

FLORIDA BUILDING COMMISSION

ATTACHMENT TO THE MARCH 1 - 2, 2004 MINUTES

FACILITATOR'S REPORT OF THE MARCH 1 - 2, 2004 COMMISSION PLENARY SESSION

Orlando, Florida

Meeting Design & Facilitation By



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FLORIDA BUILDING COMMISSION

ATTACHMENT TO THE MARCH 1 - 2, 2004 MINUTES

OVERVIEW OF COMMISSION'S KEY DECISIONS

MONDAY, MARCH 1, 2004

Agenda Review and Approval

Chairman Rodriguez explained that the only order of business for day 1 of the Commission's plenary session was to open a rule development workshop on Rule 9B-3.047—the Florida Building Code. The Chair further explained that the rule workshop was the next step in the formal rule adoption process required by Chapter 120 for implementing the Commission's approved Florida specific amendments to the Florida Building Code and integration of the International family of codes.

The Chair indicated that the Commission would begin with the chapters of the Code that address fire and life safety requirements, and start with the height and area limitation requirements of the Code.

Jim Richmond, the Commission's council, formally opened the workshop.

The facilitator, Jeff Blair, reviewed the process the Commission used during the rule development workshop on Rule 9B-3.047. Following is an abbreviated summary of the review process:

Overview

- ✓ The Commission will review by code subject area, and as needed by specific chapters of code subject areas, utilizing the tracking charts.
- ✓ Members of the public will identify and comment on issues they wish the Commission to consider.
- ✓ Chair or Commission member will pull all issues identified for public comment off of the consent agenda.
- ✓ Commission members will identify any additional issues for individual consideration.
- ✓ Commission will use a consent agenda to approve for each subject area and/or specific chapters of each subject area.
- ✓ Commission will approve consent agenda.
- ✓ Commission will individually consider each issue not on the consent agenda.
- ✓ Public will have an opportunity to comment on each individually considered issue.
- ✓ Facilitator will serve as the moderator, and assist with process and groundrules.

Public Comment

- ✓ One person speaks at a time.
- ✓ Limit your comment and be concise.
- ✓ Do not read lengthy prepared statements; Summarize and submit complete text for the record.
- ✓ Offer new points, or state agreement with previous speakers; Please do not repeat what has been stated.
- ✓ The Commission wants to hear all view points, and not repeats of the same views.
- ✓ Facilitator will introduce each code subject area.
- ✓ Proponents of previously approved Florida specific amendments will speak first (right mic.).
- ✓ Opponents of previously approved Florida specific amendment will follow proponents (left microphone).
- ✓ Each position (proponent/opponent) will be allowed one counterpoint opportunity.

Commission

- ✓ Standing motion to approve will be in effect to reaffirm previously approved Florida specific amendments.
- ✓ Clarifying questions by Commission members only.
- ✓ Commission members may pull any issue off for individual consideration
- ✓ Once a motion is on the floor, discussion is limited to Commission members except as allowed by the Chair.
- ✓ Approval of consent agenda.
- ✓ Consideration of issues pulled by Chair and Commission member for individual consideration.
- ✓ Motions require a 75% favorable vote for approval.
- ✓ Process will be repeated for each code area.

Following extensive public comment on whether to keep existing FBC provisions or remain consistent with the Commission's policy decision to integrate the IBC with Florida specific provisions as the Florida Building Code, the Commission considered the height and area requirements issue.

After the Commission discussed the issue, the Chair requested a non-binding straw poll to determine whether Commission members preferred to adopt the IBC table 503 into the Florida Building Code or vote to maintain the existing Florida Building Code provisions for height and area requirements.

The straw poll result indicated an even split with 8 voting in favor of table 503 and 8 voting in favor of maintaining the existing Florida Building Code provisions.

The facilitator asked for those who objected to the IBC to indicate what their concerns were. Following are Commission member's comments.

Concerns with IBC provisions (prefer existing FBC):

- In favor of IBC table 503- I changed my mind, there are no Florida specific considerations justifying maintaining FBC provisions.
- FBC provides increase protection. There is less safety on fire provisions with the IBC. I don't want to be less restrictive/ or reduce existing FBC requirements.
- No current problems in Florida with FBC, why change, there is no evidence to support changing to IBC.
- We should take the time to review both FBC and IBC requirements and adjust as needed. I know we can't stick with the FBC requirements forever.
- The Commission needs a TAC review and recommendation before deciding.

