

**BUILDING CODE SYSTEM ASSESSMENT  
AD HOC COMMITTEE  
REPORT TO THE FLORIDA BUILDING COMMISSION**



**OCTOBER 10, 2011—MEETING II**

**DAYTONA BEACH, FLORIDA**

**FACILITATION, MEETING AND PROCESS DESIGN BY**



**CONSENSUS CENTER**

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# FLORIDA BUILDING COMMISSION

## BUILDING CODE SYSTEM ASSESSMENT AD HOC COMMITTEE REPORT

### OVERVIEW

**Triennial Report to the Legislature.** Chapter 553.77(1)(b), requires the Commission to make a continual study of the Florida Building Code and related laws and on a triennial basis report findings and recommendations to the Legislature for provisions of law that should be changed. The Commission conducted the first assessment in 2005 and effected changes to the System as a result of the assessment process. 2011 marked the ten-year anniversary since the Florida Building Code became effective, and the Commission initiated a comprehensive assessment of the Building Code System with recommendations developed by the Commission's Building Code System Assessment Ad Hoc Committee. Public input was a major component of the assessment process and the Survey in addition to multiple public comment opportunities were an important part of the Commission's analysis of the Building Code System. The Commission adopted conceptual recommendations at the October 2011 meeting and will report the strategy for evaluating them to the 2012 Legislature. The Commission's final recommendations will be a major component of their Report to the 2013 Legislature.

Chairman Rodriguez appointed an ad hoc committee of Commission members (Building Code System Assessment Ad Hoc Committee) to review the results of the Building Code System assessment survey and Stakeholder Workshops and develop recommendations for the Commission regarding any proposed changes to the Florida Building Code System. This is a facilitated consensus-building process and will conclude with recommendations for enhancements to the System submitted to the 2013 Legislature.

AD HOC COMMITTEE MEMBERSHIP	
MEMBER	REPRESENTATION
Raul Rodriguez (FBC chair)	Architects
Hamid Bahadori	Fire Officials and Fire Protection Technologist
Dick Browdy (FBC vice-chair)	Home Builders
Ed Carson	Contractors, Manufactured Buildings, Product Approval
Herminio Gonzalez	Code Officials (SE Florida) and Product Evaluation Entities
Dale Greiner	Code Officials (Central Florida) and Local Government
Jeff Gross	Building Management Industry
Jon Hamrick	Public Education and State Agencies
John Scherer	General Contractors
Jim Schock	Code Officials (NE Florida)
Chris Schulte	Roofing/Sheet Metal and AC Contractors
Tim Tolbert	Code Officials (NW Florida)
Mark Turner	Electrical Contractors and Construction Subcontractors

## REPORT OF THE OCTOBER 10, 2011 MEETING

### Opening and Meeting Attendance

The meeting started at 2:30 PM, and the following Committee members were present:

Raul Rodriguez (Chair), Hamid Bahadori, Dick Browdy, Ed Carson, Herminio Gonzalez, Dale Greiner, Jeff Gross, Jon Hamrick, John Scherer, Jim Schock, Chris Schulte, Tim Tolbert, and Mark Turner.

### Additional Commission Members Present

Bob Boyer, Kiko Franco, Rafael Palacios, and Jeff Stone.

### DCA Staff Present

Leslie Anderson-Adams, Joe Bigelow, Rick Dixon, Ila Jones, Jim Hamamers, and Mo Madani.

### Meeting Facilitation

The meeting was facilitated by Jeff Blair from the FCRC Consensus Center at Florida State University.

Information at: <http://consensus.fsu.edu/>



### Project Webpage

Information on the project, including agenda packets, meeting reports, and related project documents may be found in downloadable formats at the project webpage below:

<http://consensus.fsu.edu/FBC/bcsa.html>

### Agenda Review and Approval

The Workgroup voted unanimously, 13 - 0 in favor, to approve the agenda as presented including the following objectives:

- ✓ To Approve Regular Procedural Topics (Agenda)
- To Hear an Overview of Ad Hoc Charge and Scope
- To Review Building Code System Assessment Options Evaluation Ranking Exercise Results
- To Propose Building Code System Options and Issues for Evaluation
- To Evaluate, Rank, and Refine Committee Proposed Options
- To Consider Public Comment
- ✓ To Adopt Recommendations for Submittal to the Commission for Enhancements to the Florida Building Code System
- ✓ To Identify Needed Next Steps

## REVIEW AND APPROVAL OF THE OCTOBER 12, 2010 FACILITATOR’S SUMMARY REPORT

**Motion**—The Ad Hoc voted unanimously, 13 - 0 in favor, to approve the October 12, 2010 Facilitator’s Summary Report as presented.

*Amendments:*

None.

