FLORIDA BUILDING COMMISSION

ATTACHMENT TO THE AUGUST 11 - 14, 2002 MINUTES

FACILITATOR’S REPORT OF THE AUGUST 11 - 14, 2002 COMMISSION MEETING

Orlando, Florida

Meeting Design & Facilitation By

Florida Conflict Resolution Consortium

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This document is available in alternate formats upon request to Dept. of Community Affairs, Codes & Standards, 2555 Shumard Oak Blvd., Tallahassee, FL 32399, (850) 487-1824.
I. OVERVIEW OF COMMISSION’S KEY DECISIONS

WEDNESDAY, AUGUST 14, 2002
COMMISSION PLENARY SESSION

Agenda Review and Approval
The Commission voted unanimously, 15 - 0 in favor, to approve the agenda as presented.

Review and Approval of July 2, 2002 Meeting Minutes
Commission voted unanimously, 15 - 0 in favor, to approve the minutes as presented for the July 14, 2002 Commission meeting.

Review and Approval of Commission’s Updated Workplan
The Commission voted unanimously, 17 - 0 in favor, to approve the Commission’s updated workplan as presented. (Attachment 2)
Commissioner Browdy requested accelerating the schedule for Workplan Task EE (Code Commentaries).

Chair’s Discussion Issues and Recommendations
Acting chair D’Andrea reported that Chairman Rodriguez made the following TAC/POC appointments:
Herminio Gonzalez to Product Approval POC
Ken Gregory to Plumbing TAC

Review of Privatization Forms
The Commission reviewed a Notice to Building Official for Use of Private Provider form and a Plan Compliance Affidavit form jointly developed by staff and BOAF.

Commission Actions:
Motion — The Commission voted unanimously, by a vote of 17 – 0 in favor, to approve the forms as amended below and to initiate rulemaking beginning with a rule development workshop at the September 2002 Commission meeting.
Amendment to Form:
Private Provider form should clarify that a notary signature is not required for architects and engineers.

Consideration of Accessibility Waiver Applications
The Commission reviewed and decided on the Waiver applications submitted for their consideration.
COMMITTEE REPORTS AND RECOMMENDATIONS

Special Occupancy TAC Committee Report and Recommendations
Commissioner Thorne presented the committee’s report and recommendations for Commission consideration. The Commission unanimously accepted the Committee’s report by a vote of 17 - 0 in favor. (See Commission Minutes for Committee report)

Fire TAC Committee Report and Recommendations
Commissioner D’Andrea presented the committee’s report and recommendations for Commission consideration. The Commission unanimously accepted the Committee’s report by a vote of 17 - 0 in favor. (See Commission Minutes for Committee report)

Code Administration TAC Committee Report and Recommendations
Commissioner Thorne presented the committee’s report and recommendations for Commission consideration. The Commission unanimously accepted the Committee’s report by a vote of 17 - 0 in favor. (See Commission Minutes for Committee report)

Electrical TAC Committee Report and Recommendations
Commissioner McCombs presented the committee’s report and recommendations for Commission consideration. The Commission unanimously accepted the Committee’s report by a vote of 17 - 0 in favor. (See Commission Minutes for Committee report)

Commission Actions:
Motion — The Commission voted unanimously, by a vote of 14 – 0 in favor, to reconsider the report.
Motion — The Commission voted unanimously, by a vote of 14 – 0 in favor, to reconsider the report in order to include the entire report.
Motion — The Commission voted unanimously, by a vote of 15 – 0 in favor, to accept the report as amended.