Commission members who preferred the IBC were asked to respond to IBC concerns as well as express their concerns with maintaining the existing FBC provisions:

- There is no proven Florida need for more restrictive provisions than the IBC provided and there is no need to be overly restrictive.
- If there were problems with table 503 they would have already been corrected especially since the IBC was recently updated.
- Fire personnel support the IBC provisions around the country.
- Need to determine an acceptable level of safety not focus on more/less restrictive issue. The IBC is an acceptable and established standard.
- Insurance industry supports IBC and does not believe the IBC provides less restrictive standards. We would not support the IBC if we felt they decreased the level of fire safety.
- Building officials, BOMA, FHBA, and other groups support the IBC– it can't be less restrictive.

As second straw poll was taken and the non-binding vote was 13 in favor of IBC table 503 and 5 in favor of the current FBC provisions. This was 1 short of the 14 required to meet the 75% approval threshold.

Additional Comments

- What about allowing the passive provisions for small communities, I may be willing to support table 503 if we keep passive controls in place.
- Consider passive separate from height and area.
- Need fire TAC recommendations.

Following further discussions a vote was taken and is recorded below:

Commission Actions:

Motion—The Commission voted 14 – 4 in favor to adopt and integrate IBC table 503 into the Florida Building Code.

TUESDAY, MARCH 2, 2004

Agenda Review and Approval

The Commission voted unanimously, 17 - 0 in favor, to approve the agenda as amended. Following are the key agenda items approved for consideration:

- ◆ To Review and Update the Workplan
- ◆ To Consider/Decide on Chair's Discussion Issues/Recommendations
- ◆ To Discuss Alternative Plans Review and Inspections Work Group Rec's
- ◆ To Review Pending Building Code Legislation
- ◆ To Consider/Decide on Accessibility Waiver Applications
- ◆ To Consider/Decide on Requests for Declaratory Statements
- ◆ To Consider/Decide on Approval of Products and Product Approval Entities
- ◆ To Consider/Decide on Accessibility, Code Administration, Fire and Structural TAC Reports/Recommendations
- ◆ To Consider/Decide on Product Approval/Prototype Buildings/Manufactured Buildings Program Oversight Committee (POC) Report/Recommendations
- ◆ To Conduct a Rule Development Workshop on Rule 9B-3.047, Florida Building Code
- ◆ To Review Assignments and Issues for Next Month

Review and Approval of January 13, 2004 Meeting Minutes

The Commission voted unanimously, 17 - 0 in favor, to approve the minutes as amended for the January 13, 2004 Commission meeting.

Amendments

Commissioner D'Andrea chaired the meeting at the request of Chairman Rodriguez who was attending to a family emergency.

Review and Approval of Commission's Updated Workplan

Commission Actions:

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

(Attachment 3)

Chair's Discussion Issues/Recommendations

TAC Appointments

Chairman Rodriguez appointed Bill Dumbaugh to Code Administration TAC.

Initiate Rulemaking for Sections of Rule 9B-3 other than section .047

Commission Actions:

Motion—The Commission voted unanimously, 17 - 0 in favor, to initiate rulemaking for sections of Rule 9B-3 other than 9B-3.047, in order to comply and correlate with statutory changes.

Discussion of Alternative Plans Review and Inspections Work Group Recommendations

Chairman Rodriguez indicated that in 2002 the Florida Legislature passed legislation (Section 553.791, F.S.) authorizing the use of private providers to conduct plans review and inspections services. The Legislation also directed the Florida Building Commission to submit a report to the Legislature on the implementation of this section of law on or before January 1, 2004.

In response to this reporting mandate, the Department of Community Affairs issued a purchase order, to the Shimberg Center for Affordable Housing at the University of Florida (The Center), directing an efficacy assessment of the implementation of Section 553.791.

In order to solicit additional feedback, The Commission held a public workshop at the October 13, 2003 Commission meeting. During the workshop the Center reported to the Commission that the results of their survey and interviews indicated there was no strong consensus between local jurisdictions and industry on the benefits of the private provider option. In addition, there were public comments ranging from total support to total rejection of the private provider option.

As a result of the assessment report and public comment, on November 18, 2003 the Commission voted to recommend to the 2004 Florida Legislature that the Florida Building Commission work with stakeholders to clarify the intent and requirements of Section 553.791 and develop consensus recommendations for revisions to the law governing the alternative plans review and inspections system.

