue to be used by local and state enforcement agencies for local and agency product approval. All products will be evaluated by one of the three methods listed below except products in seven building-envelope/structural component categories. These categories are: panel walls, exterior doors, roofing, skylights, windows, shutters, and structural components. Products in the seven categories must be evaluated by Method 2 or Method 3.

Validation is done by local building officials who must verify the following:

- Is the method of demonstrating compliance from an entity approved by the FBC?
- Is the method of demonstrating compliance current and has not been suspended, recalled or revoked?
- Has the product been recalled or revoked?
- Does the method of demonstrating compliance addresses the requirements and standards of the FBC?
- Verify manufacture installation instructions are provided, if required.
- Confirm that an FBC approved quality assurance program is in place.
- Does the method of demonstrating compliance contain any limitations that would restrict or prohibit use of the product as intended?
- Is the product appropriate for use in the project for which the permit has been filed?

State Approval

Approval of products by the Commission for statewide or regional use constitutes acceptance that the product as designed and manufactured complies with the code. This approval verifies that products have been evaluated appropriately and establishes conditions of approval that include limitations of the product's use. This level of oversight assists manufacturers by providing a single point for review and acceptance of the documentation supporting their claims of code compliance. It assists local governments by providing validation and acceptance of the technical documentation which may be beyond their expertise to review and by verifying other conditions of approval, such as quality assurance programs, are met. Validation for state approval would be conducted by validation entities approved by the Commission rather than Commission staff. Commission approval would be based on the certifications of compliance provided by "third party" (independent of manufacture) validation entities. As indicated previously, the local official must approve the application of state approved products by determining their use is consistent with the conditions of the approval.

Evaluation Methods:

Method 1:

Approval through building plans review and inspection for products and materials for which the code establishes prescriptive provisions. (Note: this method can only be used by a code enforcement jurisdiction which reviews and approves building plans and inspects buildings during construction)

Method 2:

Products for which the code establishes performance standards shall demonstrate compliance by any one of the following.

- ☐ Certification mark or listing of an approved certification agency,
- ☐ A test report from an approved testing laboratory, or
- ☐ An evaluation report from an approved product evaluation entity.
- ☐ A report from a Florida registered architect or Florida professional engineer based on rational analysis, testing or combination thereof.

Method 3:

Alternate or innovative products not specifically addressed by standards in the code, but which comply with the code intent, shall demonstrate compliance by:

- ☐ An evaluation report from an approved product evaluation entity.
- ☐ A report from a Florida registered architect or Florida professional engineer based on rational analysis, testing or combination thereof.

Quality Assurance Programs are necessary since manufacturing practices will vary over time. Products must be produced within certain limits of variation so that their performance remains consistent with the performance determined by the evaluation. The Commission recommends that manufacturers must operate Quality Assurance Programs for all approved products. It would establish by rule which products are subject to programs operated by independent third party agencies and which products would be subject to manufacturers in-house programs.

The Commission developed recommendations for approval of the private sector entities which conduct the technical evaluation of products. The law currently recognizes evaluation entities that are accredited by a nationally recognized evaluation authority (accreditor) as approved evaluation entities for the state product approval system. The Commission determined that, in addition to those entities, the following five nationally recognized entities should also be explicitly recognized in law: the National Evaluation Service, the International Conference of Building Officials Evaluation Services, the Building Officials and Code Administrators International Evaluation Services, the Southern Building Code Congress International Evaluation Services, and the Miami-Dade County Product Control Division.

The other entities which may produce information on which product approval is based (testing laboratories, certification agencies, validation entities, and quality assurance agencies) would also require approval. The Commission proposes to recognize:

- ☐ Testing laboratories that are: accredited by national organizations A2LA and National Voluntary Laboratory Accreditation Program; accredited by approved evaluation entities; and those determined by the Commission to comply with international guidelines for testing laboratories established in national guideline ISO/IEC 17025.
- ☐ Quality assurance entities approved by evaluation entities and other entities that comply with standards established by national guideline ISO/IEC 17065.
- ☐ Certification agencies accredited by nationally recognized accreditors and other entities the Commission determines comply with ISO/IEC 17065.
- ☐ Validation Entities the Commission determines comply with accreditation standards it establishes by rule.

State and local approval will be valid until such time as the code requirements change, the product changes, or the approval is revoked. The Commission will investigate complaints of approved products and recall or revoke approval based on findings of failure to conform to specifications on which the approval was based, failure to perform properly even though meeting the specifications, failure to comply with any condition of approval, any intentional misstatement in a submittal or data submitted in support of the product, failure to comply with new, existing, or revised requirements of the code, or failure to maintain a current quality assurance program.