Mechanical TAC Committee Report and Recommendations
Commissioner D’Andrea presented the committee’s report and recommendations for Commission consideration. The Commission unanimously accepted the Committee’s report by a vote of 17 - 0 in favor. (See Commission Minutes for Committee report)

Plumbing TAC Committee Report and Recommendations
Commissioner Shaw presented the committee’s report and recommendations for Commission consideration. The Commission unanimously accepted the Committee’s report by a vote of 17 - 0 in favor. (See Commission Minutes for Committee report)
Structural TAC Committee Report and Recommendations
Commissioner Parrino presented the committee’s report and recommendations for Commission consideration. The Commission unanimously accepted the Committee’s report by a vote of 17 - 0 in favor. (See Commission Minutes for Committee report)

Energy TAC Committee Report and Recommendations
Commissioner Bassett presented the committee’s report and recommendations for Commission consideration. The Commission unanimously accepted the Committee’s report by a vote of 15 - 0 in favor. (See Commission Minutes for Committee report)

Accessibility TAC Committee Report and Recommendations
Commissioner Richardson presented the committee’s report and recommendations for Commission consideration. The Commission unanimously accepted the Committee’s report by a vote of 19 - 0 in favor. (See Commission Minutes for Committee report)

Product Approval/Prototype Buildings/Manufactured Buildings Program Oversight Committee
Commissioner Carson presented the committee’s report and recommendations for Commission consideration. The Commission unanimously accepted the Committee’s report by a vote of 17 - 0 in favor. (See Commission Minutes for Committee report)

Commission Actions:
Motion — The Commission voted unanimously, by a vote of 17 – 0 in favor, to conduct a rule amendment workshop for rule 9B-74 at the September 2002 Commission meeting.

Action on Applications for Approval for Product Approval Entities
Motion — The Commission voted unanimously, by a vote of 17 – 0 in favor, to approve American Association for Laboratory Accreditation as an accreditation body.
Motion — The Commission voted unanimously, by a vote of 17 – 0 in favor, to approve Intertek Testing Services as a testing laboratory.
Motion — The Commission voted unanimously, by a vote of 17 – 0 in favor, to approve Hurricane Test Laboratory as a testing laboratory on the condition that the accreditation body verify accreditation of the applicant.

Education Program Oversight Committee and Education TAC Committee Report and Recommendations
Commissioner Browdy presented the committee’s report and recommendations for Commission consideration. The Commission unanimously accepted the Committee’s report by a vote of 17 - 0 in favor. (See Commission Minutes for Committee report)

Commission Actions:
Motion — The Commission voted unanimously, by a vote of 17 – 0 in favor, to approve the TAC/POC recommendations on the BCTP in concept, and to direct DCA legal staff to begin negotiations for the transition of specified Building Code Training Program functions from the Florida Building Commission (FBC) to the Department of Business and Professional Regulation (DBPR) as outlined in the TAC/POC recommendation.
Commission Action on TAC Recommendations for Proposed Code Amendments
Motion — The Commission voted unanimously, by a vote of 17 – 0 in favor, to approve publication, on the Building Code Information System (BCIS), of the TAC recommendations on proposed code amendments which will allow 45 days for public review and comment. The Commission will consider the proposed amendments and any comments at the October 2002 Commission meeting in Miami.

Commission/BOAF Project to Develop Non-binding Code Interpretation Process
BOAF president Ronnie Spooner presented a projector presentation of the web based request for non-binding interpretation process.

PETITIONS FOR DECLARATORY STATEMENTS
Following are the actions taken by the Commission on petitions for declaratory statements.

OTHER
DCA02-DEC-128 by Richard Johnston
The request was deferred to the September 2002 meeting at the request of the petitioner.

SECOND HEARINGS

Structural
DCA02-DEC-169 by Florida Extruders International Inc.
Motion — The Commission voted unanimously, by a vote of 15 – 0 in favor, to approve their previous action on the petition.

DCA02-DEC-170 by International Engineering Associations Inc.
Motion — The Commission voted unanimously, by a vote of 15 – 0 in favor, to approve their previous action on the petition.

DCA02-DEC-182 by Bliss & Nytray, Inc.
Motion — The Commission voted unanimously, by a vote of 16 – 0 in favor, to approve their previous action on the petition.

DCA02-DEC-183 by Master Consulting Engineering Inc.
Motion — The Commission voted unanimously, by a vote of 16 – 0 in favor, to approve their previous action on the petition.
Fire:
DCA02-DEC-138 by Bellsouth Telecommunications
Motion — The Commission voted unanimously, by a vote of 15 – 0 in favor, to approve draft of order to deny.

Mechanical:
DCA02-DEC-176 by Larry Banks
Motion — The Commission voted 12 – 3 in favor, to approve their previous action on the petition.