### BUILDING CODE SYSTEM ASSESSMENT PROJECT SCOPE OVERVIEW

Jeff Blair, Commission Facilitator, reviewed the scope of the project and answered participant’s questions. Florida Statute, Chapter 553.77(1)(b), requires the Commission to make a continual study of the Florida Building Code and related laws and on a triennial basis report findings and recommendations to the Legislature for provisions of law that should be changed. The Commission conducted the first assessment in 2005, and during 2010 the Commission again solicited stakeholder input in the form of an on-line survey (conducted from June 25 – August 30, 2010), and at the October 2010 meeting the Commission voted to conduct a comprehensive evaluation of the Building Code System. The Commission decided to conduct an expanded survey running from June 2010 through January 2011 and to use the results as one of the inputs for developing a package of recommendations for enhancements to the key components of the Florida Building Code System. The Goals of the 2011 Florida Building Code System Assessment are to evaluate the System for its successes and deficiencies, and to identify and select options for improvement. The Foundations of the Building Code System were evaluated are:

<b>Foundation I</b>	<b>The Code and the Code Development Process</b>
<b>Foundation II</b>	<b>The Commission</b>
<b>Foundation II</b>	<b>Local Administration of the Code (Enforcement)</b>
<b>Foundation IV</b>	<b>Strengthening Compliance and Enforcement (Education)</b>
<b>Foundation V</b>	<b>Product Approval</b>

To coordinate the project the Chair appointed an ad hoc committee of Commission members to review the results of the Building Code System Assessment Surveys (I and II) as well as comments received during a series of workshops, and to develop recommendations for the Commission regarding any proposed changes to the Building Code System. This is a facilitated consensus-building process and the Ad Hoc met for the first time at the October 2010 Commission meeting and developed conceptual recommendations at the October 2011 meeting. The Commission adopted conceptual recommendations at the October 2011 meeting and will report the strategy for evaluating them to the 2012 Legislature. The Commission’s final recommendations will be a major component of their Report to the 2013 Legislature. The goal of the project is to conduct a comprehensive assessment of the Florida Building Code System at the ten-year anniversary of the Florida Building Code.

*(Attachment III—Building Code System Overview)*

### SUMMARY OF COMMENTS FROM SURVEY

In reviewing the over 4,070 individual comments submitted by 324 respondents regarding the Florida Building Code System there were divergent stakeholders’/respondents’ comments representing the full range of perspectives on each specific component of the Florida Building Code System ranging from complete support to indifference to neutrality to complete dissatisfaction to no knowledge of or

experience with a specific component of the System. The following summary provides an overview of commonly offered stakeholder perspectives that enjoyed a high level of support.

Many respondents appreciate the consensus-building and stakeholder involvement aspects of the process, including the workgroup process for special issue topics. There is broad support for a Florida Building Code with a preference for aligning the FBC with the IBC as closely as possible, with variations for only truly needed Florida specific requirements. There is concern with the quantity and frequency of amending the Code, and a strong desire for the FBC code development cycle to more closely align with the IBC cycle. The FBC and FFPC should be coordinated and correlated as much as possible and conflicts resolved. There is a desire for readily accessible web-based codes and relevant standards and information. Many respondents expressed a desire for an enhanced BCIS/Commission website with an integrated (Florida Building Code, Product Approval, Education and all relevant Commission programs and functions) data-base that is user-friendly, fully searchable, comprehensive, and linked to relevant documents and websites. There is a strong desire for the Commission to regularly and effectively communicate to AHJs, associations and stakeholders regarding Commission policy decisions, code changes, declaratory statements, updates, and all other relevant information. There is concern for political and special interest interference with the consensus process. There is a desire to make the System as user friendly and responsive as possible, and to eliminate any duplication or effort and unnecessary requirements. There is agreement state agency regulations and enforcement should be coordinated and consistent across jurisdictions. Product Approval Program users appreciate the timely review and approval of products and the searchable on-line functionality of the Program. Many respondents expressed that there are inadequate resources at the state and local levels to support needed training, education, enforcement and development of the Code and a dedicated, protected and adequate funding source should be secured.

#### PROJECT SCHEDULE AND CHRONOLOGY

<b>BUILDING CODE SYSTEM ASSESSMENT PROJECT CHRONOLOGY</b>	
<b>DATE</b>	<b>ACTIVITY</b>
<b>PHASE I</b>	
June 25 – August 30, 2010	On-Line Survey
<b>PHASE II</b>	
October 12, 2010	Building Code System Assessment Ad Hoc Committee Meeting
June 25, 2010 – January 28, 2011	On-Line Survey Extension
<b>PHASE III</b>	
October 13, 2010	Public Comment Opportunity I
December 7, 2010	Public Comment Opportunity II
April 5, 2011	Building Code System Assessment Workshop I
June 6, 2011	Building Code System Assessment Workshop II
August 8, 2011	Building Code System Assessment Workshop III
October 10, 2011	Building Code System Assessment Ad Hoc Committee Meeting
October 11, 2011	Commission Adopts Conceptual Recommendations for inclusion in Report to the 2012 Legislature
December 2011	Report to 2012 Legislature conveyed
<b>PHASE IV</b>	
January 1, 2012	Report to 2012 Legislature
November/December 2011	Criteria for evaluating recommendations developed
December 2012	Commission adopts specific Building Code System recommendations for Submittal to 2013 Legislature.
<i>(Attachment IV—Building Code System Assessment Workplan)</i>	

**REVIEW AND EVALUATION OF PROPOSED OPTIONS TO ENHANCE THE FLORIDA BUILDING CODE SYSTEM AND IDENTIFICATION OF ADDITIONAL PROPOSED OPTIONS TO ENHANCE THE FLORIDA BUILDING CODE SYSTEM**

Jeff Blair, Commission Facilitator, explained that the goal of the Ad Hoc Committee is to review the consensus recommendations evaluated by stakeholder during Workshop III and to determine which recommendations to adopt for submittal for the Florida Building Commission.