As a first step in developing recommendations to the Legislature, on January 13, 2004, The Florida Building Commission voted to convene a work group tasked with reviewing issues related to the implementation of legislation (Section 553.791, F.S.) authorizing the use of private providers to conduct plans review and inspections. The Commission adopted a plan that will address the issue in phases, with Phase I focusing on identifying and agreeing on consensus recommendations to enhance the system's efficacy in the short-term. Phase I recommendations will be presented to the Commission at the March 2, 2004 meeting for consideration of submittal to the 2004 Legislature.

Additional phases of the process will focus on longer-term issues and recommendations for submittal to the Commission in time for their consideration and submittal to the 2005 Legislature.

The Chair noted that in order to initiate the process, he appointed 13 members to the group and they held their first meeting in Orlando on February 18, 2004. The Chair thanked each of the members for their service. Following are the Work Group members: Barry Ansbacher, George W. Dixon, Allen Douglas, Bill Dumbaugh, Gary H. Elzweig, Jack Glen, Do Kim, Doug Murdock, Robert Nagin, Mike Rodriguez, Ronnie Spooner, Jim Schock, and George Wiggins.

Jeff Blair, Commission and Work Group facilitator, was asked to review the Work Group's Phase I recommendations for the Alternative Plans Review and Inspections system. Below are the recommendations as well as the Commission's actions.

Direct versus Contract Labor (duly authorized representative)

Clarify in 553.791(7) that a duly authorized representative means an employee of the private provider as defined by the Fair Labor Standards Act and the Internal Revenue Service.

Commission Actions:

Motion—The Commission voted unanimously, 18 - 0 in favor, to adopt the Work Group's recommendation.

Job Site Notification

Amend 553.791 to require that a private provider must post contact information on the job site permit board. The permit holder shall be responsible to ensure the required information is posted. The information must be provided for plans review and/or inspection services.

Motion—The Commission voted unanimously, 18 - 0 in favor, to adopt the Work Group's recommendation as amended.

30 Business Days versus 30 Calendar Days to start permit clock

Support legislative efforts to retain the 30 business day provision currently found in 553.791(6). The Work Group voted to recommend maintaining the existing provisions.

Commission Actions:

Motion—The Commission voted 17 – 1 in favor to adopt the Work Group's recommendation.

Valid Permit Application

Amend 553.791(1)(f) to read:

(f) "**Permit Application,**" means a properly completed and submitted application for the requested building or construction permit, and includes:

1. The plans reviewed by the private provider.
2. The affidavit from the private provider required pursuant to subsection (5).
3. Any applicable fees.
4. Any documents required by the local building official to determine that the fee owner has secured all other government approvals required by law.

Commission Actions:

Motion—The Commission voted unanimously, 18 - 0 in favor, to adopt the Work Group's recommendation as amended.

Insurance Tail Coverage

The Work Group discussed requiring 5 year tail coverage for claims made policies, and not requiring tail coverage for occurrence based policies but was unable to reach a 75% level of agreement.

At the recommendation of Jim Richmond, DCA attorney, the Commission discussed the issue and made a recommendation.

Commission Actions:

Motion—The Commission voted unanimously, 18 - 0 in favor, to support their earlier action, and to support the language proposed in HB 0911 page 26 which provides requiring 5 year tail coverage for claims-made policies, but not requiring tail coverage for occurrence-based policies.

Commission Actions:

Motion— The Commission voted unanimously, 18 - 0 in favor, to adopt the APRIWG consensus recommendations as amended and to submit them to the Florida Legislature through the DCA lobbyist.

Consideration of Accessibility Waiver Applications

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

Review of Pending Building Code Legislation

Jim Richmond provided the Commission with an update on proposed Building Code related legislation and answered member's questions.

Commission Actions:

Motion—The Commission voted unanimously, 19 - 0 in favor, to have the Chair communicate with Senator Constantine and express the Commission's preference to maintain the current Commission roofing position as currently in law. In addition, if the current proposal to change the position was still pending by the April Commission meeting, the Commission would take a formal motion to express their preference on this issue.

Legal Staff Reports/Discussions/Recommendations and Approval

Commission Actions:

Motion—The Commission voted unanimously, 19 - 0 in favor, to initiate rulemaking on Rule 9B-70.001 in order to integrate the comments from the Joint Administrative Procedures Committee on the Rule.

PETITIONS FOR DECLARATORY STATEMENTS

Following are the actions taken by the Commission on petitions for declaratory statements. Jim Richmond and Richard Shine served as legal counsel for the Commission.

SECOND HEARINGS

DCA03-DEC-309 Van Gladfelter, P.E., Center for Innovative Structures

Motion—The Commission voted unanimously, by a vote of 19 – 0 in favor, to approve their previous action on the petition.