Finally, the Commission developed recommendations for an implementation date that facilitates industry transition to the new product approval system. The Commission recognizes that even though standards do not change for the majority of products, some manufacturers would not be in compliance with all of the new system requirements if the new system becomes effective concurrent with the building code effective date. In addition, a reasonable transition time will be necessary to accredit entities that are not initially approved so that the products these entities have evaluated can continue to be recognized as provided for in current law.

The Commission recommends the effective date for the full implementation of the new state product approval system should be two years from the implementation date of the Code.

C. Lawn Storage Shed Recommendations

- Examine the applicability of the full proposed code to storage sheds and lawn storage buildings and report recommendations to the Legislature prior to the 2001 session (Section 112).

At its December 11 – 12, 2000 meeting in Orlando, the Commission voted unanimously to approve recommendations for lawn storage sheds and lawn storage buildings.

Recommendations:

- Exempt buildings not designed for human habitation with floor area of 720 square feet or less, from mandatory impact standards of the Florida Building Code. The exemption should apply to all types of construction.
- Mandate a warning be placed on the panel of lawn/storage kits sold in retail stores stating, “This structure may not meet code requirements. Consult with your local building department or jurisdiction prior to construction for applicability of permitting and code requirements.”

Historically, portable buildings not designed for human habitation have been regulated in a bifurcated manner, allowing the manufacturer to choose regulation by local governments or the Department of Community Affairs’ Manufactured Buildings Program. Generally, manufacturers delivering units to Miami-Dade and Broward counties opted to be regulated under the Manufactured Buildings Program, while manufacturers delivering units to the rest of the state opted to be governed by local regulations. The 2000 Florida Legislature removed the manufacturers’ option to choose the regulating entity and determined that all portable buildings manufactured offsite would be regulated under the Florida Building Code.

The Legislature recognized that portable buildings not designed for human habitation were different from buildings where people live or work. Chapter 2000-141, section 112, LOF, directs the Florida Building Commission to review the applicability of the full proposed Florida Building Code to buildings manufactured and assembled offsite but not intended for human habitation, including, but not limited to, storage sheds and lawn storage buildings. The Commission was directed to consider whether these buildings should be subject to the same standards applicable to buildings intended for human habitation, the additional financial costs associated with compliance, the risk reduction effects associated with compliance, and the long-term economic and practical consequences of compliance.

The Florida Building Commission appointed an Ad Hoc Committee to review portable buildings in the context of the Florida Building Code. Committee participants included members of the Florida Building Commission, representatives of the manufactured buildings industry, and the Florida Portable Building Manufacturers Association, a trade group consisting of companies which manufacture portable storage buildings for use in the state of Florida.

The buildings are usually constructed of light-weight aluminum with walls measuring .019 inch in thickness. The buildings are designed to store lawn mowers, garden equipment, and other personal property from the weather and are not meant to shelter or protect people. Industry groups expressed concern that the buildings as currently constructed do not meet the impact standards required in the Florida Building Code. The Florida Building Code will require the buildings to be constructed to withstand internal pressure to prevent additional wind-borne debris resulting in the penetration of the envelope of another building. Complying with the impact standards would require a substantial change in the way these buildings are constructed and the benefits gained would not warrant the increased cost that consumers would incur.

The long-term consequence of requiring the buildings to comply with the impact standards would be a surge in the number of Do-It-Yourself kits used in Florida. The issue becomes how these kits can be held to the same standards and equivalent permitting requirements as those structures manufactured offsite subject to the Florida Building Code. Do-It-Yourself kits and conventionally-constructed buildings should be subject to the same requirements as those manufactured under the Manufactured Buildings Program. Further, the consumer should be notified that the unit may require permitting by the local enforcement agency, constructed in accordance with applicable provisions of the Florida Building Code, and installed and anchored in accordance with regulations.

Section 553.37(7), F.S., grants the Department of Community Affairs the authority to establish fees to pay the cost incurred for work related to administration and enforcement of the Manufactured Building Program. These buildings are included in the Manufactured Building Program and fee authority is available.

4. Additional Recommendations And Actions By The Florida Building Commission

A. Education: Transition Training and Building Code Training Program

Overview. The 1998 Legislature (HB4181) directed the Florida Building Commission to develop and implement a building code education and training program for licensed building code personnel, contractors, and design professionals that consists of a core curriculum and advanced, specialized courses.

The Commission developed and adopted by administrative rule a four-hour core course that must be completed as a condition of renewal or state certification or registration for licensees.

