

COMMISSION FOUNDATION CODE MODIFICATION REVIEW PROCESS RULE DEVELOPMENT WORKSHOP—2013 CODE UPDATE PROCESS

(ADOPTED JUNE 8, 2010)

Proposed Code modifications to the Florida Building Code were reviewed by the Commission's TACs in meetings conducted in October 2012. The TAC's recommendations regarding proposed Code modifications were posted to the Commission's website for a minimum of 45 days and the public was provided an opportunity to comment on the TACs recommendations during this time-frame (second 45-day review period). (The TACs will meet as needed to review the public comments and provide their comments to the Commission regarding whether the submitted comments address their concerns.)

The Commission will consider the TACs recommendations in a February 2013 rule development workshop. TACs will review proposed Glitch amendments in June 2013 and the Commission will decide on Glitch amendments during the June 2013 meeting, and conduct a final rule adoption hearing on the 2013 FBC at the August 2013 meeting.

The Commission will consider the TACs recommendations on two (2) consent agendas per code area. TAC chairs will pull for individual consideration all modifications that have received comments that address the TAC's concerns. Any Commissioner can pull any modification for individual consideration.

After the Commission takes action on all of the proposed code modifications they will move to proceed with rule adoption for Rule 61G20-1.001(1), Florida Building Code, for the purpose of adopting approved modifications to the Florida Building Code, by conducting a rule adoption hearing at the X, 2013 Commission meeting, and conducting an additional rule adoption hearing concurrent with the X, 2013 rule adoption hearing to consider glitch amendments to the 2013 Code. The 2013 Code will become effective March 2014.

The TAC's recommendations regarding proposed code modifications for the 2013 Code Update are arranged on two (2) consent agendas as follows:

TAC's Recommendations are on Two (2) Consent Agendas Per TAC (By Code Areas):

1. **"Consent Agenda 1":** Approval of consent agenda of TAC's recommendations regarding proposed modifications that **did not receive** public comment during the comment period. The Commission votes to approve the TAC's recommendations on the modifications as posted incorporating the findings (A – I). Includes TAC's recommendations "For Approval": As Modified (AM), and As Submitted (AS); and "Against Approval": No Affirmative Recommendation (NAR, Without Second, and Withdrawn). Standing motion to approve is in effect, a second is needed and the Commission votes in favor of the consent agenda. Commissioners should pull-off any modifications(s) that would prevent them from offering a second.
2. **"Consent Agenda 2":** Approval of consent agenda of TAC's recommendations regarding proposed modifications that **received** public comment during the comment period. The Commission votes to approve the TAC's recommendations on the modifications as posted incorporating the findings (A – I). Includes TAC's recommendations "For Approval": As

Modified (AM), and As Submitted (AS); “Against Approval”: No Affirmative Recommendation (NAR, Without Second, and Withdrawn). Standing motion to approve is in effect, a second is needed and the Commission votes in favor of the consent agenda. Commissioners should pull of any modifications(s)* that would prevent them from offering a second.

* TAC chairs will pull all modifications that their TAC commented favorably regarding the public comment (defined as 75% or greater in support that the comment addresses TAC concerns and the TAC supports the public comment relative to their original recommendation). Modifications that the TAC commented on favorably are listed by TAC on a separate document (matrix). The Commission will consider all pulled modifications individually. Each individually considered modification requires a second to the standing motion to approve.

COMMISSION WILL MOVE TO ADOPT FOUR (4) STANDING MOTIONS TO APPROVE (P. 3):

1. **“Consent Agenda 1”**: TAC’s recommendations regarding proposed modifications that **did not receive** public comment during the comment period.
2. **“Consent Agenda 2”**: TAC’s recommendations regarding proposed modifications that **received** public comment during the comment period.
3. **“Pulled Modifications”**: Modifications pulled-off of the consent agenda(s) by a Commissioner for individual consideration.
4. **“Correlation and Florida Specifics Integration”**: Staff’s recommendations regarding correlation issues and integration of Florida Specific amendments for the 2010 Code Update.

TAC **chairs** will pull off any amendments that the TAC’s provided a favorable comment on that would change the TAC’s original recommendation on the amendment (comments considered during the TAC’s public comment review process).

Any Commissioner may pull any amendment for individual consideration based on public comment(s) (submitted in writing or verbally). Standing motion to approve is in effect. Second to discuss and vote for each modification considered individually. If no second offered, motion dies for lack of second (modification is deemed not approved).