DCA02-DEC-177 by Larry Banks
Motion — The Commission voted unanimously, by a vote of 15 – 0 in favor, to approve their previous action on the petition.

DCA02-DEC-178 by Larry Banks
Motion — The Commission voted 14 – 1 in favor, to direct legal staff to draft a statement based on their previous action on the petition.
DCA02-DEC-179 by Larry Banks
Motion — The Commission voted unanimously, by a vote of 15 – 0 in favor, to direct legal staff to draft a statement based on their previous action on the petition and to include a reference to ASHRA 62.

DCA02-DEC-131 by Pinellas County
Motion — The Commission voted 14 – 1 in favor to refer the petition back to the Mechanical and Plumbing TACs for their recommendations, and that legal should prepare a statement for Commission consideration at the September 2002 Commission meeting.

Energy:
DCA02-DEC-173 by Florida Power and Light
Motion — The Commission voted unanimously, by a vote of 15 – 0 in favor, to approve their previous action on the petition.

DCA02-DEC-174 by Florida Power and Light
Petition withdrawn by petitioner.

DCA02-DEC-175 by Florida Power and Light
Motion — The Commission voted unanimously, by a vote of 15 – 0 in favor, to approve their previous action on the petition.
Product Approval:
DCA02-DEC-142 by DASMA Inc.
Motion — The Commission voted 14 – 1 in favor, to approve their previous action on the petition with the following friendly amendment:
Amendment: will not is not that which

DCA02-DEC-166 by Florida Building Materials Association
Motion — The Commission voted unanimously, by a vote of 15 – 0 in favor, to direct legal staff to draft a response based on the TAC recommendations from the July 2002 meeting.

DCA02-DEC-167 by Florida Building Materials Association
Motion — The Commission voted unanimously, by a vote of 15 – 0 in favor, to approve their previous action on the petition.

DCA02-DEC-180 by Florida Portable Building Manufacturers Association
Motion — The Commission voted 13 – 1 in favor, to approve their previous action on the petition with the following amendment:
Amendment: Add paragraph 12 language as submitted in the amended petition.

DISMISSED AT FIRST HEARING
- DCA02-DEC-062 by Airtemp
- DCA02-DEC-124 by Miami-Dade Water and Sewer Department

WITHDRAWN BY APPLICANT
- DCA02-DEC-162 by Florida Extruders International Inc.
- DCA02-DEC-171 by Leon County Community Dev. Dept. of Growth & Environment
- DCA02-DEC-174 by Florida Power and Light
- DCA02-DEC-188 by Mid-Florida Air Conditioning

FIRST HEARINGS

Structural:
DCA02-DEC-191 by Custom Craft, Inc.
Petition withdrawn by petitioner.

DCA02-DEC-203 by Charles A. Purvis, AIA, Architect
Petition withdrawn by petitioner.

DCA02-DEC-207 by Hartford South LLC
Petition withdrawn by petitioner.
DCA02-DEC-208 by City of New Port Richey
Petition deferred to TAC for additional information.

DCA02-DEC-213 by Kevin Connelly
Petition deferred to TAC for additional information.

Fire:
DCA02-DEC-190 by Allied Universal Corporation
Motion — The Commission voted unanimously, by a vote of 12 – 0 in favor, to approve the TAC/staff recommendation on the petition.

DCA02-DEC-206 by Philip J. Childs
Petition deferred to TAC for additional information.

DCA02-DEC-204 by Mouriz/Salazar & Associates
Petition withdrawn by petitioner.

Plumbing:
DCA02-DEC-205 by Herrell Plumbing Inc.
Motion — The Commission voted unanimously, by a vote of 13 – 0 in favor, to approve the TAC/staff recommendation on the petition.

DCA02-DEC-215 by T-Drill Industries Inc.
Motion — The Commission voted unanimously, by a vote of 13 – 0 in favor, to approve the TAC/staff recommendation on the petition.

Public Comment
There were 8 members of the public who addressed the Commission on a variety of issues under FBC purview.