Chairman Rodriguez appointed an Ad Hoc Committee of Commission members to develop recommendations for refining the education system and to develop implementation recommendations for the Building Code Training Program. After several months of development, in December of 2000 the Ad Hoc Committee recommended and the Commission unanimously approved a conceptual implementation strategy for the Building Code Training Program. In addition, the Commission agreed that transition training should be the primary short-term focus of the Commission in order to ensure an effective transition to the new Florida Building Code.

Transition Training. In order to focus on effective transition between existing codes and the new Florida Building Code, the Commission voted unanimously to develop transition training consisting of technical courses that focus on the technical differences between existing codes and the Florida Building Code. The technical code differences will be further separated into four modules: Plumbing/Gas; Mechanical, Electrical/Alarm, and Energy; Building/Structural; and Special Occupancies. The Commission agreed to develop the technical courses by utilizing their established technical advisory committees to make substantive topical recommendations to the contractor hired to develop the curriculum. The Commission anticipates completing transition training curricula development and having courses available by May 1, 2001.

Level I—A	Level I—B
Existing Core (4 Hours)	Technical Courses (4 Hours)
Administrative and Process aspects of the FBC	Code comparison between existing codes and the FBC
Highlights participant's responsibilities in the code process as well as an overview of significant code issues	Also includes key points from the existing core

Building Code Training Program. In accordance with the requirements established by the Florida Legislature in s. 553.841, F.S., the Florida Building Commission has unanimously adopted implementation recommendations for the Building Code Training Program. In addition, the Commission anticipates refining their recommendations and submitting funding requests for a recurring funding mechanism to support the program administrator to the 2002 Legislature.

Overview of the Building Code Training Program Implementation Recommendations

A. Administration

The Florida Building Commission will oversee the program and contract the administration of the program to an outside entity through an Invitation To Negotiate. The FBC will adopt the criteria that the administrative entity will use to administer the program. The entity shall make regular reports to the Commission.

B. Funding

Administration Funding

- State provides funding initially in order to assist the administrator in developing technical core curricula.
- The goal is to have a self-supporting administrator for the long-term; and to evaluate program viability on an annual basis relative to economic feasibility, and make any needed funding recommendations/requests to the Legislature.

Course Curricula Development Funding

- User fees for technical core.
- User fees are collected for courses provided over the Internet.
- User fees are collected for classroom courses with all or a portion of fees going to the administrator when its course materials are used.
- Accreditation fees for providers of advanced/specialized modules.

C. Quality Assurance

- ☐ Commission approval of administrator.
- ☐ Administrator develops and delivers curricula approved by the Commission for core.
- ☐ Administrator evaluates trainers and monitors courses for advanced/specialized modules using an established Continuing Education Units accreditation process reviewed and approved by the Commission.
- ☐ A feedback mechanism will be developed to ensure the efficacy of course content.

D. Technical Core Courses

- ☐ General, basic, fundamentals of the code on limited/targeted topics.
- ☐ Uniform course content developed by administrator and approved by the Commission.
- ☐ Can be provided on-line.
- ☐ Can be coordinated by a single state-funded entity such as a university center or community college.
- ☐ Provider must use Commission-developed/approved curricula.
- ☐ State trains and supports trainers who deliver training utilizing existing venues such as building departments, and professional/trade associations.

E. Advanced/Specialized Modules

- ☐ Intermediate/advanced, in-depth on specialized subjects and technologies.
- ☐ Curricula developed by private industry or specialists on topic.
- ☐ Administrator establishes accreditation criteria using approved/recognized Continuing Education Unit protocols.
- ☐ Commission approves administrator’s recommendations.
- ☐ Administrator evaluates trainers and monitors courses.

Level II—A	Level II—B
Technical/Fundamentals Courses on the Code	Advanced/Specialized Modules
General, basic, fundamentals of code	Int./Adv. specialized topics
Uniform course content developed by State	Varied curricula developed by provider
Provided by single entity—Administrator	Provided by specialized entities
State provides trainers	Industry/specialists provide training
State subsidizes administrator as needed	Provider funds
Administrator charges user fee for courses	Accreditation fees
QA: curricula and delivery	QA: administrator accredits and monitors

B. Manufactured Buildings

Overview. The 1998 Legislature conferred jurisdiction over manufactured buildings to the Florida Building Commission to be concurrent with the adoption and implementation of the Florida Building Code.

The Chair convened an Ad Hoc Committee of Commissioners who, in consultation with stakeholders, were charged with conducting a comprehensive assessment of the current program and making recommendations to the full Commission. The initial product of this review culminated with several changes to law established by HB219. Essentially these changes recognized the evolution of industry technology and practices and modified the law to correlate with changing conditions.