1. Commissioners decide whether to pull any amendment(s) based on TAC and public comment(s).
2. Approval of the two (1 - 2) consent agendas as amended by the Commission (minus any modifications pulled for individual consideration). Standing motion to approve is in effect. Second offered and then a vote.
3. Commission consideration of modifications pulled for individual consideration.

STANDING MOTION TO APPROVE TAC'S RECOMMENDATIONS

1. Motion to approve the consent agenda(s) of the modifications that did not receive public comments as recommended by the Technical Advisory Committee's (TAC's), and amended by the FBC, based on the following findings:

- A. The modification is needed in order to accommodate the specific needs of this state; and
- B. The modification has a reasonable and substantial connection to the health, safety, and welfare of the general public; and
- C. The modification strengthens or improves the Florida Building Code, or in the case of innovation or new technology, will provide equivalent or better products or methods or systems of construction; and
- D. The modification does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities; and
- E. The modification does not degrade the effectiveness of the Florida Building Code; and
- F. The modification has the following fiscal impact:
 - 1. The fiscal impact of enforcement imposed upon local government is as indicated by the proponent.
 - 2. The fiscal impact of compliance imposed upon building and property owners is as indicated by the proponent.
 - 3. The fiscal impact of compliance imposed upon industry is as indicated by the proponent.
 - 4. The fiscal impact of compliance imposed upon small business is as indicated by the proponent (no impact or as specified by the proponent).
- G. The modification's benefits noted with regard to fiscal impact and efficacy outweigh the costs imposed.
- H. The modification does not diminish requirements related to wind resistance or prevention of water intrusion contained in the Code or its referenced standards and criteria.
- I. Florida specific amendments that expire with the updated code and are resubmitted as amendments to the updated Code have addressed whether:
 - 1. The provisions contained in the proposed amendment are addressed in the applicable international code.
 - 2. The amendment demonstrates by evidence or data that the geographical jurisdiction of Florida exhibits a need to strengthen the foundation code beyond the needs or regional variations addressed by the foundation code, and why the proposed amendment applies to this state.
 - 3. The proposed amendment was submitted or attempted to be included in the foundation codes to avoid resubmission to the Florida Building Code amendment process.

2. Motion to approve the consent agenda(s) of the modifications that received public comment(s) as recommended by the Technical Advisory Committee's (TAC's), and amended by the FBC, based on the above findings (A – I).

3. Motion to approve each amendment pulled off of the consent agendas of TAC recommendations for individual consideration, based on the above findings (A – I).

4. Motion to approve consent agenda of Staff's recommendations regarding correlation issues and integration of carried forward Florida Specific amendments for the 2013 Code Update.

FBC CODE MODIFICATION REVIEW PROCESS—2013 CODE UPDATE REVIEW AND CONSIDERATION PROCESS

- ☛ Facilitator will serve as the moderator, and assist with adopted process and groundrules.
- ☛ One person speaks at a time.
- ☛ Limit your comment and be concise.
- ☛ Chair may limit comments to a maximum of three-minutes (3) per person, depending on the number of individuals wishing to speak.
- ☛ Do not read lengthy prepared statements; Summarize and submit complete text of comment for the record.
- ☛ Offer new points and/or state agreement with previous speakers; Please do not repeat what has been stated.
- ☛ Chair/Facilitator may terminate a comment if it is repeating previous comments, and not simply stating agreement or offering new points.
- ☛ The FBC wants to hear all view points to ensure all perspectives are considered, and not repeats of the same views.

- ☛ Facilitator will introduce consent agenda(s) of modifications by Code area.
- ☛ Public will speak to any modifications they wish the Commission to consider individually.
- ☛ Standing motion to approve will be in effect.
- ☛ Commissioner(s) will decide which, if any, modifications to pull for individual consideration.
- ☛ Clarifying questions by FBC members only.
- ☛ FBC will vote in favor of the Standing Motion(s) to Approve (found on previous page) as and/or if amended prior to considering proposed modifications.
- ☛ Once a motion (second to the standing motion) is on the floor, discussion is limited to FBC members except as allowed by the Chair.

MODIFICATIONS PULLED FOR INDIVIDUAL CONSIDERATION

- ☛ Standing motion(s) to approve will be in effect, a second is required in order to vote for the modification(s)—By Commission rule only motions to approve may be considered.
- ☛ All modifications not voted for on a consent agenda must be voted on individually.
- ☛ Any modification considered individually that does not receive a second is deemed denied due to failure to receive a second.
- ☛ Motions require a 75% favorable vote for approval; those with less than a 75% favorable vote, are deemed denied.