During Workshop III a worksheet was used to identify and evaluate specific options to enhance System aspects deemed to need improvements by a significant number\* of participants (from Workshop I). For each of the key System issues evaluated as needing improvements (2: Should be Improved) or unacceptable (1: Unacceptable) stakeholders (participants) were asked to identify a range of potential options to enhance the System (identified during Workshop II). During Workshop III stakeholders were asked to participate in an options acceptability ranking exercise by ranking each option identified during Workshop II using a 4-Point scale as follows:

<i>Acceptability Ranking Scale</i>	<i>4= Acceptable, I agree</i>	<i>3= Minor Reservations, I agree with minor reservations</i>	<i>2= Major Reservations, I don't agree unless major reservations addressed</i>	<i>1= Not Acceptable</i>
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During the course of Workshop III stakeholders were also invited to offer additional options by topic. Each of the new options was added to the worksheet and evaluated using the four-point acceptability ranking scale.

Once ranked, options achieving a 75% or greater number of 4's and 3's in proportion to 2's and 1's were considered consensus recommendations for further evaluated by the Commission's Building Code System Assessment Ad Hoc Committee. The Ad Hoc Committee will deliver recommendations to the Florida Building Commission for the Commission's consideration.

*\*System aspects that 25% or greater (≥) of the participants in the initial System assessment exercise (Workshop I) ranked with a 2 (Should Be Improved) or 1 (Unacceptable)—indicating that changes to the System aspect are needed.*

Jeff Blair reviewed the package of consensus recommendations (options achieving a 75% or greater number of 4's and 3's in proportion to 2's and 1's as ranked by Workshop III participants) with member and answered questions. Commissioners were asked to determine whether they supported specific options and whether they wished to re-rank specific options. Otherwise, all options achieving a 75% or greater level of support will be conveyed to the Commission as consensus recommendations. Ad Hoc Committee members were encouraged to offer additional options for evaluation during the October meeting. Staff reviewed the options and provided feedback (in red) regarding the framing and/or conveying of specific options related to licensing boards and state agencies. Following a review of the options, questions and answers, public comment and discussion, the Ad Hoc Committee took the following action:

***Committee Action:***

**Motion**—The Ad Hoc Committee voted unanimously, 13 - 0 in favor, to recommend the Commission adopt the package of consensus recommendations in concept, with staff's comments, to be evaluated/analyzed in the context of fiscal, economic/financial, technical, and life-safety criteria, with recommendations that meet the criteria to be evaluated and developed in consultation with stakeholders for approval by the Commission for submittal to the 2013 Legislature.

## AD HOC ADOPTED RECOMMENDATIONS

### FOUNDATION I RECOMMENDATIONS—THE CODE

#### Options Achieving $\geq 75\%$ Level of Support from Stakeholders

- ⊖ Establish an interagency coordination workgroup to ensure there is effective coordination and communication between state regulatory agencies and local jurisdictions.*
- ⊖ Develop insurance credits/incentives for building better/ stronger than code (e.g. hurricane resistant, fire and etc provisions).*
- ⊖ Develop an effective communication vehicle/process connected with a comprehensive database that ensures local jurisdictions receive regular updates regarding the Florida Building Code System.*
- ⊖ Evaluate current requirements in coastal areas and mandate connectors that will withstand salt-air corrosion.*
- ⊖ Have the Florida Building Code available on-line and fully searchable. This would be a part of the updated, revised, fully searchable, user-friendly, and comprehensive BCIS.*
- ⊖ Establish a joint FBC workgroup with the Department of Emergency Management (DEM) and relevant stakeholders (e.g., BOAF) to develop SOPs and MOUs for use by local Emergency Operation Centers (EOC).*
- ⊖ Workgroup/process to ensure that the ISO recognizes the Florida Building Code for equivalent points for BSEGS (provide equal credits to the I-codes).*
- ⊖ Workgroup to evaluate expanding interpretation authorities for Accessibility Code to non-binding opinions.*
- ⊖ Workgroup to evaluate coastal high hazard zone building construction provisions. (Evaluation of all coastal areas construction provisions was intended, broad generic definition if CHZ, not just the state law CHZ).*
- ⊖ Develop a cross-reference table regarding state agency regulations that impact construction.*
- ⊖ Agricultural exemptions should be clarified (i.e., show horse arenas).*
- ⊖ Convene the Florida Accessibility Code Workgroup, Florida Energy Code Workgroup, Flood Standards Workgroup, Code Amendment Process (and other relevant topical workgroups) prior to each triennial code update to develop recommendations to the Commission regarding their respective topical areas.*
- ⊖ Develop recommendations for how Florida can more effectively participate in the I-Code process and successfully get needed Florida specific requirements into the I-Codes (reducing variations between the FBC and the I-Codes).*
- ⊖ Conduct a comprehensive review and evaluation of all exemptions in the Code (i.e., statutory, I-Codes, etc.).*

