

FLORIDA BUILDING COMMISSION

ATTACHMENT TO THE NOVEMBER 18, 2003 MINUTES

FACILITATOR'S REPORT OF THE DECEMBER 18, 2003 COMMISSION PLENARY SESSION

Orlando, Florida

Meeting Design & Facilitation By



Report By Jeff A. Blair
Florida State University

jblair@mailers.fsu.edu
[http:// consensus.fsu.edu](http://consensus.fsu.edu)

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FLORIDA BUILDING COMMISSION

ATTACHMENT TO THE DECEMBER 18, 2003 MINUTES

OVERVIEW OF COMMISSION'S KEY DECISIONS

TUESDAY, DECEMBER 18, 2003

Agenda Review and Approval

The Commission voted unanimously, 18 - 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 Conduct a Rule development workshop on equivalency of product evaluation standards and ICC recognition as an evaluation entity
- To Consider/Decide on Private Plans Review and Inspections Report to Legislature
- To Consider/Decide on Building Code Issues and Recommendations to the 2004 Legislature
- To Consider/Decide on Accessibility Waiver Applications
- To Receive/Consider Reports from Legal Counsel
- To Consider/Decide on Requests for Declaratory Statements
- To Consider/Decide on Approval of Products and Product Approval Entities
- To Consider/Decide on Accessibility, Education, Electrical, and Structural TAC Report/Recommendations
- To Consider/Decide on Product Approval/Prototype Buildings/Manufactured Buildings Program Oversight Committee (POC) Report/Recommendations

To Review Assignments and Issues for Next Month

Review and Approval of October 13 - 14, 2003 Meeting Minutes

The Commission voted unanimously, 18 - 0 in favor, to approve the minutes as presented for the October 13 - 14, 2003 Commission meeting.

Review and Approval of Commission's Updated Workplan

Commission Actions:

Motion—The Commission voted unanimously, 19 - 0 in favor, to approve the updated workplan as presented.

Chair's Discussion Issues/Recommendations

Chairman Rodriguez announced that the Governor had re-appointed Jeff Gross, Do Kim, and Craig Parrino to the Commission. In addition, additional appointments will be forthcoming.

Rule Development Workshop on Equivalency of Test Standards and Recognition of International Code Council IAS/IES, Rule 9B-72.030, Rule 9B-72.100 and Rule 9B-72.180

Following an opportunity for public comment, the Commission voted to make changes to the proposed changes to the rule and to proceed with rule adoption.

Commission Actions:

Motion—The Commission voted unanimously, 19 - 0 in favor, to proceed with rule adoption for Rule 9B-72.030, Rule 9B-72.100 and Rule 9B-72.180 with the following amendments to the proposed rule change text.

- ◆ Strike sentence indicating that all products are subject to local approval.
- ◆ In #2 exclude the HVHZ from this provision (slide).
- ◆ Reference: ASTM standard ASTM E-330.
- ◆ Change sever to severe.

Review and Finalize Private Plans Review and Inspections Report to Legislature

Chairman Rodriguez reminded the Commission that at the October meeting they had heard an overview of the contractor's report as well as public testimony and Commission member comments. The Chair recommended that the Commission report to the Legislature the range of divergent opinions and lack of consensus on the issue, and request that the Legislature assign the Commission with the task of convening a stakeholder process to develop consensus on the issues and make recommendations for any statutory changes to the 2005 Legislature.

Commission Actions:

Motion—The Commission voted unanimously, 20 - 0 in favor, to request that the Legislature assign the Commission with convening a stakeholder participation process designed to build consensus on a package of recommendations for legislative changes for submittal to the 2005 legislative session. In addition, the Commission would like to immediately begin to work with industry, building officials, and service providers to address issues of concern and facilitate the implementation of enhancements to the system. The Chair assigned the Code Administration TAC with beginning this task.

Consideration of Building Code Issues and Recommendations to the 2004 Legislature

The Commission reviewed a package of proposed legislative issues related to the Commission and the Florida Building Code. Chairman Rodriguez requested that Jim Richmond, DCA staff attorney, review each of the issues that are proposed for legislative actions and to get a sense of how the Commission would like to respond vis a vis each of the issues. Following an overview of each issue and a straw poll of Commission opinions, the Commission voted unanimously to approve submitting the Commission's package of recommendations, detailed in Attachment 3, in their annual report to the legislature.

Commission Actions:

Motion—The Commission voted unanimously, 20 - 0 in favor, to approve the package of Commission recommendations for each of the issues currently proposed for legislative action.

Consideration of Accessibility Waiver Applications

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

Legal Staff Reports/Discussions/Recommendations and Approval

There were no issues presented under this agenda item.

