

FLORIDA BUILDING COMMISSION

ATTACHMENT TO THE APRIL 20, 2004 MINUTES

FACILITATOR'S REPORT OF THE APRIL 20, 2004 COMMISSION PLENARY SESSION

Orlando, Florida

Meeting Design & Facilitation By



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FLORIDA BUILDING COMMISSION

ATTACHMENT TO THE APRIL 20, 2004 MINUTES

OVERVIEW OF COMMISSION'S KEY DECISIONS

TUESDAY, APRIL 20, 2004

Agenda Review and Approval

The Commission voted unanimously, 14 - 0 in favor, to approve the agenda as presented. 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 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, Energy, Plumbing, 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-3.048, 3.049, and 3.050, Florida Building Commission
- To Conduct a Rule Development Workshop on Rule 9B-72, Product Approval
- To Conduct a Rule Adoption Hearing on Rule 9B-3.047, Florida Building Code
- To Review Assignments and Issues for Next Month

Review and Approval of March 1 - 2, 2004 Meeting Minutes

Commission Actions:

Motion—The Commission voted unanimously, 14 - 0 in favor, to conditionally approve the March 1 – 2, 2004 minutes pending submittal of complete document with amendments identified by Commission members.

Commission Actions:

Motion—The Commission voted unanimously, 14 - 0 in favor, to approve the Facilitator's Summary Report of the March 1 – 2, 2004 Commission meeting as presented.

Review and Approval of Commission's Updated Workplan

Commission Actions:

Motion—The Commission voted unanimously, 14 - 0 in favor, to approve the updated workplan as presented.

(Attachment 2)

Chair's Discussion Issues/Recommendations

Commissioner D'Andrea served as chair of the Commission meeting at the request of Chairman Rodriguez who was unable to attend due to illness.

TAC Appointments

Chairman Rodriguez appointed Commissioner Tagliarini to Code Administration TAC and, Bob McCormick to the Education TAC.

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.

Legal Staff Reports/Discussions/Recommendations and Approval

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

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 their previous action on the petition.

DCA03-DEC-334 by Gerald L. Hill

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

DCA04-DEC-022 by Adolf Amrhein

Motion—The Commission voted 17 – 1 in favor, to approve their previous action on the petition.

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 their previous action on the petition.

FIRST HEARINGS

DCA03-DEC-325 by Art Kamm, P.E. of KAMM Consulting, Inc.

Motion— The Commission voted 15 - 3 in favor, to approve the TAC/POC's recommendations on the petition as presented.

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

Motion— The Commission voted unanimously, by a vote of 18 - 0 in favor, dismiss the petition.

DCA04-DEC-040 by Ralph Ward of Sarasota County

Motion— The Commission voted unanimously, by a vote of 17 - 0 in favor, that the answer to the petition is no, and specifics do not fall under the Commission's jurisdiction.

DCA04-DEC-051 by Al Roettger of Broward Hurricane Wrol-UP

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

DCA04-DEC-064 by Charles Danger of Miami-Dade County Building Dept

Motion— The Commission voted unanimously, by a vote of 17 - 0 in favor, to dismiss and refer the petition to local administrative processes for resolution.

DCA04-DEC-066 by Lisa Blackstone of Close It!, L.L.C.

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

DCA04-DEC-067 by John K. McCall, PhD, P.E.

Motion— The Commission voted 16 - 2 in favor, to approve the TAC/POC's recommendations on the petition as presented.

DCA04-DEC-069 by Bob Boyer of Palm Beach County-Building Division

Motion— The Commission voted unanimously, by a vote of 18 - 0 in favor, to approve the TAC/POC's recommendations on the petition as presented.

DCA04-DEC-070 by Jimmy Worley of Ruffin Building Systems

Motion— The Commission voted unanimously, by a vote of 18 - 0 in favor, to approve the TAC/POC's recommendations on the petition as presented.

APPEALS

DCA03-BC-330 Dragomirecky v. Town of Ponce Inlet

Jim Richmond updated the Commission on the status of the appeal.

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. The results of product and entity applications are found in the Product Approval POC report included as an attachment to the minutes.

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

Commissioner Richardson presented the committee's report and recommendations for Commission consideration. The Commission unanimously accepted the Committee's report by a vote of 18 - 0 in favor. (See Commission Minutes for Committee report)

Motion— The Commission voted unanimously, 18 - 0 in favor, to authorize the TAC to correct formatting errors found in Chapter 11.

Motion— The Commission voted unanimously, 18 - 0 in favor, to approve the development of a two hour accessibility training course.