## FOUNDATION II RECOMMENDATIONS—THE COMMISSION

### Options Achieving ≥ 75% Level of Support from Stakeholders

- ⊖ *Provide a link from the Florida Building Code to all relevant local technical amendments.*
- ⊖ *Continue to use the Commission's workgroup process to deal with special topical issues, and to eliminate conflicts between the codes (e.g. FFPC and FBC).*
- ⊖ *Provide notice to all building codes/ construction related professional associations regarding updates, issues and notifications.*
- ⊖ *Ensure the Commission has a dedicated, secure and adequate funding source to properly meet their mission and mandates. The dedicated funding source can only be used for Commission functions and Florida Building Code System related activities.*

## FOUNDATION III RECOMMENDATIONS—LOCAL ADMINISTRATION

### Options Achieving ≥ 75% Level of Support from Stakeholders

- ⊖ *Utilize local BOAF chapters to find out from clients in their region where code interpretations are uniform, and then work out consensus on interpretations.*
- ⊖ *Require local technical amendments to be approved by the Florida Building Commission prior to adoption.*

## FOUNDATION IV RECOMMENDATIONS—STRENGTHENING COMPLIANCE AND ENFORCEMENT

### Options Achieving ≥ 75% Level of Support from Stakeholders

- ⊖ *Investigate development of an associate degree program with Universities/ Colleges for building officials.*
- ⊖ *Create and maintain a comprehensive searchable data-base containing all Commission/ Code related items and automatically communicate/ transmit all relevant updates and changes to all jurisdictions (i.e., FBC policy decisions, statutory changes, declaratory statements, binding interpretations, product approval issues, code updates, etc.). This would be an updated, revised, fully searchable, user-friendly, linked, and comprehensive BCIS. The Florida Building Code and all relevant standards and documents should be available on the BCIS (fully searchable).*  
{Note: There were many suggestions regarding enhancing the BCIS/FBC website and the need to communicate more effectively and frequently with local jurisdictions, associations and stakeholders.
- ⊖ *Convene workgroup to evaluate and make recommendations on the current education system.*

⊖ Recommend that DBPR and the licensing board evaluate whether to require all building code related professions to have mandatory “laws and rules” continuing education requirements for inclusion in the licensing boards rules and/or statutes.

⊖ Recommend that DBPR and the licensing board evaluate whether to develop approved core classes required and accepted by the various boards for inclusion in the licensing boards rules and/or statutes (i.e., Fire Safety Inspector, BCAIB, CILB, ECILB, Architect's Board, and Engineer's Board).

⊖ Recommend that DBPR and the licensing board evaluate whether all Building Code System trainers should have minimum qualifications, and whether to develop criteria to ensure training materials are accurate and trainers are properly qualified for inclusion in the licensing boards rules and/or statutes.

⊖ Recommend that DBPR and the licensing board evaluate whether to use the Commission’s education approval process as an interface between licensing boards so approved courses are approved across the relevant professions, for inclusion in the licensing boards rules and/or statutes.

⊖ Recommend that DBPR and the licensing board evaluate whether to use the Commission’s evaluation model for course accreditation (enhance consistency and cross discipline course approvals), for inclusion in the licensing boards rules and/or statutes.

⊖ Recommend that the State Fire Marshal’s Office, DBPR and individual licensing boards evaluate whether to approve/ accredit and require joint training for fire and building officials (consistency of interpretation and enforcement of fire provisions, for inclusion in the licensing boards rules and/or statutes.

⊖ Recommend that DBPR and the individual licensing boards evaluate whether to mandate a continuing education process for code officials requiring them to keep current in the codes and administrative practices, requiring CEUs on the Florida Building Code, and increase the number of CEUs required for all licensees (building officials, plans examiners, inspectors, etc.), for inclusion in the licensing boards rules and/or statutes.

## FOUNDATION V RECOMMENDATIONS—PRODUCT APPROVAL

### Options Achieving ≥ 75% Level of Support from Stakeholders

⊖ Develop a faster, user-friendly, comprehensive, integrated and fully searchable product approval data-base and submittal system. The Product Approval data-base should be part of the comprehensive BCIS.

⊖ Establish a statewide requirement for how product approval documentation should be submitted to Building Departments, with a standard form and the minimum documents required for submittal.

(Attachment V—Stakeholder Recommendations)

## **COMMENT ON RECOMMENDATIONS**

Following is a summary of comments offered regarding the package of recommendations:

- Browdy: Need analysis of fiscal impact of any recommendation out of this project.
- If there is an impact on the cost of housing from a recommendation it should not be considered for possible recommendation to Legislature without an analysis. Need to rank the recommendations based on potential cost. Some statement should be made about the impact of recommendations and that most are designed to increase efficiencies and reduce costs. Those with a cost should identify the cost.
- Madani: Could work with TACs to conduct feasibility assessment of the recommendations prior to evaluating them further.
- Stone: Impact on industry and impact on government should be evaluated as well. Need input from industries on potential impact of the recommendations.

## **GENERAL PUBLIC COMMENT**

Members of the public were invited to provide the Ad Hoc Committee with comments.

Members of the public were provided opportunities to speak on each of the substantive discussion issues before the Ad Hoc Committee.