Implementation of Legislative Changes. During the course of 2000, the Committee continued its review of the program, implemented the legislative changes of HB219, and implemented additional refinements developed through the consensus-building process.

Following are the key practices that were implemented:

- Increased the reliance on private entities to provide plan review and inspection functions.
- Redefined the role of the Department of Community Affairs to perform administrative, regulatory, and monitoring functions.
- Increased the efficiency of performing departmental functions by the use of modern information technology resources (i.e., transfer of inspection results via the internet and maintenance of electronic copies).
- Developed rules for the inspection and approval of factory-built schools.

At its August 21-22, 2000 meeting in Orlando, the Commission voted unanimously to adopt the recommendations offered by the Ad Hoc Committee and to initiate rulemaking. The Department of Community Affairs is currently in the rulemaking process and anticipates completion of the rule by March of 2001.

C. Prototype Buildings

Overview. The 1998 Legislature conferred authority to the Florida Building Commission to develop and implement a system of plans review for statewide approval of prototype buildings.

The Chair convened an Ad Hoc Committee of Commissioners who, in consultation with stakeholders, are developing recommendations for a prototype building system for public and private buildings. It is anticipated that the Commission will adopt their final recommendations in late spring or early summer of 2001.

The committee and commission are dedicated to the creation of a system that requires compliance with all laws applicable to construction, including Fair Housing requirements, accessibility requirements, requirements of the Florida Fire Code as provided in Chapter 633, F.S., and the Florida Building Code. Cooperative efforts continue with the office of the State Fire Marshal to coordinate Fire safety plan review for prototype buildings. The committee also anticipates that the program would utilize the Florida Building Code Information System to facilitate the transmission of information via the Internet. The Commission is poised to initiate rulemaking to implement the program as soon as the requisite authority is granted. A target date for adoption of a rule is August 31, 2001.

Preliminary deliberations have identified the following issues that would require legislative activity for implementation of the program:

Recommendations

- Request specific legislative authority for privatization of the prototype buildings program which recognizes the option of contracting with an alternative public entity or a private entity as the service provider allowing for an administrator to perform such duties as monitoring and record keeping.
- Request specific legislative authority to establish the method of compensation to the entity providing plan review service and fees for providing administration functions required by the Commission such as record keeping and monitoring.
- Request legislative authority for exemption from public record/sunshine laws to address security for buildings designated as essential facilities in the building code, such as schools, correctional institutions, hospitals, etc.

5. Status Report Of Other Issues Under Review And Development By The Florida Building Commission

Introduction. As part of its charge, the Florida Building Commission will continually be examining code-related matters in an effort to improve Florida's building code system. Currently, the Commission has assigned a set of issues to ad hoc committees for study and recommendations. Some of these assignments are in response to legislative direction, while others were identified and prioritized by the Commission during the code development process. If the recommendations that emerge from these ad hoc committees require legislative action and are adopted by the Commission, they will be presented in future legislative sessions for review and consideration. The Commission will continue to report annually to the Legislature on all of its key actions during the previous year.

Overview of Tasks Under Review and Development

Include Construction Standards in the Code. The Commission is in the process of reviewing construction standards for assisted living facilities, adult day care facilities and facilities for the control of radiation hazards (s. 553.73(2), F.S.) and integrating them into the Florida Building Code.

Buildings Exempted From The Florida Building Code. An ad hoc committee has been charged with recommending whether the authorized exemptions of specified buildings from the requirements of the Florida Building Code are warranted. The committee will also determine whether refinements are needed to further delineate and define the types of buildings that may be exempted.

Prototype Building. The ad hoc committee has included their preliminary recommendations in this report. The committee will refine the details of the proposed program and adopt their refined recommendations by administrative rule pending decisions and direction from by the 2001 Legislature.

Rules of Procedure, Board of Appeals Process, and Commission Commentary. An ad hoc committee has been charged with making recommendations for developing Commission rules of procedure for amending and administering the code, developing a process and method for appealing code administrative decisions from local jurisdictions, and for providing Commission commentary on the code.

Local Government Code Administration. This category consists of four issues that are being developed by a task group of Commission members.

The Partnership for Building Department Effectiveness Task Group will develop recommendations on four issues:

1. Improvements to the Insurance Services Organization Rating Program. The ad hoc committee will be working with the Insurance Commissioner and local governments to identify ways to improve the effectiveness of the insurance industry's current system of rating local governments on the strength of their adopted building codes and enforcement practices.

2. Voluntary Professional Standards for Local Building Departments and Personnel. The ad hoc committee is studying and designing a voluntary accreditation program that would recognize those departments around the state that institute effective code enforcement practices and meet exemplary standards of performance.