PETITIONS FOR DECLARATORY STATEMENTS

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

SECOND HEARINGS

DCA03-DEC-173 by Timothy J. Orie of Superior Aluminum Installations

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

DCA03-DEC-179 by James E. Agen of Wilson Window Glass & Mirror

Motion— The Commission voted by a vote of 14 – 4 in favor, to approve their previous action on the petition.

DCA03-DEC-247 by George Hegedus of Structural Systems, Inc.

DCA03-DEC-261 by Robert Andrews of Broward County

Action on the above declaratory statements were combined.

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-266 by Robert C. Duncan

Motion— The Commission voted unanimously, by a vote of 19 - 0 in favor, to dismiss the petition.

DCA03-DEC-270 by Warren W. Schaefer of W.W. Schaefer Engineering and Consulting, P.A.

The petition was withdrawn by applicant.

DCA03-DEC-273 by Michael E. Lynch of Cuhaci & Peterson, Architects

The petition was withdrawn by applicant.

DCA03-DEC-277 by T. A. Krebs of T. A. Krebs Architect, Inc.

Motion— The Commission voted unanimously, by a vote of 19 - 0 in favor, to dismiss the petition.

DCA03-DEC-296 by Michael Madden of Madden Manufacturing

Motion— The Commission voted unanimously, by a vote of 20 - 0 in favor, to approve the POC recommendation on the petition as presented.

DCA03-DEC-297 by Kenneth R. Pfeiffer of Kenneth R. Pfeiffer, P.E.

The petition was withdrawn by applicant.

DCA03-DEC-298 by Paul S. Roth of Roll-A-Way Protective Pool Fence

Motion— The Commission voted unanimously, by a vote of 20 - 0 in favor, to approve the POC recommendation on the petition as presented.

DCA03-DEC-300 by Barry B. Ansbacher of Ansbacher and Mckeel, P.A.

The petition was withdrawn by applicant.

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 November 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 17 - 0 in favor. (See Commission Minutes for Committee report)

Education TAC

Commissioner Browdy 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)

Commission Actions:

Motion— The Commission voted unanimously, by a vote of 17 – 0 in favor, to approve James W. DuVall as a voluntary course accreditor.

Electrical TAC

Commissioner McCombs 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)

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)

Consideration of Applications for Product and Entity Approval

Commissioner Carson presented the committee's recommendations for entity and product approval.

Action on Applications for Approval for Product Approval Entities

Motion— The Commission voted unanimously, by a vote of 20 – 0 in favor, to approve RADCO, Inc. as a test laboratory.

Motion— The Commission voted unanimously, by a vote of 20 – 0 in favor, to approve Product Testing, Inc. as a test laboratory.

Motion— The Commission voted unanimously, by a vote of 20 – 0 in favor, to approve IBA Consultants as a test laboratory.

Motion— The Commission voted unanimously, by a vote of 20 – 0 in favor, to approve ETC Laboratories as a test laboratory.

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

Motion— The Commission voted unanimously, by a vote of 19 – 0 in favor, to approve Architectural Testing, Inc. – Texas 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 quality assurance entity.

Motion— The Commission voted unanimously, by a vote of 19 – 0 in favor, to approve Window and Door Manufacturers Association as a quality assurance entity.

Motion— The Commission voted by a vote of 18 – 1 in favor, to approve Deutscher AkkreditierungsRat as an accreditation body.

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. Any Commission was invited to pull any product application for individual consideration.

Consent Agenda to Approve

Motion— The Commission voted by a vote of 17 – 1 in favor, to approve the following applications for state product approval:

Product application numbers 72, 166, 291, 429, 492, 584, 585, 586, 587, 588, 615, 651, 652, 653, 654, 655, 656, 657, 661, 663, 667, 670, 675, 676, 681, 682, 685, 686, 698, 699, 717, 720, 747, 748, 749, 750, 751, 752, 784, 811, 841, 846, 858, 861, 862, 863, 864, 895, 923, 927, 929, 931, 932, 933, 935, 936, 937, 938, 939, 942, 943, 944, 951, 952, 955, 961, and 975 submitted as certification marks or listings.

Product application numbers 479, 601, 805, 866, 949, 953, 958, 959, 965, and 973. Product application numbers 210, 400, 495, 603, 605, 659, 697, 704, 705, 722, 753, 847, 887, 891, and 957 submitted as evaluation reports from a product Florida Registered Architects or Florida Professional Engineers.

Product application numbers 144, 155, 175, 186, 272, 274, 275, 277, 282, 298, 300, 301, 322, 335, 337, 358, 440, 449, 450, 462, 466, 470, 472, 473, 486, 488, 493, 504, 541, 560, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 580, 617, 618, 619, 620, 621, 622, 623, 627, 629, 631, 632, 637, 644, 673, 728, 735, 738, 739, 741, 815, 816, 817, 818, 819, 820, 821, 822, 830, 859, and 884 submitted as evaluation reports from a product evaluation entity.

Product application numbers 498, 539, 680, 713, 806, 807, and 809 submitted as test report.

Consent Agenda to Defer Action to Next Meeting

Motion— The Commission voted by a vote of 17 – 1 in favor, to defer action on the following applications until the January 2004 Commission meeting:

Defer action until next meeting and have staff contact applicants for the following product application numbers: 552, 599, 850, 851, 852, 854, 969, 974, 542, 549, 600, 694, and 812.

Consent Agenda for Conditional Approval

Motion— The Commission voted by a vote of 17 – 1 in favor, to issue conditional approvals, contingent on staff contacting applicants and resolving issues on the following product applications:

Product application numbers 378, 479, 973, 980, 871, and 872.

Individual Product Application Consideration

Motion— The Commission voted unanimously, by a vote of 18 – 0 in favor, to issue a conditional approval for product application number 406, approval contingent on listing the design test standards.

Public Comment

Chairman Rodriguez provided members of the public with an additional opportunity to address the Commission.

Additional Commission Actions

Motion—The Commission voted unanimously, by a vote of 18 – 0 in favor, commend the Wheelchair Foundation for its work and invite a representative to attend a Commission meeting.

Committee Assignments/Meetings Required

Accessibility Advisory Council and Waiver applications	Yes
Accessibility TAC	Yes
Code Administration TAC	Yes
Education TAC	Yes
Electrical TAC	Yes
Energy TAC	TBD
Fire TAC	Yes
Mechanical TAC	Yes
Plumbing TAC	TBD
Special Occupancy TAC	No, unless Dec. statement
Structural TAC	Yes
Product Approval/Prototype Buildings/Manufactured Buildings POC	Yes

Staff Assignments

- ◆ Invite the Wheelchair Foundation to attend a Commission meeting and develop a letter of commendation.
- ◆ Notify TAC members of the interim TAC meeting as soon as possible in advance of the meeting dates.
- ◆ Code administration TAC should begin the process of developing recommendations/refinements on the private plans review and inspection process.
- ◆ Provide a tracking chart with product type, company name, and product number for Commission review of applications for product approvals.
- ◆ Provide an update on legislative issues.

Adjourn

Motion— The Commission voted unanimously, by a vote of 18 – 0 in favor, to adjourn the plenary session.

ATTACHMENT 1

MEETING EVALUATION RESULTS

1. Please assess the overall meeting.

9.7 ___ The background information was very useful.

9.7 ___ The agenda packet was very useful.

9.7 ___ The objectives for the meeting were stated at the outset.

9.4 ___ Overall, the objectives for the meeting were fully achieved.

9.6 ___ Accessibility Waiver Applications

9.8 ___ Chair's Issues and Recommendations

9.8 ___ Rule Development Workshop on Rule 9B-72.100 and Rule 9B-72.180

9.4 ___ Decision on Private Inspection Forms Report

9.4 ___ Decision on Building Code Issues and Recommendations to the 2004 Legislature

9.5 ___ Declaratory Statements

9.5 ___ TAC/POC Reports and Recommendations

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

9.7 ___ The participants followed the direction of the facilitator.

9.9 ___ The facilitator made sure the concerns of all participants were heard.

9.9 ___ The facilitator helped us arrange our time well.

9.8 ___ Participant input was documented accurately.

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

9.8 ___ Overall, I am very satisfied with the meeting.

9.9 ___ I was very satisfied with the services provided by the facilitator.

9.8 ___ 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.

- ◆ Ask hotel to provide hot Tea (please and thank you). Otherwise -great- well perhaps Hotel staff could be more careful with booking anything serious next to a high school cheerleading competition or whatever
- ◆ The facilitator is the key to keeping business flow.
- ◆ Accessible waiver applications processed fairly
- ◆ The staff should make an effort to determine if the facility for the public meeting will be compromised due to adjacent usage by other hotel guests.

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 develop recommendations on which Florida specific amendments to integrate into the IBC and IRC	12/03 to 1/04
Plumbing and Mechanical TACs review and develop recommendations on which Florida specific amendments to integrate into the IRC plumbing, mechanical and fuel gas chapters	12/03 to 1/04
Code Correlation and Formatting Recommendation from staff	1/13/04
Rule development workshop	3/1-3/04
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

2006 Annual Interim Amendments:

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:

Residential and Commercial building rehab committees established	Mar 2002
Draft code amendments completed	Dec 2002
Draft revisions to law completed	Dec 2002
Report to the Legislature completed (<i>recommended expedited adoption</i>)	Dec 2002
<i>Bill did not pass/expedited adoption was not approved by the Legislature</i>	
Adopt via the 2004 FBC Update Process (see schedule above)	

Develop Code Commentaries:

Plan:

Identify commentary documents to reference from website and do not adopt by rule.
Amend rules of procedure to require submittal of “rationale” for proposed amendments.
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:

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

Schedule:

Contractor selected	Apr 2003
BOAF/contractor development	Jun-Dec 2003
First edition of standards	Jan 2004

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 2004 Code Update	Apr 2003
Effective date	Jan 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

Core Curricula:

Develop administrative core curricula

Ed TAC develops recommendations Apr-Jul 2003

Develop technical core curricula

Ed TAC meets with licensing board representatives to develop recommendations Apr-Jul 2003

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

Rule development workshop Oct 2003

Rule development workshop Nov 2003

Rule adoption hearing Nov 2003

Rule effective Dec2003

Report to Legislature Jan 2004

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

2003	Ed TAC meets with board representatives to develop recommendations	Jan-Nov
	Boards approve	Dec 2003
	Report to Legislature	Jan 2004

**Develop and implement voluntary accreditation program for building code courses
(Depends on program authorization by Legislature)**

	Finalize recommendation to 2003 Legislature <i>(bill did not pass in Legislature)</i>	Dec 2002
	Continue with system concept development	Feb-Nov 2003
	Finalize recommendation to 2004 Legislature	Nov 2003

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	May 2003
Rule hearing	Jul 2003
Rule effective 9B3.054	Oct 2003

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 “on or before January 1, 2004”	Jan 2004

**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
Effective (2004 edition of FBC)	Jan 1, 2005

Amend Product Approval Rule

Rule clarification:

TAC workshop 1		Nov 2002
TAC workshop 2		Dec 2002
Rule development workshop		Jan
	2003	
Rule adoption hearing		
	Apr 2003	
Hearing on Notice of Proposed Changes		Jul 2003
Amendments to Rule effective		Aug 2003
System mandatory as required by law		Oct 1, 2003

Recognize Equivalent Standards:

Rule development workshop		
	Nov 2003	
Rule adoption hearing		
	Jan 2004	
Amendments to Rule effective		Feb 2004

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/develop recommendations
	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

ATTACHMENT 3

FLORIDA BUILDING COMMISSION RECOMMENDATIONS TO THE 2004 LEGISLATURE

The Commission Voted to Oppose the Following Initiatives Identified in Pending Legislation:

- ◆ Outsourcing of Staff support for the Commission.
- ◆ Limitation of local authority to waive or reduce building permitting fees for special cases.
- ◆ Proposals to include authorization in statute for industry associations to propose appointments to the Commission.
- ◆ Imposition of additional qualifications for Commission members or changes to Commission membership or structure.

The Commission Voted to Withdraw Requesting Legislative Actions on the Following Initiatives:

- ◆ Expedited adoption and implementation of the sub-code for existing buildings.
- ◆ Reduce the scope of annual amendments interim to the 3 year updates of the Code.
- ◆ Support authorization of electronic seals and signatures for architectural documents.

The Commission voted to support the following initiatives:

Binding Interpretations of the Florida Building Code

Authorize the Commission to issue interpretations of the Code with statewide binding effect by procedures not subject to the Code amendment procedures of Section 553.73, F.S. Requests for interpretation could only be considered by the Commission after first being considered by local boards of adjustments and appeals where such boards exist.

Clarify the Responsibilities for the Commission and Professional Licensing Boards Regarding the Building Code Training Program

Amend Section 553.842, F.S., to clarify responsibilities under the program by reiterating education requirements for construction industry design and contracting professionals currently located in Chapters 468, 471, 481 and 489, F.S.

Establish Disciplinary Rules Authority for Product Approval, Manufactured Buildings and Prototype Buildings Programs

Amend Chapter 553, F.S., to authorize the Commission to establish disciplinary rules for entities, which conduct buildings plan review, production inspection, evaluations of product compliance with the Code, validation of product compliance with the Code or Quality assurance inspections for manufactured buildings, prototype buildings and product approval.

Facility Permit Authority

Amend Section 553.79, F.S., to authorize the Commission to determine facility types and criteria for types of work, which would qualify for facility maintenance permits.

Recognize the International Code Council Evaluation Services in Statute

Amend Section 553.842, F.S., to recognize the International Code Council Evaluation Services as an evaluation entity.

Hospice Facilities

Amend Section 553.73, F.S., to list of facilities whose building design and construction licensing standards are to be included in the Florida Building Code.

Correction of Errors in the Building Code

Authorize the Commission to suspend the implementation of Code requirements which are determined by unanimous vote to be errors in development or publishing.

Private Provider Plans Review and Inspections

The Commission will conduct a consensus building process to develop recommendations for improving implementation of the private provider system for plans review and inspections. Any recommendations for change to statutes established during the process will be reported to the 2005 Legislature.