### *Summary of Public Comments:*

Andrew Hayes, AIA Florida: read a letter verbatim from AIA Florida.

Written submitted comment is included as “Attachment VI”.

*(Attachment IV—Written Comment)*

## **ADOPTION OF RECOMMENDATIONS FOR SUBMITTAL TO THE COMMISSION**

Following public comment, question and answers and discussion the Ad Hoc took the following action:

### *Ad Hoc Actions:*

**Motion**—The Ad Hoc Committee voted unanimously, 13 - 0 in favor, to recommend the Commission approve the package of consensus recommendations in concept, with staff’s comments, to be evaluated/analyzed in the context of fiscal, economic/financial, technical, and life safety criteria, with recommendations that meet the criteria to be evaluated and developed in consultation with stakeholders for approval by the Commission for submittal to the 2013 Legislature.

## **ADJOURNMENT**

The Ad Hoc Committee voted unanimously, 13 – 0 in favor, to adjourn at 3:45 PM.

**ATTACHMENT I**  
**MEETING EVALUATION RESULTS**

**October 10, 2011—Daytona Beach, Florida**

*Average rank using a 0 to 10 scale, where 0 means totally disagree and 10 means totally agree.*

**1. Please assess the overall meeting.**

- 9.9 The background information was very useful.
- 9.9 The agenda packet was very useful.
- 9.9 The objectives for the meeting were stated at the outset.
- 9.9 Overall, the objectives of the meeting were fully achieved.

**2. Do you agree that each of the following meeting objectives was achieved?**

- 9.9 Overview of Ad Hoc Charge and Scope.
- 9.9 Building Code System Assessment Options Evaluation Ranking Exercise Results Review.
- 9.9 Proposing of Building Code System Options and Issues for Evaluation.
- 9.9 Evaluation, Ranking, and Refinement of Committee Proposed Options.
- 9.9 Adoption of Recommendations for Submittal to the Commission.

**3. Please tell us how well the Facilitator helped the participants engage in the meeting.**

- 9.9 The members followed the direction of the Facilitator.
- 9.9 The Facilitator made sure the concerns of all members were heard.
- 9.9 The Facilitator helped us arrange our time well.
- 9.9 Participant input was documented accurately.

**4. Please tell us your level of satisfaction with the meeting?**

- 9.9 Overall, I am very satisfied with the meeting.
- 9.9 I was very satisfied with the services provided by the Facilitator.
- 9.9 I am satisfied with the outcome of the meeting.

**5. Please tell us how well the next steps were communicated?**

- 9.9 I know what the next steps following this meeting will be.
- 9.9 I know who is responsible for the next steps.

**6. What did you like best about the meeting?**

- Good participation by all, and great preparation of the materials given previous to the meeting.
- The Chair is fantastic, and so is Jeff Blair in getting the job done.
- On time. Jeff Blair did a great job.
- Brevity.

**7. How could the meeting have been improved?**

- Wake up Carson
- Have water on the tables.

**8. Do you have any other comments?**

*None were provided.*

**ATTACHMENT II  
MEETING ATTENDANCE**

NAME	AFFILIATION
Andrew Hayes	AIA- Florida
Barbara Harrison	AIA-Florida
Jim Heise	PGT
Jack Glenn	FHBA
Doug Carter	Brevard County Fire Rescue
Amanda Hickman	Inter Code Inc.
Ed Riley	CCFCO
Jaime D. Gascon	Miami Dade County
Dwight Wilkes	AAMA
Paul Coats	American Work Council
Doug Harvey	BOAF
Tim Johnson	City of Orlando
Joe Eysiz	FNGA
Joe Hetzel	DASMA
Bob Boyer	Florida Building Commission
Rafael Palacios	Florida Building Commission
Jeff Stone	Florida Building Commission
Kiko Franco	Florida Building Commission

## ATTACHMENT III

### FLORIDA BUILDING CODE SYSTEM OVERVIEW

In 1997, the Governor's Building Codes Study Commission recommended that a single state-wide building code be developed to produce a more effective system for a better Built Environment in Florida. It was determined that in order to be effective, The Building Code System must protect the health, safety and welfare of the citizens of Florida, and in doing so:

1. Be simple to use and clearly understood;
2. Be uniform and consistent in its administration and application;
3. Be affordable; and
5. Promote innovation and new technology.

The Study Commission determined that an effective system must address five key components: the Code, the Commission, code administration, compliance and enforcement, and product evaluation and approval.

#### **THE FLORIDA BUILDING CODE SYSTEM IS COMPRISED OF FIVE ESSENTIAL COMPONENTS. A SUMMARY OF EACH FOLLOWS:**

**I. The Florida Building Code and the Code Development Process.** Historically the promulgation of codes and standards was the responsibility of local jurisdictions. It was determined that Florida's system is "a patchwork of codes and regulations developed, amended, administered and enforced differently by more than 400 local jurisdictions and state agencies with building code responsibilities". A critical component for an effective building code system was to develop and implement a single state-wide code.

The purpose of developing a single state-wide building code was to:

1. Serve as a comprehensive regulatory document to guide decisions aimed at protecting the health, safety and welfare of all of Florida's citizens.
2. Provide uniform standards and requirements through the adoption by reference of applicable national codes and providing exceptions when necessary.
3. Establish the standards and requirements through performance-based and prescriptive based criteria where applicable.
4. Permit and promote innovation and new technology.
5. Require adequate maintenance of buildings and structures, specifically related to code compliance, throughout the State.
6. Eliminate restrictive, obsolete, conflicting and unnecessary construction regulations that tend to increase construction costs unnecessarily or that restrict the use of innovation and new technology.

The new Florida Building Code is a state-wide code implemented in 2001 and updated every three years. The Florida Building Commission developed the Florida Building Code from 1999 through 2001, and is responsible for maintaining the Code through annual interim amendments and a triennial foundation code update.

**II. The Commission.** The Commission is an appointed representative stakeholder body that develops, amends and updates the Code. The Commission is comprised of members representing each of the key interests in the building code system. The Commission meets every six weeks and in addition to their code development responsibilities, regularly consider petitions for declaratory statements, accessibility waiver requests, the approval of products and entities, and the approval of education courses and course accreditors. The Commission also monitors the building code system and reports to the Legislature annually with their recommendations for changes to statute and law.

**III. Local Administration of the Code.** The Study Commission recommended, and subsequent legislation maintained, that the Code shall be administered and enforced by local government building and fire officials. The Commission has certain authorities in this respect such as the number and type of required inspections. However, the Commission's main responsibility remains amending the Code, hearing appeals of local building officials decisions, and issuing binding interpretations of any provisions of the Florida Building Code.

**IV. Strengthening Compliance and Enforcement.** Compliance and enforcement of the Code is a critical component of the system with the Commission's emphasis in this regard is on education and training. The Study Commission determined that in order to have an effective system a clear delineation of each participant's role and accountability for performance must be effected. There should be a formal process to obtain credentials for design, construction, and enforcement professionals with accountability for performance. Opportunities for education and training were seen as necessary for each participant to fulfill their role competently. Although many of the Commission's functions related to education were recently assigned to a legislatively created Education Council, education remains a cornerstone of the building code system. The Commission remains focused on the approval of course accreditors and the courses developed/recommended by approved accreditors.

**V. Product Evaluation and Approval.** In order to promote innovation and new technologies a product and evaluation system was determined to be the fifth cornerstone of an effective Building Code System. The product approval process should have specific criteria and strong steps to determine that a product or system is appropriately tested and complies with the Code. Quality control should be performed by independent agencies and testing laboratories which meet stated criteria and are periodically inspected. A quality assurance program was also deemed essential. The Commission adopted a Product Approval System by rule and currently approves products for state approval and product approval entities. Local product approval remains under the purview of the local building official as a part of the building permit approval process.

## **ADDITIONAL KEY BUILDING CODE SYSTEM PROGRAMS**

**A. Building Code Information System.** The Building Code Information System (BCIS) was developed in early 2000 to implement the new responsibilities, business practices, and automated systems required by the Florida Building Code. The BCIS is a multi-functional database that provides building professionals, the general public, local governments, and manufacturers with single-point access to the Florida Building Code, Manufactured Building Program, Product Approval System, Prototype Program, local code amendments, declaratory statements, nonbinding opinions, and the interested party list.

Since its initial deployment, significant new functionality has been added to the BCIS in response to new legislation and to accommodate the changing needs of the Commission and DCA. The amount of information now available via the BCIS has more than doubled in the last four years; the number and type of users has correspondingly increased as new needs are addressed. The web site has become more complex and more difficult to locate needed information. As a result, the Department is in the process of updating the BCIS to address the overall accessibility of information contained within the BCIS.

**B. Manufactured Buildings Program.** Chapter 553, Part I, FS, known as the Manufactured Buildings Act of 1979, governs the design, plans review, construction and inspection of all buildings (excluding mobile homes) manufactured in a facility to ensure compliance with the Florida Building Code. Rule Chapter 9B-1 FAC was subsequently adopted by the Commission to adequately govern the program and to ensure that manufacturers and independent Third Party Inspection Agencies maintain performance standards. Inspections agencies qualified under this program and serving as agents for the State, provide construction plan reviews and in-plant inspections. All manufacturers and Third Party Agencies are monitored at least once per year to ensure quality assurance and adequate code enforcement. Manufactured Buildings approved under this program are exempted from local code enforcement agency plan review except for provisions of the code relating to erection, assembly or construction at the site.

**C. Prototype Buildings Program.** Chapter 553.77(5) F.S., Rule 9B-74 Prototype Plan Review and Approval program. The plans review program was developed by the Florida Building Commission to address public and private entities such as buildings and structures that could be replicated throughout the state. This program is conducted by an Administrator delegated by the Commission, this Administrator has qualifications to review plan compliance with the Florida Building Code and certified per the requirements of Chapter 468, F.S. The program Administrator contracts with qualified plans examiners to review Prototype plans for Code compliance with the Florida Building Code and Florida Fire Prevention Code, these plans examiners are certified in Chapter 468 or 633 F.S., or both Chapters 468 and 633, F.S. The prototype plans are reviewed for completeness in a timely manner compliant with Chapter 120 F.S.. Each approved Prototype plan is issued an identification tracking number, this number is used to track replicated plans to local governments. The Administrator regularly attends the Florida Building Commission and reports on the progress of the Prototype Buildings Program.

**D. Alternative Plans Review and Inspections—Private Provider System for Plans Review and Inspection Functions.** §553.791, Florida Statutes, was created in 2002 to allow property owners to utilize the services of a private interest to perform plan review and/or inspection services in lieu of, but subject to review by the local permitting authority. The legislation creating the process also directed the Commission to review the system and report the results to the legislature which was accomplished in the Commission's 03-04 report. In addition, the Commission as a result of a consensus stakeholder process convened in 2004, proposed, additional refinements to the system in the Commission's 04-05 report. In 2005 the Florida Legislature adopted a package of refinement to the system which were signed into law in the summer of 2005.

**E. Interaction and Coordination Between the Florida Building Code and Other State Based Building Construction Regulations.** The Florida Building Commission is committed to coordinating with other State agencies charged with implementing and enforcing their respective State based building construction regulations. The Commission only has authority to amend the Florida Building Code and respective rules, and other state agencies have similar authority for their respective rules and regulations. The Commission has worked closely with other state agencies to ensure consistency and coordination between the various codes and rules.

**F. Enforcement of Other State Based Building Construction Regulations at the Local Level.** Enforcement of state agency regulations occurs primarily at the local level under the jurisdiction of the respective agency's local officials. Regulations should be clear and consistent across the State, and coordination is required between the Florida Building Code's and other agency's requirements.

## ATTACHMENT IV

### BUILDING CODE SYSTEM ASSESSMENT WORKPLAN

#### BUILDING CODE SYSTEM ASSESSMENT PROJECT WORKPLAN BY TASK

##### A. COMMISSION, AD HOC COMMITTEE AND TAC TASKS

- ◆ Committee meets at Commission meetings starting October 2010 and ending Dec. 2011.
- ◆ A large forum public workshop is held to start the project. TACs are appointed for areas corresponding to the Building Code Study Commission’s “Foundation\*” principles to review issues and develop recommendations. The Ad Hoc Committee considers TAC recommendations and develops final recommendations for the Commission to transmit to the Legislature.  
*\* The Study Commission determined that an effective system must address five key components: the Code and Code development process, the Commission, local administration of the Code, strengthening compliance and enforcement, and product evaluation and approval.*
- ◆ The Ad Hoc Committee manages the project for the Commission.
- ◆ Project Workplan is reviewed and updated at each meeting, as needed.

##### B. AD HOC COMMITTEE TASKS

	START DATE	COMP. DATE
• Ad Hoc conducts on-line Survey Phase I.	June 2010	Aug. 2010
• Ad Hoc Meeting I—Organizational Meeting.	Oct. 12, 2010	
• On-Line Survey Phase II conducted.	Oct. 2010	Jan. 2011
• Large Forum Public Workshop.	April 2011	--
• Second Workshop	June 2011	--
• Third Workshop	Aug 2011	--
• Ad Hoc Committee meets to develop recommendations	Oct 2011	--
• Ad Hoc meets if needed to finalize recommendations	Dec. 2011	--

##### C. AD HOC COMMITTEE AGREEMENTS/RECOMMENDATIONS

	START DATE	COMP. DATE
1. Committee recommends the Commission conduct a comprehensive evaluation of the System for submittal to the 2012 Legislature.	October 12, 2010	
2. Commission adopts Ad Hoc’s recommendations.	October 13, 2010	
3. On-Line Survey Phase II results compiled and a report issued.	Oct. 2010	Feb. 2011
4. Ad Hoc delivers recommendations to Commission	Oct. 2011	--
5. Commission provides Ad Hoc with feedback if needed	Oct. 2011	--
6. Commission adopts Ad Hoc recommendations	Dec. 2011	Dec 2011

<b>D. PUBLIC INVOLVEMENT</b>		
	<b>START DATE</b>	<b>COMP. DATE</b>
1. Survey Phase I conducted on-line	June 2010	Aug. 2010
2. Survey Phase II conducted on-line.	Oct. 2010	Jan. 2011
3. Public comments solicited at Ad Hoc Committee meetings. (2010: October; 2011: April, October, and December)	Oct. 12, 2010	Dec. 2011
4. Public comments received at each Commission meeting. (2010: October; 2011: February, April, June, August, October, and December)	Oct. 2010	Dec. 2011

### **DEVELOPMENT OF THE FLORIDA BUILDING CODE OVERVIEW**

In 1997, the Governor’s Building Codes Study Commission recommended that a single state-wide building code be developed to produce a more effective system for a better Built Environment in Florida. It was determined that in order to be effective, The Building Code System must protect the health, safety and welfare of the citizens of Florida, and in doing so:

1. Be simple to use and clearly understood;
2. Be uniform and consistent in its administration and application;
3. Be affordable; and
5. Promote innovation and new technology.

The Study Commission determined that an effective system must address five key components: the Code, the Commission, code administration, compliance and enforcement, and product evaluation and approval.

The Florida Building Code is a state-wide code implemented in 2001 and updated every three years. The Florida Building Commission developed the Florida Building Code from 1999 through 2001, and is responsible for maintaining the Code through annual glitch amendments and a triennial foundation code update.

The Commission is required by Florida law to update the Florida Building Code every three years, and the 2010 Edition will represent the third update and fourth edition of the Code. The update process is based on the code development cycle of the national model building codes, which serve as the “foundation” codes for the Florida Building Code.

**ATTACHMENT V**  
**STAKEHOLDER CONSENSUS RECOMMENDATIONS**

**OPTIONS ACHIEVING A 75% OR GREATER THRESHOLD OF PARTICIPANT SUPPORT**

Following are the options achieving a 75% or greater number of 4's and 3's in proportion to 2's and 1's as ranked by Workshop III participants (stakeholders). Commissioners were asked determine whether they supported specific options and whether they wished to re-rank specific options. Otherwise, all options achieving a 75% or greater level of support will be conveyed to the Commission as consensus recommendations. Ad Hoc Committee members were encouraged to offer additional options for evaluation during the October 2011 meeting. Staff reviewed the options and provided feedback (in red) regarding the framing and/or conveying of specific options related to licensing boards and state agencies.

**FOUNDATION I**

**THE CODE**

**Options Achieving  $\geq$  75% Level of Support**

⊖ *Establish an interagency coordination workgroup to ensure there is effective coordination and communication between state regulatory agencies and local jurisdictions. {27 – 0 in support}*

⊖ *Require all building code related professions to have mandatory CEU requirements regarding building code related "laws and rules". {27 – 0 in support}*

*[Recommendation: If the above option is supported by the Ad Hoc reframe to: Request the DBPR and the licensing boards review the above recommendation regarding requiring mandatory "laws and rules" continuing education for inclusion in licensing board rules and/or statutes.]*

⊖ *Develop insurance credits/incentives for building better/ stronger than code (e.g. hurricane resistant, fire and etc provisions). {27 – 0 in support}*

⊖ *Develop an effective communication vehicle/process connected with a comprehensive database that ensures local jurisdictions receive regular updates regarding the Florida Building Code System. {25 – 0 in support}*

⊖ *Evaluate current requirements in coastal areas and mandate connectors that will withstand salt-air corrosion. {25 – 0 in support}*

⊖ *Have the Florida Building Code available on-line and fully searchable. This would be a part of the updated, revised, fully searchable, user-friendly, and comprehensive BCIS. {24 – 0 in support}*

⊖ *Establish a joint FBC workgroup with the Department of Emergency Management (DEM) and relevant stakeholders (e.g., BOAF) to develop SOPs and MOUs for use by local Emergency Operation Centers (EOC). {23 - 0 in support}*

- ⊖ *Workgroup/process to ensure that the ISO recognizes the Florida Building Code for equivalent points for BSEGS (provide equal credits to the I-codes). {23 – 0 in support}*
- ⊖ *Workgroup to evaluate expanding interpretation authorities for Accessibility Code to non-binding opinions. {29 – 1 in support}*
- ⊖ *Workgroup to evaluate coastal high hazard zone building construction provisions. (Evaluation of all coastal areas construction provisions was intended, broad generic definition if CHZ, not just the state law CHZ). {23 – 1 in support}*
- ⊖ *Develop a cross-reference table regarding state agency regulations that impact construction. {27 – 2 in support}*
- ⊖ *Agricultural exemptions should be clarified (i.e., show horse arenas). {22 – 2 in support}*
- ⊖ *Convene the Florida Accessibility Code Workgroup, Florida Energy Code Workgroup, Flood Standards Workgroup, Code Amendment Process (and other relevant topical workgroups) prior to each triennial code update to develop recommendations to the Commission regarding their respective topical areas. {19 – 3 in support}*
- ⊖ *Develop recommendations for how Florida can more effectively participate in the I-Code process and successfully get needed Florida specific requirements into the I-Codes (reducing variations between the FBC and the I-Codes). {25 – 4 in support}*
- ⊖ *Conduct a comprehensive review and evaluation of all exemptions in the Code (i.e., statutory, I-Codes, etc.). {19 – 4 in support}*

### **Options Achieving Between 51% and 74% Level of Support**

- ⊖ *Have Florida hurricane resistant provisions added to the I-Codes as appendices (reducing variations between the FBC and the I-Codes). {16 – 13 in support; 55%}*
- ⊖ *Consider adopting the International Performance Code into the Florida Building Code. {12 – 11 in support; 52%}*
- ⊖ *Conduct a study regarding building official's use of alternative methods to identify trends and address issues. {12 – 11 in support; 52%}*

## **FOUNDATION II**

## **THE COMMISSION**

### **Options Achieving ≥ 75% Level of Support**

- ⊖ *Provide a link from the Florida Building Code to all relevant local technical amendments. {24 – 0 in support}*
- ⊖ *Continue to use the Commission's workgroup process to deal with special topical issues, and to eliminate conflicts between the codes (e.g. FFPC and FBC). {23 – 0 in support}*

⊖ Provide notice to all building codes/ construction related professional associations regarding updates, issues and notifications. {21 – 0 in support}

⊖ Ensure the Commission has a dedicated, secure and adequate funding source to properly meet their mission and mandates. The dedicated funding source can only be used for Commission functions and Florida Building Code System related activities. {23 – 1 in support}

### Options Achieving Between 51% and 74% