

FLORIDA BUILDING COMMISSION

ATTACHMENT TO THE JANUARY 14, 2003 MINUTES

FACILITATOR'S REPORT OF THE JANUARY 14, 2003 COMMISSION MEETING

Orlando, Florida

Meeting Design & Facilitation By



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FLORIDA BUILDING COMMISSION

Attachment to the January 14, 2003 Minutes

OVERVIEW OF COMMISSION'S KEY DECISIONS

TUESDAY, JANUARY 14, 2003

COMMISSION PLENARY SESSION

Agenda Review and Approval

The Commission voted unanimously, 15 - 0 in favor, to approve the agenda as amended.

Amendments:

Elimination of Rule Hearing on Rule 9B-3.047, Attorney client closed door session regarding the FPSA rule challenge, and Commission discussion of actions regarding the FPSA rule challenge.

Review and Approval of December 14, 2002 Meeting Minutes

The Commission voted unanimously, 15 - 0 in favor, to approve the minutes as amended for the December 14, 2002 Commission meeting.

Corrections to Minutes:

Include accepted Electrical TAC December 2002 minutes in the Commission minutes.

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

The Commission voted unanimously, 17 - 0 in favor, to approve the updated workplan as presented.

(Attachment 1 – Workplan)

Chair's Discussion Issues and Recommendations

Chairman Rodriguez reported that he had reviewed and approved the Commission's Report to the Legislature and it would be forwarded to the Legislature pending inclusion of issues/actions currently before the Commission. Copies will be mailed to Commissioners and available on the website pending Report completion and transmittal to the Legislature.

Chairman Rodriguez reported that the Commission will review any comments received on the noticed changes of the 2003 adopted code amendments at the February meeting and pending any critical amendments, move to file the rule with the Department of State.

Chairman Rodriguez advised the Commission that there will be a special TAC chair discussion at the February Commission meeting to review membership, issues before the TAC's, and TAC assignments and guidance. In addition, the Chair reminded TAC

chairs to make appointment recommendations based on the ANSI representation requirements.

Finally, Chairman Rodriguez reported that JAPC has rejected the Board of Architecture's electronic signature/seals rule due to lack of statutory authority and that electronic seals are a key component to the successful implementation of the Prototype Buildings Program.

Commission Actions:

Motion – The Commission voted unanimously, 17 - 0 in favor, to authorize staff on behalf of the Commission, to lend support to the Board of Architecture's Legislative effort to seek statutory authority to use electronic seals.

Motion – The Commission voted 10 - 6 in support of seeking Legislative authority to align the core completion date requirement with the licensure cycles of the various licensing categories. The motion failed due to the Commission's 75% approval threshold requirements.

Motion – The Commission voted unanimously, 15 - 0 in favor, to adopt the 2004 code update process as presented by Rick Dixon and outlined in the Commission's workplan.

Motion – The Commission voted unanimously, 16 - 0 in favor, to hold a rule development workshop on non-binding advisory opinions at the February 2003 Commission meeting.

Motion – The Commission voted unanimously, 14 - 0 in favor, to authorize the Commission's TAC/POCs to meet in June of 2003 to consider and make recommendations to the Commission on proposed 2004 code amendments.

Consideration of Accessibility Waiver Applications

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

Rule Development Workshop for Rule 9B-72, Product Approval Rule

Following opening of the hearing, Chairman Rodriguez asked for public comment on the proposed rule. Following public comment, Jeff Blair FBC facilitator, led a review of proposed changes to the rule that were developed after extensive POC workshops with stakeholder representatives. Every effort was made to address the issues and concerns articulated by the various stakeholder groups. A matrix was projected identifying key issues and recommended rule amendments. The Commission reviewed each proposed change, provided a few amendments and moved to proceed with rule adoption.

Commission amendments:

Issue #9 Validation of Evaluation for Local Approval. Change language relative to "the authority having jurisdiction" to reflect language along the lines of building official or applicable governing body. Staff is authorized to provide language consistent with the concept discussed by the Commission.

Issue # 12 Product Approval by the Commission. Add language to indicate that if a Quality Assurance program is no longer in place, the product's approval is no longer valid.

Issue # 20 Approval of product evaluation entities...Remove and/or and replace with appropriate JAPC approved language along the lines of one or more of. In addition, staff is authorized to change and/or references throughout the document as well as to make changes as necessary to correlate changes throughout the rule.

Commission Actions:

Motion— The Commission voted unanimously, 13 - 0 in favor, to approve the proposed amendments as amended and to proceed with rule adoption for Rule 9B-72.

Legal Staff Recommendations for Commission Action

Commission Actions:

Motion – The Commission voted unanimously, 13 - 0 in favor, to protect their appeal rights by authorizing DCA staff to file motions of appeal relative to any rulings regarding the FPSA rule challenge of pool alarm standards.

PETITIONS FOR DECLARATORY STATEMENTS

Following are the actions taken by the Commission on petitions for declaratory statements.

SECOND HEARINGS

DCA02-DEC-272 by Ari Sklar, Sklararchitecture

Motion – The Commission voted unanimously, by a vote of 12 - 0 in favor, to dismiss the petition.

DCA02-DEC-289 by Grant Tolbert, Hernando County Development Department

Motion – The Commission voted unanimously, by a vote of 13 - 0 in favor, to approve their previous action on the petition subject to correcting the year to 2003.

This applies to all petitions with incorrect dates.

DCA02-DEC-342 by Pete Quintela, Miami-Dade County Code Compliance combined with DCA02-DEC-356 by Oriel Haage, Miami-Dade County Code Compliance

Motion – The Commission voted unanimously, by a vote of 14 - 0 in favor, to approve their previous action on the petition.

DCA02-DEC-355 by Greg Doyle, Florida Roof Deck Association

Motion – The Commission voted unanimously, by a vote of 14 - 0 in favor, to table action on the petition.

DCA02-DEC-352 by David Bishop, Fawley-Bryant Architects, Inc.

Motion – The Commission voted unanimously, by a vote of 13 - 0 in favor, to approve their previous action on the petition.

FIRST HEARINGS

DCA02-DEC-271 by Jack McStravic, Lee County Division of Development

Motion – The Commission voted unanimously, by a vote of 15 - 0 in favor, to dismiss the petition.

DCA02-DEC-366 by Kim Northard, Kid Safe Pool Nets

Motion— The Commission voted unanimously, by a vote of 15 – 0 in favor, to approve the TAC/staff recommendation on the petition as presented.

DCA02-DEC-354 by Lawrence Bennett, Civil & Structural Engineering

Motion— The Commission voted unanimously, by a vote of 14 – 0 in favor, to approve the TAC/staff recommendation on the petition as presented.

DCA02-DEC-369 by Joe Hetzel, DASMA

Motion— The Commission voted unanimously, by a vote of 15 – 0 in favor, to approve the TAC/staff recommendation on the petition as presented.

DCA02-DEC-357 by Oriel Haage, Miami-Dade County Code Compliance

Motion— The Commission voted unanimously, by a vote of 14 – 0 in favor, to approve the TAC/staff recommendation on the petition as presented.

DCA02-DEC-359 by William Brewer

Withdrawn by petitioner.

DCA02-DEC-365 by Peter Schwab, Wayne Automatic Fire Sprinklers, Inc.

Motion— The Commission voted unanimously, by a vote of 15 – 0 in favor, to approve the TAC/staff recommendation on the petition as amended.

Amendment to Order:

The answer to question #1 is yes.

Dismissal due to petition not meeting requirements:

DCA02-DEC-017, 060, 061, 071, 036, 062, 073, 063, 077, 113, 124, 127, 130, 132, 133, 174, 178, 206, and 208.

COMMITTEE REPORTS AND RECOMMENDATIONS

Accessibility TAC Committee Report and Recommendations

Commissioner Corn 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)

Fire TAC Committee Report and Recommendations

Commissioner Greiner 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)

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 13 - 0 in favor.
(See Commission Minutes for Committee report)

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 13 - 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 seek legislative authority to develop an FBC education accreditation program with oversight by the Commission and recommendations by the Education TAC.

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 13 - 0 in favor. (See Commission Minutes for Committee report)

Commission Actions:

Motion – The Commission voted unanimously, by a vote of 13 - 0 in favor, to forward to the Legislature, recommendations for the POC to implement disciplinary procedures for the Product Approval/Prototype Buildings/Manufactured Buildings Programs.

Action on Applications for Approval for Product Approval Entities

Motion – The Commission voted unanimously, by a vote of 17 - 0 in favor, to approve Miami-Dade County Building Code Compliance Office as a certification agency.

Motion – The Commission voted unanimously, by a vote of 17 - 0 in favor, to approve Omega Point Laboratories as a certification agency.

Public Comment

Chairman Rodriguez invited members of the public to address the Commission. Several members of the public addressed the Commission.

Committee Assignments

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

Additional Meetings/Workshops

- ◆ Rule Hearing for Rule 9B-72, Product Approval Rule
- ◆ TAC Chair meeting

Staff Assignments

Staff should mail all TAC chairs an updated TAC membership list.

Adjourn

Motion – The Commission voted unanimously, by a vote of 13 - 0 in favor, to adjourn the plenary session.

ATTACHMENT 1

COMMISSION ADOPTED WORKPLAN

FLORIDA BUILDING COMMISSION WORKPLAN 2003 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	TAC recommendations/rule workshop
	10/28/02
Rule hearing on amendments	12/10/02
Notice of Proposed Changes to noticed rule changes published	1/10/03
Consider comments on notice of changes to amendments	2/25/03
Effective date of amendments	6/30/03

Schedule for 2004 Base Codes Update:

Amendment submittal cutoff (independent submittals)	4/18/03
Post on website (independent/base code updates/local amends)	4/23/03
TAC's consider	6/15-18/03
Post TAC recommendations on website	7/3/03
Commission considers	8/25- 27/03
Rule development workshop	9/19/03
Rule adoption hearing	11/18/03
Effective date of first update	7/01/04

BB Develop Policy for Transition to International Building and Residential Codes and Updating to 2003 IPC, IMC AND IFGC

Schedule:

Public workshops	May-Jul 2002
Proposed transition plan completed	Sep 2002
Public hearing on proposed plan	Oct 2002
Final Decision on proposed plan	Dec 10, 2002
Submit changes to 2004 base codes update (see AA)	
Effective date	Jul 1, 2004

CC Collaborative Initiatives on Technical Support of the Code Initiatives:

1. Industry outreach via initiatives of industry associations	Apr 2002 1 st contract
Contract with BASF	Sep 2002 2 nd contract

2. Establish informal code interpretation joint venture with BOAF
See additional project 4.
3. Develop forms for use with privatized plans review and inspections
See additional project 5.
4. Voluntary Standards for Building Departments [HB 4181/s.553.76(5), F.S.] *See FF*

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	Summer 2004

EE Develop Commentaries for the Code and Each Subcode
Phase II

Authorize issuing a RFP for a contractor	Sep 2002
Select a contractor (deferred to DCA)	Feb 2003
TACs begin review of model code commentaries	Feb 2003
Rule workshop on selected model code commentaries	Apr 2003
Rule adoption hearing on selected model code commentaries	May 2003
Develop draft Florida specific commentaries	Feb 2003-Dec
2003	
Begin adoption of Florida specific commentaries by rule	Feb 2004

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

Plan:

Establish a joint development project with the state building officials association, (BOAF),
with BOAF as lead.

Schedule:

Initiate project at BOAF board meeting	Aug 2002
Select contractor (defer to FBC/BOAF committee and DCA)	Oct 2002
Draft standards for public review completed	Jul 2003
Public comment and finalize draft	Aug-Dec 2003
Standards finalized	Jan 2004

GG Deleted 9/02

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

Schedule:

Assign to Code Administration TAC for review	Sep 2002
Develop any necessary Code amendments and/or changes to law	Sep-Dec 2002
Submit for 2003 Code amendment cycle	Apr 2003
Effective date	Jul 2004

II 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 Deleted 9/02

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

Schedule:

Workshops on draft rule amendment	Jul-Aug 2002
Recommendation to Commission	Aug 2002
Discussions with DBPR on program transfer	Sep-Nov 2002
Finalize recommendations to Legislature	Dec 2002
Coordinate with licensing boards on CE hours and core curriculum	Jan-Dec 2003

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	Mar 2002
Draft code amendments completed	Dec 2002
Draft revisions to law completed	Dec 2002
Report to the Legislature completed (<i>recommended expedited adoption</i>)	Dec 2002

Begin adoption by rule (<i>contingent of Legislature's approval to expedite adoption</i>)	May 2003
Standards adopted and effective	Sep 2003

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

Schedule:

Consider partnership with BOAF	May 2002
BOAF/Staff develop proposed procedures	May-Jun 2002
Approve procedures	July 2002
Procedure goes into effect (law allows effective before rule)	Aug 2002
RFP issued and contractor hired	Dec 2002
Rule development workshop	Feb 2003
Rule hearing	Apr 2003
Rule effective	May 2003

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 2002
Rule hearing	Dec 2002
Rule effective	Jan 2003

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:

Consider timing of study and determine whether to recommend additional time and/or authorize RFP	<u>Delay of report recommended to Leg</u>	Dec 2002
Review and approve RFP to hire contractor		Jan 2003
Select contractor and initiate study	<i>(Note: dates change if report delay is authorized)</i>	Mar 2003
Complete study and begin Commission review		Oct 2003
Complete report to the Legislature		Dec 2003

Additional task #7 Establish standards and criteria for foundation permits and other “specialty permits”.

(CS/CS/SB 336 & 180, 2001)

Schedule:

Assign to Code Administration TAC

Recommendations for criteria

Submit for 2004 FBC edition amendment

Sep 2002

Feb 2003

Apr 2003

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.553.791(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.553.791(5), F.S.; CS/HB 1307]
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]
7. Establish standards and criteria for foundation permits and other “specialty permits”.

Revised Schedule for Adoption and Implementation of the 2003 Amendments to the Florida Building Code

- August 11- 13, 2002 TACs reviewed proposed 2003 amendments.
- October 30-31, 2002 **Rule development workshop**, reviewed proposed amendments and authorized initiation of adoption by rule.
- December 10, 2002 **Rule adoption hearing** on proposed amendment of Rule 9B-3.047, further changes approved triggering **Notice of Proposed Change**.
- January 14, 2003 No action.
Note: There was not sufficient time to prepare the requisite "Notice of Proposed Changes" to the noticed proposed amendments of Rule 9B-3.047 and provide for the requisite 21 day public notice before a public hearing could be held on the proposed changes before the January 14, 2003 meeting (extra days required in waiting period and abbreviated deadlines for submission to FAW due to Christmas and New Years holidays).
- February 25, 2003 Review comments subsequent to **Notice of Proposed Change** and determine whether to authorize filing the rule for adoption with the Department of State or whether to notice a second rule adoption hearing.
Note: Authorizing an additional hearing will add a minimum of 2 months and preclude implementation on June 30, 2003.
- March 12, 2003 Projected filing date with the Department of State (DOS) if decision is to file the rule, not hold an additional hearing.
Note: The rule must have been reviewed by the Joint Administrative Procedures Committee (JAPC) and its concerns resolved before filing with DOS . This customarily takes 7 to 14 days unless substantive issues of authority for the rules are raised.
- June 30, 2003 Implementation date for 2003 amendments (selected at December 2002 meeting).
Note: The Commission's rule of procedure 9B-3.050(9) requires: "Each amendment approved for adoption by the Florida Building Commission shall take effect no earlier than three months after the rule amendment is file for adoption with the Department of State."