FIRST HEARINGS

DCA03-DEC-326 by Gregory Harris of Capri Engineering, Inc.

The petition was deferred to the next meeting at the request of the applicant.

DCA04-DEC-030 by Palm Beach County BCAB Building Code Advisory Board

Motion— The Commission voted unanimously, by a vote of 17 - 0 in favor, to approve the TAC's recommendations on the petition as presented.

DCA03-DEC-334 by Gerald L. Hill

Motion— The Commission voted unanimously, by a vote of 17 - 0 in favor, to approve the TAC's recommendations on the petition as amended.

Amendment:

Require an egress window on the third floor. This was agreed to by the petitioner.

DCA04-DEC-022 by Adolf Amrhein

Motion— The Commission voted unanimously, by a vote of 17 - 0 in favor, to approve the TAC's recommendations on the petition as presented.

DCA04-DEC-034 by Borjen Yeh, P.E. of APA

Motion— The Commission voted unanimously, by a vote of 17 - 0 in favor, to approve the POC's recommendations on the petition as presented.

APPEALS

Case No. 03-2524 by Icynene, Inc., Vs. City of Miami Beach and Miami-Dade County

The appeal was withdrawn by the applicant.

DCA03-BC-330 Dragomirecky v. Town of Ponce Inlet Petition for Formal Administrative Hearing

Motion— The Commission voted unanimously, by a vote of 19 - 0 in favor, to dismiss the appeal with leave to amend, per legal staff's draft recommendation.

Consideration of Applications for Product and Entity Approval

Commissioner Carson presented the committee's recommendations for entities and Jeff Blair presented the committee's recommendations for product approval.

Action on Applications for Approval for Product Approval Entities

Motion— The Commission voted unanimously, by a vote of 19 – 0 in favor, to approve FM Approvals as a certification agency.

Motion— The Commission voted unanimously, by a vote of 19 – 0 in favor, to approve AITC-American Institute of Timber Construction as a quality assurance entity.

Motion— The Commission voted unanimously, by a vote of 19 – 0 in favor, to approve CEL Consulting as a quality assurance entity.

Motion— The Commission voted unanimously, by a vote of 19 – 0 in favor, to approve CI Professional Services, Inc. as a quality assurance entity.

Motion— The Commission voted unanimously, by a vote of 19 – 0 in favor, to approve Testing Engineers, Inc. as a test laboratory.

Motion— The Commission voted unanimously, by a vote of 19 – 0 in favor, to approve Timberco, Inc. dba TECO as a test laboratory.

Motion— The Commission voted unanimously, by a vote of 19 – 0 in favor, to approve APA-The Engineer Wood Association as a validation entity.

Motion— The Commission voted unanimously, by a vote of 19 – 0 in favor, to approve FM Approvals as a test laboratory.

Motion— The Commission voted unanimously, by a vote of 19 – 0 in favor, to conditionally approve RADCO, Inc. as a quality assurance entity, and have staff work with applicant to put updated accreditation certificate in file.

Action on Applications for State Product Approval

The Commission agreed to consider product applications on consent agendas based on POC recommended actions. The Chair provided opportunity for public comment.

Commissioners were invited to pull any product application for individual consideration.

Certification Marks or Listings

Consent Agenda to Approve

Motion— The Commission voted by a vote of 14 – 0 in favor, to approve the following applications for state product approval:

814, 1468, 1481, 1483, 1486, 1491, 1500, 1501, 1502, 1509, 1518, 1533, 1535, 1537, 1539, 1541, 1542, 1543, 1560, 1562, 1563, 1564, 1565, 1575, 1576, 1579, 1580, 1584, 1589, 1591, 1592, 1601, 1608, 1614, 1616, 1632, 1639, 1640, 1641, 1646, 1647, 1648, 1659, 1660, 1661, 1665, 1667, 1668, 1669, 1697, 1698, 1700, 1719, 1722, 1723, 1724, 1742, 1743, 1744, 1746, 1747, 1748, 1756, 1758, 1759, 1761, 1772, 1773, 1775, 1780, 1782, 1783, 1785, 1787, 1788, 1789, 1790, 1807, 1808, 1810, 1813, 1819, 1821, 1823, 1824, 1825, 1832, 1834, 1842, 1843, 1844, 1845, 1852, 1854, 1858, 1859, 1860, 1862, 1863, 1864, 1865, 1866, 1870, 1872, 1875, 1880, 1883, 1887, 1897, 1898, and 1900 submitted as certification marks or listings.

Motion— The Commission voted by a vote of 14 – 0 in favor, to defer action on product application number 1315 until the April 2004 Commission meeting and have staff contact the applicant.

Motion— The Commission voted by a vote of 14 – 0 in favor, to approve product application number 1397.

Motion— The Commission voted by a vote of 14 – 0 in favor, to defer action on product application number 1499 until the April 2004 Commission meeting and have staff contact the applicant.

Motion— The Commission voted by a vote of 14 – 0 in favor, to conditional approve product application number 1557 and require applicant to correct listed standards.

Motion— The Commission voted by a vote of 14 – 0 in favor, to approve product application number 1876.

Florida Registered Architects or Florida Professional Engineers Consent Agenda to Approve

Motion— The Commission voted by a vote of 15 - 0 in favor, to approve the following applications for state product approval on a consent agenda:

338, 917, 1025, 1033, 1377, 1391, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1522, 1527, 1528, 1532, 1534, 1538, 1540, 1546, 1547, 1588, 1618, 1650, 1672, 1696, 1701, 1707, 1708, 1709, 1710, 1717, 1728, 1767, 1791, 1793, 1800, 1801, 1803, 1804, 1805, 1822, 1840, 1850, and 1899 submitted as evaluation reports from a product Florida Registered Architects or Florida Professional Engineers.

Motion— The Commission voted by a vote of 16 – 2 in favor, to defer action on product application numbers: 540, 552, 1317, 1544, 1606, 1621, 1626, 1652, 1654, 1677, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1754, 1766, 1768, 1769, 1778, 1794, 1802, 1838, and 1861 until the April 2004 Commission meeting and have staff contact the applicant.

Motion— The Commission voted by a vote of 18 – 0 in favor, to conditionally approve product application number 1572, and have applicant attach to file, approved NOA for the product.

Motion— The Commission voted by a vote of 17 – 0 in favor, to conditionally approve product application number 1901, and have validation entity list engineer instead of engineering firm.

Motion— The Commission voted by a vote of 17 – 0 in favor, to conditionally approve product application number 1418, have engineer of record address concerns with evaluation report.

Motion— The Commission voted by a vote of 17 – 0 in favor, to conditionally approve product application number 1441, have engineer of record address concerns with evaluation report.

Motion— The Commission voted by a vote of 17 – 0 in favor, to conditionally approve product application number 1774, have engineer of record address concerns with evaluation report.

Evaluation Entity

Consent Agenda to Approve

Motion— The Commission voted by a vote of 17 - 0 in favor, to approve the following applications for state product approval on a consent agenda:

1061, 1062, 1140, 1163, 1476, 1478, 1479, 1487, 1503, 1512, 1520, 1545, 1548, 1549, 1551, 1555, 1561, 1566, 1573, 1587, 1602, 1609, 1612, 1630, 1649, 1675, 1706, 1711, 1745, 1777, 1833, 1888, 1889, 1890, and 1895 submitted as evaluation reports from a product evaluation entity.

Motion— The Commission voted by a vote of 17 – 0 in favor, to conditionally approve product application number 1725, and have validation entity list engineer instead of engineering firm.

Test Report

Consent Agenda to Approve

Motion— The Commission voted by a vote of 19 - 0 in favor, to approve the following applications for state product approval on a consent agenda: 1421 and 1716 submitted as test report.

Motion— The Commission voted by a vote of 19 – 0 in favor, to conditional approve product application number 489, and have validation entity list engineer instead of engineering firm.

Motion— The Commission voted by a vote of 19 – 0 in favor, to defer action on product application number 1629 until the April 2004 Commission meeting and have staff contact the applicant.

Denials

The Commission voted by a vote of 19 – 0 in favor, to accept the POC's negative roll call recommendation against approving the following products: 1552 and 1581.

Action on Product Number 1411

Motion— The Commission voted by a vote of 18 – 0 in favor, to rescind their previous action on product application number 1411, as a result of acting on inaccurate information.

Motion— The Commission voted by a vote of 19 – 0 in favor, to change the status of product application number 1411 to pending FBC approval, pursuant to staff verifying report.

COMMITTEE REPORTS AND RECOMMENDATIONS

The Commission agreed that unless a TAC/POC required specific Commission action, the balance of the reports would be submitted into the record and approved as a part of the next Commission meeting minutes approval process.

Accessibility TAC Committee Report and Recommendations

Richard Shine indicated that no Commission action was required.

Fire TAC

Commissioner D'Andrea indicated that no Commission action was required.

Structural TAC

Commissioner Parrino indicated that no Commission action was required.