3. Role of the State in Collaborating With Local Building Departments. The ad hoc committee will work with local jurisdiction to determine the need for and extent of oversight of individual local building departments by the Florida Building Commission, along with methods that would be effective without being intrusive and burdensome.

3. Local Privatization Guidelines. The ad hoc committee is developing a set of guidelines that local governments may follow when contracting out code enforcement duties to private companies. These guidelines will be designed to avoid conflicts of interest, maintain public accountability, and safeguard the public.

6. Recommendations For Legislative Action And Changes To Law

The Florida Building Commission has reviewed the existing statutes and recommends the following changes in order to implement the new building code and related systems.

Code Implementation Date

- The Commission recommends that implementation of the Florida Building Code be delayed until October 1, 2001. This will allow an additional three months for training of building officials, contractors, architects and engineers in the differences between the existing state minimum building codes and the new Florida Building Code. The date for printing of the new code, which is an integral part of training on the code, was tied to finalizing the code for rule adoption. Rule adoption was delayed several months last year to resolve rule challenges by affected construction interests.

Product Approval System

- The Commission requests that the Legislature adopt its recommendations to make certain changes to law, and authorize the Commission's adoption of implementing regulations.
- The Commission recommends that the system implementation date be two years after the effective date of the Code.

Lawn Storage Sheds

- The Commission recommends that buildings with floor area of 720 square feet or less, which are not intended for human habitation, such as lawn storage sheds and storage buildings, be exempted only from the mandatory wind-borne debris impact resistance standards of the Florida Building Code.
- The Commission further recommends that a notice be required on the packaging of kit sheds which states that the kits may not comply with the Florida Building Code and directs the buyer to contact the local building department for permitting and code requirements.

Prototype Buildings

- The Commission recommends that the plan review of prototype buildings be privatized, recognizing the option of contracting with an alternative public entity or a private entity as the service provider, allowing for an administrator to perform such duties as monitoring and record keeping.

- The Commission requests specific legislative authority to establish the method of compensation to the entity providing plan review service and fees for providing administration functions provided by the Commission such as record keeping and monitoring.
- The Commission requests specific legislative authority for exemption to public record and sunshine laws to ensure the safety and security of buildings designated as essential facilities in the building code, such as schools, correctional institutions, and hospitals.

Miscellaneous Statutory Changes

- The Commission requests amendment of s. 489.509(3), F.S., to transfer \$4 from each electrical contractor's license to the Department of Community Affairs, rather than the Department of Education, for research and education relating to construction industry issues and the Code. This will conform with HB 219 from the 2000 Session, which transferred a similar fee from all other contractors' licenses to the Department of Community Affairs for this purpose.
- The Commission recommends clarification of the exemption of Prototype Buildings from local technical amendments to the Florida Building Code in s. 553.73(3)(c), F.S., by amendment of that section and elimination of potentially inconsistent provisions in s. 553.77(6), F.S.
- The Commission recommends amendment to s. 553.79, F.S., to authorize either the Commission or local governments to establish standards for preliminary construction prior to permit issuance (e.g., foundation-only permits, etc.). As existing practice conflicts with legislative provisions, the Commission recommends that the statute be amended to eliminate conflicts.
- The Commission requests the statutory authority to produce explanatory text to accompany the Florida Building Code similar to the Code Commentary produced by the publisher of the Standard Building Code. This text would provide explanatory comments for compliance rather than mandatory direction, and the Commission recommends exemption from Chapter 120, F.S.
- The Commission requests that the federal disproportionate cost exception from path of travel upgrades to renovation of existing buildings apply to Florida's vertical accessibility standards (s. 553.509, F.S.). The Commission recommends that local officials determine cost-prohibition rather than the State.
- Correct cross-references to s. 316.1955, F.S., contained in s. 553.507, F.S., and s. 553.5041, F.S. The referenced provisions relating to accessible parking have been relocated to s. 553.5041(4), F.S.

- Revise s. 553.895, F.S., (Firesafety) to exempt telecommunications spaces located in telecommunications buildings from the requirements of s. 553.895(2), F.S., provided that those spaces are equipped with an equivalent fire prevention standard approved by both the Florida Building Commission and the State Fire Marshal.

- The Commission requests delegation of authority from the Legislature to determine transition issues such as the status of pending building permit applications on the date that the new code takes effect. The issue is at what point building plans have to be resubmitted under the new code, or whether they continue to comply with the older codes (i.e., this is a "grandfathering" issue). The Commission recommends that this determination be made through the chapter 120 rulemaking procedures in which all affected parties will participate, be heard and develop a consensus product.

7. Appendices

Appendix A

Florida Building Code Bill