Budget Committee

Commissioner Browdy presented the committee's report and recommendations for Commission consideration. The Commission unanimously accepted the Committee's report by a vote of 18 - 0 in favor. (See Commission Minutes for Committee report)

Motion— The Commission voted 17 – 1 to approve the ICC to print and deliver the 2004 version of the Florida Building Code, and to negotiate the printing and delivery of the Code. In addition, a request was made to secure CD versions.

Plumbing TAC

Commissioner Greiner presented the committee's report and recommendations for Commission consideration. The Commission unanimously accepted the Committee's report by a vote of 18 - 0 in favor. (See Commission Minutes for Committee report)

Structural TAC

Commissioner Parrino presented the committee's report and recommendations for Commission consideration. The Commission unanimously accepted the Committee's report by a vote of 18 - 0 in favor. (See Commission Minutes for Committee report)

Product Approval/Prototype Buildings/Manufactured Buildings Program Oversight Committee

Commissioner Carson presented the committee's report and recommendations for Commission consideration. The Commission unanimously accepted the Committee's report by a vote of 18 - 0 in favor. (See Commission Minutes for Committee report)

Motion— The Commission voted unanimously, 19 - 0 in favor, to authorize DCA to develop a draft RFP related to contracting with a third-party to review product applications for sufficiency and compliance with the requirements of the Rule. The Draft RFP will be presented to the Commission and POC at the next meeting in order to review the scope of services proposed.

Rule Adoption Hearing on Rule 9B-3.047, Florida Building Code

Commissioner D'Andrea reminded members that at the March 2004 Commission meeting, the Commission conducted a rule development workshop for Rule 9B-3.047 implementing the Commission's approved Florida specific amendments to the Florida Building Code and integration of the International Family of Codes. At the conclusion of the rule development workshop, the Commission voted unanimously to adopt the 2003 International family of codes subject to modifications by provisions considered and approved during the course of the rule development as the 2004 Florida Building Code. In addition, the Commission voted unanimously 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, with a hearing scheduled for today. Commissioner D'Andrea indicated that this hearing is the next step in the formal rule adoption process required by Chapter 120, conducting a rule adoption hearing for integrating the Commission's approved Florida specific amendments to the Florida Building Code and update to the 2003 editions of the International family of codes.

Jim Richmond, the Commission's council, formally opened the rule adoption hearing.

Jeff Blair, Commission facilitator, reviewed the process for the hearing. Following is the process used during the rule adoption hearing:

- Public invited to address their comments to the Commission with specific references and desired Commission action.
- Facilitator captures key points on flipcharts.
- Commission members ask clarifying questions of public through the acting chair.
- At conclusion of public comment period, public hearing closed.

Following public comment and clarifications, Mr. Richmond closed the public comment portion of the hearing and the Commission was asked to review the flipchart list of public comments as well as a written comments submitted in advance of the meeting summarized by staff in a tracking chart with recommendations.

The Commission reviewed the public comments and took specific action on some of the comments and approved staff recommendations on others. In addition, the Commission authorized staff to make editorial corrections as well as correct formatting errors.

Commission Actions:

Motion—The Commission voted unanimously, 17 - 0 in favor, to notice all changes made at the rule adoption hearing, to not hold an additional hearing and to file the rule as soon as all timeframes for filing are met.

Motion—The Commission voted unanimously, 16 - 0 in favor, to approve their changes, staff recommendations on written comments, and to authorize staff to correct errors and omissions.

Motion—The Commission voted unanimously, 16 - 0 in favor, to proceed with rule adoption for Rule 9B-3.047 adopting the 2004 Florida Building Code, effective January 1, 2005, and to notice changes and file the rule with the Department of State.

Rule Development Workshop on Rule 9B-3.048, 3.049, and 3.050—Florida Building Commission

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

Commissioner D’Andrea asked for public comment. There were no comments.

Mr. Richmond closed the workshop.

Motion—The Commission voted unanimously, 15 - 0 in favor, to proceed with rule adoption for Rule 9B-3.048, 3.049, and 3.050—Florida Building Commission, adopting the approved changes, including publication of notice in Florida Administrative Weekly. Hearing to be held on June 15, 2004.

Rule Development Workshop on Rule 9B-72—Product Approval Rule

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

Rick Dixon reviewed the proposed changes for the “quick-fix” phase of developing refinements to the Rule.

Commissioner D’Andrea then asked for public comment and following public comment allowed Commission questions and clarification.

Motion—The Commission voted unanimously, 16 - 0 in favor, to adopt “Option 2” in 9B-72.010(28).

Motion—The Commission voted unanimously, 16 - 0 in favor, to proceed with rule adoption for Rule 9B-72—Product Approval, adopting the approved changes, including publication of notice in Florida Administrative Weekly. Hearing to be held on June 15, 2004.

Additional Commission Actions

Motion—The Commission voted 15 – 3 in favor, to develop and conduct a joint project with the Fire Marshal to identify and develop recommendations relating to overlaps between the Building and Fire Code.

Adjourn

The Commission voted unanimously, 15 - 0 in favor, to adjourn the meeting at 2:57 PM.

Staff Assignments

- Work to maintain and update the FBC website.

ATTACHMENT I

EVALUATION RESULTS

April 20, 2004—Orlando Florida

Meeting Evaluation Form

INSTRUCTIONS: PLEASE USE A 0 TO 10 RATING SCALE WHERE A 0 MEANS TOTALLY DISAGREE AND A 10 MEANS TOTALLY AGREE. PLEASE PLACE YOUR RATING IN THE SPACE TO THE LEFT OF EACH QUESTION

1. Please assess the overall meeting.

- 9.4 ___ The background information was very useful.
- 9.4 ___ The agenda packet was very useful.
- 9.6 ___ The objectives for the meeting were stated at the outset.
- 9.6 ___ Overall, the objectives of the meeting were fully achieved.
- 9.7 ___ Chairs issues and recommendations.
- 9.5 ___ Rule development workshop on Rule 9B-3.048, 3.049, and 3.050, The Commission.
- 9.5 ___ Rule development workshop on Rule 9B-72, Product Approval.
- 9.0 ___ Rule adoption hearing on Rule 9B-3.047—Florida Building Code.
- 9.0 ___ Review of Pending Building Code Legislation.
- 9.9 ___ Accessibility Waiver Applications.
- 9.1 ___ Requests for Declaratory Statements.
- 9.0 ___ Approval of products and product approval entities.
- 9.6 ___ TAC and POC reports and recommendations.

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

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

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

- 9.1 ___ Overall, I am very satisfied with the meeting.
- 9.6 ___ I was very satisfied with the services provided by the facilitator.
- 9.3 ___ I am satisfied with the outcome of the meeting.

4. What progress did you make?

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

9.8 ___ 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.

- Jeff deserves a raise. His job is outstanding!
- Strongly suggest additional “standing” time be considered beyond current 12:30 PM adjournment, projection to complete all objectives with sufficient time to do so!
- Additional time should be specified for the planning session. The public comment period needs to be scheduled for the period after lunch.
- Staff does a great job! Thank you! When meetings are going to be lengthy as this one was, more thought should go into planning when setting the agenda. In other words, I think it was a pipe dream to believe the meeting would adjourn at noon. More accurate planning would allow me to check out of my room in a more timely manner. I am not complaining the meeting took too long, but rather staff should have known it. Some people had flights to catch and they now have a problem. Overall, I admire the work of staff, the facilitator and the work of the Commission in general.
- Save the trees! Go Electronic!!
- Way way too many technically involved issues for Commission to continue to focus on for long period of time
- Meeting room too small.

ATTACHMENT 2

COMMISSION'S UPDATED 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
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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 Sections .048, .049 and .050

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”.

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.

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, 2004

POC Planning Workshop	2/11/04
DEC statement and rule revision plan approved	3/ 2/04

Near term issues rule amendment:

Rule development workshop	4/8/04
Rule adoption hearing	6/15/04
Rule effective	7/04

Long-range issues rule amendment:

Focus groups formed	7/04
Focus groups meet to develop recommendations	7-8/04
Rule development workshop	8/30/04
Rule adoption hearing	10/19/04
Rule effective	11/04

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

Review Attic Ventilation Criteria

Hire contractor to conduct workshop and provide consulting services for project	7/04
Conduct issue definition and resource assessment workshop	7/04
Initiate consensus development	9/04
Complete recommendations for 2005 Code amendment	12/04

Review Duplicate Provisions of Florida Building Code and Florida Fire Code

Establish a joint task group with the State Fire Marshal	7/04
Hire contractor to identify duplicate requirements (report by)	7/04
Conduct review meetings and public workshops	9/04-11/04
Provide recommendations to Commission and SFM	12/04
Initiate Code revisions (2005 amendments to 2004 FBC)	To be determined
Effective (2005 amendments to 2004 FBC)	To be determined

Update Florida Energy Code Compliance Software and Develop Training Materials

Obtain match funding from US Department of Energy	7/04
Hire contractor	7/04
Software Updated and Training Materials Delivered	12/04

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