Additional Commission Actions
Motion — The Commission voted unanimously, by a vote of 13 – 0 in favor, to direct legal staff to draft a letter notifying the local building official that there is a declaratory statement pending before the Commission and requesting that the local official consider extending the TCO pending Commission action on the petition and subject to there not being any life threatening conditions in the building resulting from the requested extension of the TCO.

Committee Assignments
The following committee’s indicated a need to meet at the August 2002 Commission meeting:

- Education Program Oversight (POC) Committee (if needed)
- Product Approval/Prototype Buildings/Manufactured Buildings POC
Accessibility TAC
Code Administration TAC and Rehab subcommittees
Education (if needed)
Electrical
Energy
Fire
Mechanical
Plumbing TAC
Structural TAC
Special Occupancy TAC
Accessibility Advisory Council and Waiver applications

Note:
The Fire TAC and Code Administration TACs will need to meet prior to the next Commission meeting. The TACs will meet in Orlando approximately two weeks prior to the September 2002 Commission meeting.

Staff Assignments
ATTACHMENT 1
FLORIDA BUILDING COMMISSION
MEETING EVALUATION RESULTS AUGUST 2002
HOW WELL DID THE COMMISSION ACHIEVE THE MEETING OBJECTIVES?

Circle One

+++ --- AVG

• Chair's Discussion Issues/Recommendations 11 3 0 0 0 4.71
• Accessibility Waiver Applications 11 3 0 0 0 4.79
• Legal Staff’s Discussion Issues and Recommendations 8 6 0 0 0 4.57
• Requests for Declaratory Statements 10 2 2 0 0 4.57
• TAC Reports/Rec’s — Accessibility, Code Administration, Plumbing, Mechanical, Energy, Electrical, Special Occupancy, Fire, and Structural 11 3 0 0 0 4.79
• POC Reports/Rec’s — Education, Product Approval, Prototype Buildings, and Manufactured Buildings 11 3 0 0 0 4.79
• Building Code Training Program Discussion 12 2 0 0 0 4.86
• Commission/BOAF Code Interpretation Process 10 3 0 0 0 4.77
• Public Comment 9 4 1 0 0 4.57
• Assignments and Issues for Next Meeting 12 1 0 0 0 4.92

RATE THE FOLLOWING ASPECTS OF THE MEETING?

Clarity of the meeting purpose and plan 12 2 0 0 0 4.86
Background information was helpful 10 4 0 0 0 4.71
Agenda packet was helpful 10 4 0 0 0 4.71
Balance of structure and flexibility 10 4 0 0 0 4.71
Group involvement and productivity 10 4 0 0 0 4.71
Facilitation 10 3 0 0 0 4.79
Facility 6 5 3 0 0 4.21

COMMENTS:
• Good hotel
• Terrible acoustics in the meeting room
• There seems to be some misunderstanding with what the commission instructs the legal staff to provide. Does the Commission not instruct legal staff to draft according to Commission action.

WHAT DID YOU LIKE BEST ABOUT THE MEETING?
• Good commission participation
• This facility is much nicer than the plaza facility
HOW COULD THE MEETING HAVE BEEN IMPROVED?
• Sound at plenary session was poor
• A little better summary on the DEC statements at the 2nd hearing
• Sound system
• Better attention to the sound equipment

ATTACHMENT 2

UPDATED COMMISSION WORKPLAN

PRIORITIZATION OF WORKPLAN TASKS- FEBRUARY 2002

Tasks Ranked at 2/02 Commission Meeting:
AA (AA) 2002 Glitch Amendments and Update to New Editions of Model Building Code
Score: 140

BB (EE) Develop Policy for Transition to International Building and Residential Codes
Score: 129

CC (DD) Collaborative Initiatives on Technical Support of the Code
Score: 118

DD (II) Joint Project with SFM to Develop Fire Prevention Code for Historic Buildings
Score: 110

EE (CC) Develop Commentaries for the Code and Each Subcode
Score: 96

FF (FF) Voluntary Standards for Building Departments [HB 4181/s.553.76(5), F.S.]
Score: 78

GG (HH) Create a Rating System for Structural Integrity Under Storm Conditions
Score: 77

HH (BB) Appeals Procedures [98-287, LOF/ss.553.73 & .77 & 2000-141, LOF/s.120.80,FS]
Score: 71

II (GG) ISO Ratings Program for Building Departments [98-287, LOF/s.553.77(1)n.]
Score: 45

Additional Tasks from Programs Implementation and 2001 Report to Legislature and Assignments by 2002 Legislature:

1. Revise Rules of Procedure to list needs specific to Florida which justify Code amendment
2. Revise Building Code Training Program rule for “advanced courses” and course approval criteria.

3. Develop building code provisions to be added to the Florida Building Code to facilitate the rehabilitation and use of existing structures. [Section 2, CS/HB 1307]

4. Establish procedures for advisory opinions and adopt by rule. [s.553.77(7), F.S.; CS/HB 1307]

5. Develop forms for use with private inspections:
   a. Notification of selection of private inspections submitted with permit application. [s.553.891(4), F.S.; CS/HB 1307]
   b. Affidavit to be submitted by private plans reviewer indicating the individual reviewed the plans and the plans comply with the Code. [s.553.891(5), F.S.; CS/HB 1307]

Note: there are two additional forms identified by law which are left to the building official’s discretion. It is proposed that BOAF develop models for these forms.

6. Review the implementation of s.553.891, F.S., Alternative Plans Review and Inspections, and report to the Legislature on or before January 1, 2004. [s.553.891(19), F.S.; CS/HB 1307]

**WORKPLAN BY TASK**

**AA**  2002 Glitch Amendments and Update to New Editions of Model Building Code

**Schedule for 2003 Glitch Amendments:**
- Amendment submittal cutoff: 6/14/02
- Post on website: 6/26/02
- TAC’s consider: 8/12/02
- Post TAC recommendations on website: 8/26/02
- Commission considers: 10/28/02
- Rule hearing: 12/10/02
- Effective date of amendments: 3/10/03

**Schedule for 2004 Base Codes Update:**
- Amendment submittal cutoff (independent submittals): 2/01/03
- Post on website (independent/base code updates/local amends): 3/01/03
- TAC’s consider: 5/03
- Post TAC recommendations on website: 6/01/03
- Commission considers: 7/03
- Rule hearing: 8/03
- Effective date of first update: 3/04

**BB**  Develop Policy for Transition to International Building and Residential Codes

**Schedule:**
- Public workshops: May-Jul 2003
- Proposed transition plan completed: Sep-Aug 2003
Public hearing and final decision on proposed plan Oct-Sep 2003
Staff begin organizing amendments to implement plan Oct 2003
Transition amendments posted to website and revision cycle begins Mar 2003
(See schedule for 2004 base codes update)
Effective date Mar 2004

CC Collaborative Initiatives on Technical Support of the Code

Initiatives:
1. Industry outreach via initiatives of industry associations Apr 2002 1st contract
   Contract with BASF Sep 2002 2nd contract
2. Establish informal code interpretation joint venture with BOAF See additional project 3.
3. Develop forms for use with privatized plans review and inspections See additional project 4.

DD Joint Project with SFM to Develop Fire Prevention Code for Historic Buildings

Schedule:
Organizational and planning meeting of joint FBC Fire TAC and SFM Fire Code Advisory Council Mar 2002
Building Code standards complete Oct 2002
Submitted for 2003 code amendment cycle Feb 2003
Standards adopted and effective Mar 2004

EE Develop Commentaries for the Code and Each Subcode

Plan:
Phase I Obtain permission from SBCCI to use 1997 SBC interpretation document and commentary
   Staff/SBCCI revise for FBC consistency and dec statements
Phase II Staff develop supplemental commentaries for Florida specifics

FF Voluntary Standards for Building Departments [HB 4181/s.553.76(5), F.S.]

Plan:
Establish a joint project with the state building officials association, BOAF, with BOAF as lead.

Schedule:
Initial discussions on potential project and organization May 2002
Finalize memoranda of understanding & appoint commissioners Aug 2002
Initiate project Jul 2002
Draft standards for public review completed Jul 2003
Standards finalized Jan 2004
GG

Create a Rating System for Structural Integrity Under Storm Conditions

Plan:
Assess feasibility and industry/consumer interest in a rating system
Contract for development of draft system then carry through consensus development workshops.
Seek authority from the Legislature to establish a voluntary/market oriented rating program similar to the energy efficiency rating program

Schedule:
Assess feasibility (contractor)                 Aug-Sep 2002
Develop draft rating system if decision is to pursue (contractor)  Oct 02- Mar 03
Seek authority for program                      Mar-Apr 2003
Consensus development rule workshops             Apr- Jun 2003
Initiate rule adoption                          Jul 2003
Rule effective and program initiated           Jan 2004

Note: Still trying to locate funds for project. Project is contingent on funding availability.

HH
Appeals Procedures [98-287, LOF/ss.553.73 & .77 & 2000-141, LOF/s.120.80,FS]

Schedule:
Legal staff develops draft procedures            Apr-May 2002
Consensus development workshops                   May-Aug 2002
Draft rule noticed                                 Aug 2002
Rule hearing                                        Sep 2002
Appeals procedures effective                       Nov 2002
Assign to Code Admin TAC for review                Aug 2002
Develop any necessary Code amendments             Aug-Dec 2002
Submit for 2003 Code amendment cycle               Feb 2003
Effective date                                     Mar 2004

I
ISO Ratings Program for Building Departments

Plan:
Assist local governments with obtaining best ratings by establishing policies to transition to the International codes as quickly as possible and to keep the base codes updated with few amendments in the minimum time possible.

Note: The ISO Building Code Effectiveness Grading System program (BCEGS) is a private sector grading program used by insurance companies to judge building code effectiveness in communities and establish property insurance rates accordingly. The program is nationwide and staff advise the best approach to assisting Florida communities obtain the best ratings are to update and maintain the FBC in a responsible manner and to pursue efforts to assist building departments improve their physical and personnel resources.
Additional task #1  Revise Rules of Procedure to list needs specific to Florida which justify Code amendment (from 2001 Report to Legislature)

Schedule:
- Hold workshop to assess necessity and interest in rules reaction to planned limitations on state and local amendments  
  
  **Schedule:**
  - Draft rule amendment to implement definition of “specific needs”  
  - Notice proposed rule amendment  
  - Rule hearing  
  - Rule effective

Additional task #2  Revise Building Code Training Program rule for “advanced courses” and course approval criteria.

Schedule:
- Workshops on draft rule amendment  
  - Notice proposed rule amendment  
  - Rule hearing  
  - Rule effective

Additional task #3  Develop building code provisions to be added to the Florida Building Code to facilitate the rehabilitation and use of existing structures.

Schedule:
- Residential and Commercial building rehab committees established  
  - Draft code amendments completed  
  - Draft revisions to law completed  
  - Report to the Legislature completed  
  - Submitted for 2003 code amendment cycle  
  - Standards adopted and effective

Additional task #4  Establish procedures for advisory opinions and adopt by rule.

Schedule:
- Consider partnership with BOAF  
- BOAF/Staff develop proposed procedures  
- Approve procedures  
- Procedure goes into effect (law allows effective before rule)  
- RFP issued and contractor hired  
- Rule adoption
Additional task #5  Develop forms for use with private inspections:

  a. Notification of selection of private inspections submitted with permit application s.553.891(4), F.S.

  b. Affidavit to be submitted by private plans reviewer indicating the individual reviewed the plans and the plans comply with the Code s.553.891(5), F.S.

Note: there are two additional forms identified by law which are left to the building official’s discretion. It is proposed that BOAF develop models for these forms.

Schedule:
Consider partnership with BOAF  Jul 2002
BOAF/Commission Staff develop draft forms  Jul-Aug 2002
Rule development workshop on draft forms  Sep-Aug 2002
Rule hearing  Oct-Sep 2002

Additional task #6  Review the implementation of s.553.891, F.S., Alternative Plans Review and Inspections, and report to the Legislature on or before January 1, 2004.

Schedule:
Review and approve RFP to hire contractor  Jan 2003
Select contractor and initiate study  Mar 2003
Complete study and begin Commission review  Oct 2003
Complete report to the Legislature  Dec 2003