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)

Motion— The Commission voted unanimously, 17 - 0 in favor, to approve the POC's following recommendations:

NEAR TERM STRATEGY

1. Conduct an expedited rule amendment in 2 meetings:
 - Rule development workshop at April 2004 Commission meeting.
 - Rule adoption hearing at June 2004 Commission meeting.
 - A. Define the "Scope" of the Rule 9B-72 system to be:
Restricted to addressing the windstorm (e.g., hurricane) related weather protection and structural performance properties of the components and cladding and main wind force resisting systems of buildings intended for human habitation and occupancy.
 - B. Pare down the system and clarify which subcategories of products and construction systems are covered by the Rule.
 - C. Additional issues identified by staff as having high potential for achieving consensus at a single rule development workshop.
2. BCIS modifications and Declaratory statements on current rule begin in March for those that do not require a rule amendment.
3. Eliminate clarification issues that would be resolved by the expedited rule amendment process.

LONG RANGE STRATEGY

1. Identify technology specific issues and assess stakeholder dynamics in March of 2004.
2. Form balanced technology specific focus groups to work on consensus solutions/recommendations starting in April 2004.
3. Focus groups meet and develop recommendations April – July of 2004.
4. Close down expedited rule proceedings for near-term solutions in June and then reopen the Rule at the next Commission meeting to address long-term solutions/recommendations.
 - ◆ Rule development workshop to be held at the August 2004 Commission meeting.
 - ◆ Rule adoption hearing to be held at the October 2004 Commission meeting.

Reconvene Rule Development Workshop on Rule 9B-3.047, Florida Building Code

Chairman Rodriguez announced the reconvening of the rule development workshop on Rule 9B-3.047, and reminded Commission members that consensus-building is a fundamental tenant of the Commission and the reason they have been successful in developing and implementing the Code. The Chair encouraged Commissioners to consider the concerns of other members and to address them to the extent possible when considering proposals.

Jim Richmond, the Commission's council, formally opened the workshop.

The Commission reviewed the draft of IBC integration, including the further consideration of approved Florida specific amendments, by code sections, chapters, or volumes depending on subject content organization. The Commission utilized a tracking chart prepared by staff showing the current IBC, current FBC, and the IBC as integrated into the FBC with approved Florida specific amendments. Commissioners were asked to consider whether to adopt the IBC, with Florida specific amendments, integration as proposed.

In addition, prior to Commission consideration the public was invited to speak on the same question.

The Commission was asked to consider each of the sections, chapters, or codes on a consent agenda. The public was asked to speak prior to consideration of each of the consent agendas, and any issue receiving public comment was pulled by the Commission for individual consideration. In addition, Commission members were asked to pull any additional issues for individual consideration before approving the consent agenda as amended.

For each subject area (section, chapter, or code) the Commission pulled individual issues based on public comment or member request, and then adopted the balance of issues on a consent agenda. After decisions were made on each of the non-consent agenda issues, the Commission moved to integrate the adopted provisions into the specific chapter or code of the 2003 edition of the 2003 International Building Code for adoption as the 2004 edition of the Florida Building Code.

After repeating the above process for each of the subject areas (section, chapter, or code), the Commission took the following actions:

It should be noted with the exception of three (3) individually (non-consent agenda) considered sections, all sections, chapters, and codes were adopted unanimously.

Commission Actions:

Motion—The Commission voted unanimously, 14 - 0 in favor, to adopt the 2003 International Family of Codes subject to modifications by provisions considered and approved during the course of rule development as the 2004 Florida Building Code.

Motion—The Commission voted unanimously, 14 - 0 in favor, to proceed with rule adoption for Rule 9B-3.047 adopting the 2004 Florida Building Code, effective January 1, 2005, including publication of notice in Florida Administrative Weekly. Hearing to be held on April 20, 2004.

Additional Commission Actions

Motion—The Commission voted unanimously, 14 - 0 in favor, to direct staff to research the cost for conducting a study on the ventilation of attics, and related effects on the roofing aspects of attic ventilation, and report back to the Commission at the April 2004 meeting.

Adjourn

The Commission voted unanimously, 14 - 0 in favor, to adjourn the meeting.

Staff Assignments

- ◆ Develop recommendations on dealing with third party independence issues for the Product Approval System.
- ◆ Develop recommendations on dealing with products already approved by the Commission having third party independence issues (Product Approval System).
- ◆ Communication with Senator Constantine through Chairman Rodriguez, expressing the Commission's preference to maintain the current Commission roofing position as currently in law.
- ◆ Communication of recommendations for changes to s.553.791, F.S., Alternative Plans Review and Inspections to the Legislature.
- ◆ Research the cost for conducting a study on the ventilation of attics, and related effects on the roofing aspects of attic ventilation, and report back to the Commission at the April 2004 meeting.

ATTACHMENT I

EVALUATION RESULTS

March 2, 2004—Orlando Florida

Commission members were asked to evaluate the various components of the meeting on a 0 to 10 rating scale where a 0 means totally disagree and a 10 means totally agree. Below are the average score ratings for each of the meeting components:

1. Please assess the overall meeting.

- 8.5 The background information was very useful.
- 8.6 The agenda packet was very useful.
- 9.5 The objectives for the meeting were stated at the outset.
- 7.9 Overall, the objectives of the meeting were fully achieved.
- 9.5 Chairs issues and recommendations.
- 9.6 Alternative Plans Review and Inspections Work Group Recommendations.
- 9.1 Rule development workshop on Rule 9B-3.047—Florida Building Code.
- 9 Review of Pending Building Code Legislation.
- 9.7 Accessibility Waiver Applications.
- 9.6 Requests for Declaratory Statements.
- 8.7 Approval of products and product approval entities.
- 9.3 TAC and POC reports and recommendations.

2. Please tell us how well the facilitator helped the participants engage in the meeting.

- 9 The participants followed the direction of the facilitator.
- 9.2 The facilitator made sure the concerns of all participants were heard.
- 9 The facilitator helped us arrange our time well.
- 9.1 Participant input was documented accurately.

3. What is your level of satisfaction with the meeting?

- 7.7 Overall, I am very satisfied with the meeting.
- 9.4 I was very satisfied with the services provided by the facilitator.
- 7.7 I am satisfied with the outcome of the meeting.

4. What progress did you make?

9.1 ___ I know what the next steps following this meeting will be.

9 ___ I know who is responsible for the next steps.

5. Do you have any other comments that you would like to add? We are very interested in your comments. Please use the back of this page.

- ◆ Facilitator was indispensable in order for the FBC to consider this meeting's complicated agenda for the IBC integration and for the development of consensus on 9B-3.047.
- ◆ Jeff looks very nice in blue shirts.
- ◆ Always set meeting to last to 3:00 or 4:00 so all members will make travel arrangements to stay at meeting longer.
- ◆ It was difficult tracking all the paper and sections, would recommend someone keeping the Commission on exactly where we are.
- ◆ I am not comfortable with the process used today on the code MOD's. They need TAC review prior to coming to the FBC!
- ◆ A much larger room is needed for the PA POC meeting with a u-shaped table set up. Thanks.
- ◆ I did not receive the packet in the mail. The process to adopt the Code was very uncomfortable and I would like to have revised.
- ◆ My comments regarding the process are on the record.

ATTACHMENT 2

COMMISSION'S UPDATED WORKPLAN

FLORIDA BUILDING COMMISSION 2003 WORKPLAN

2004 Update of the Florida Building Code:

Phase I, Approval of Florida specific statewide and local amendments:

Amendment submittal cutoff (independent submittals)	4/18/03
Post on website (independent/base code updates/local amends)	4/23/03
TACs review and develop recommendations	6/16-18/03
TACs complete review and recommendations	7/14/03
Post TAC recommendations on website	7/25/03
Commission considers TACs recommendations and approve amends	10/13-14/03

Phase II, Consider model code changes together with all approved statewide and local amendments, draft rule changes and adopt by rule:

Administration, Fire and Structural TACs review and consult with staff on where to integrate Florida specific amendments into the IBC and IRC	12/03 to 1/04
Plumbing and Mechanical TACs review and consult with staff on where to integrate Florida specific amendments into the IRC plumbing, mechanical and fuel gas chapters	12/03 to 1/04
Rule development workshop	3/1-2/04
Rule adoption hearing	4/19-20/04
2004 Code posted to Web and printed for delivery	7/1/04
Effective date of first update	1/1/05

Also, see chart

Update Rule Chapter 9B-3:

Rule development workshop	4/20/04
Rule adoption hearing	6/15/04

2006 Annual Interim Amendments:

Note: Glitch amendments anticipated. Determine plan during second half of 2004

Amendment submittal cutoff (independent submittals)	To be determined
Post on website (independent/base code updates/local amends)	To be determined
TAC's consider	To be determined
Post TAC recommendations on website	To be determined
Commission considers	To be determined
Rule development workshop	To be determined
Rule adoption hearing	To be determined
Effective date of first update	To be determined

Adopt Revised Chapter 34 for Existing Buildings

Schedule:

Draft code amendments	Completed	Dec 2002
Report to the Legislature recommended expedited adoption (<i>no bill</i>)		Dec 2002
Adopt via the 2004 FBC Update Process (see schedule above)		Jan 1, 2005

Develop Code Commentaries:

Plan:

Amend Rule 9B-3 to require submittal of “rationale” for proposed amendments (See task above). Capture rationales for proposed amendments, declaratory statements and advisory opinions in BCIS to provide “commentary”.

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

Plan:

First edition of standards	Completed	Jan 2004
Decide on implementation		Apr 2004

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

Schedule:

Adopting through 2004 FBC update (see schedule above)		
Effective date		Jan 1, 2005

ISO Ratings Program for Building Departments [s.553.77(1)(n),F.S.]

Ongoing: Addressed by establishment of policy on updating the FBC. ISO ratings dependent upon building codes being kept current with national standards.

Building Code Training Program

Revise Building Code Training Program Rule 9B-70 to reflect core curricula and advanced code course criteria

Completed

Rule adoption hearing	Jan 2004
Rule effective	Feb 2004

Coordinate with licensing boards on establishing building code specific CE hour requirements

Completed

Develop and implement voluntary accreditation program for building code courses

Completed

Rule adoption hearing	Jan 2004
Rule effective	Feb 2004

Establish procedures for advisory opinions and adopt by rule:

Schedule:

Completed

Rule effective 9B3.054

10/21/04

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:

Contractor hired to collect data on system operation	Jul 2003
Contractor report due	Sep 2003
Fact finding public workshop	Oct 2003
Review report to the Legislature	Nov 2003
Report submitted to Legislature by Jan 1 (recommend further study)	Jan 2004
Plan for continued study approved	1/13/04
Task Group Formed	Jan 2004
First public workshop	2/18/04
Additional recommendations to Legislature (if any)	3/ 2/04
Additional workshops and task group meetings	Apr- Jun 2004
Recommendations to Commission	8/31/04
Finalize recommendations for report to Legislature	10/19/04

Establish standards and criteria for foundation permits and other “specialty permits”:

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

Schedule:

Develop recommendations for criteria	Feb 2003
Adopting through 2004 FBC update (see schedule above)	
Effective (2004 edition of FBC)	Jan 1, 2005

Amend Product Approval Rule 9B-72:

First Rule Clarification: Completed

Amendments to Rule effective 9/ 4/03

System mandatory as required by law Oct 1, 2003

Recognize Equivalent Standards and recognize ICC-ES:

Amendments to Rule effective Feb 2004

Second Rule Clarification:

POC Workshop 2/11/04

DEC statement and rule revision plan approved 3/ 2/04

DEC statements Ongoing

Rule Amendment Schedule

Address Statutory Requirements for Modular School Buildings

Workshop to draft recommendations Aug 2004

Commission considers for recommendation to Legislature 10/19/04

Finalize report to Legislature 12/ 7/04

Review Wind Loads Design Criteria

Survey to characterize wind load design practices (complete by)	6/30/04
Workshop	8/31/04
Commission considers recommendation to Legislature	10/19/04
Finalize report to Legislature	12/ 7/04

Recommendations for Report to 2005 Legislature

Consider recommendations to Legislature	10/19/04
Finalize report to Legislature	12/ 7/04

Code Amendment Schedule for 2004 Edition of the Florida Building Code

Phase I	“Approve” statewide and local	Florida specific amendments
	April 18, 2003	Deadline for submittal of proposed amendments
	April 25, 2003	Proposals posted to web
45 days (min) ¹		
	Week of June 15-20, 2003	TACs consider proposals
	July 14, 2003	Structural TAC complete proposals review
	July 25, 2003	TAC recommendations posted to web
45 days (min) ¹		
	October 13-14, 2003	Commission considers proposals
Phase II	“Consider” model code changes	“Further Consider” Florida specific amendments
	December 2003 Through January 2004	TACs compare model code updates and Florida specific amendments/consult with staff
	March 2 & 3, 2004	Commission conducts Rule Development Workshop
	April 19 & 20, 2004	Commission conducts Rule Adoption Hearing and votes to file the rule for adoption
		File Rule with DOS for adoption
	July 1, 2004	Code posted on Web
6 months (min) ²		
	January 1, 2005	Code revision implemented

¹ Minimum waiting period required by Florida Statutes

² Minimum delay time for printing, distribution and printing of new codes established by Commission policy