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

Florida Conflict Resolution Consortium

Report By Jeff A. Blair

jblair@mailer.fsu.edu
Website: consensus.fsu.edu

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.
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, Sklarchitecture
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:

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
♦ 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

<table>
<thead>
<tr>
<th>Task</th>
<th>Description</th>
<th>Schedule for 2003 Glitch Amendments:</th>
</tr>
</thead>
<tbody>
<tr>
<td>AA</td>
<td>2002 Glitch Amendments and Update to New Editions of Model Building Code</td>
<td>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</td>
</tr>
<tr>
<td></td>
<td>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</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Schedule for 2004 Base Codes Update:</td>
<td>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</td>
</tr>
<tr>
<td>BB</td>
<td>Develop Policy for Transition to International Building and Residential Codes and Updating to 2003 IPC, IMC AND IFGC</td>
<td>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</td>
</tr>
</tbody>
</table>
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.

**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: Oct 2002
  (defer to FBC/BOAF committee and DCA)
- 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   Dec 2002
(recommended expedited adoption)

6/17/04  3
Begin adoption by rule *(contingent of Legislature’s approval to expedite adoption)*

Standards adopted and effective May 2003 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
  - Delay of report recommended to Leg Dec 2002
- Review and approve RFP to hire contractor Jan 2003
- Select contractor and initiate study (Note: dates change if report delay is authorized) 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               Sep 2002
Recommendations for criteria                    Feb 2003
Submit for 2004 FBC edition amendment          Apr 2003
### Tasks Ranked at 2/02 Commission Meeting:

<table>
<thead>
<tr>
<th>Task Code</th>
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<td>140</td>
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<tr>
<td>BB</td>
<td>(EE) Develop Policy for Transition to International Building and Residential Codes</td>
<td>129</td>
</tr>
<tr>
<td>CC</td>
<td>(DD) Collaborative Initiatives on Technical Support of the Code</td>
<td>118</td>
</tr>
<tr>
<td>DD</td>
<td>(II) Joint Project with SFM to Develop Fire Prevention Code for Historic Buildings</td>
<td>110</td>
</tr>
<tr>
<td>EE</td>
<td>(CC) Develop Commentaries for the Code and Each Subcode</td>
<td>96</td>
</tr>
<tr>
<td>FF</td>
<td>(FF) Voluntary Standards for Building Departments [HB 4181/s.553.76(5), F.S.]</td>
<td>78</td>
</tr>
<tr>
<td>GG</td>
<td>(HH) Create a Rating System for Structural Integrity Under Storm Conditions</td>
<td>77</td>
</tr>
<tr>
<td>HH</td>
<td>(BB) Appeals Procedures [98-287, LOF/ss.553.73 &amp; .77 &amp; 2000-141, LOF/s.120.80,FS]</td>
<td>71</td>
</tr>
<tr>
<td>II</td>
<td>(GG) ISO Ratings Program for Building Departments [98-287, LOF/s.553.77(1)n.]</td>
<td>45</td>
</tr>
</tbody>
</table>
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.”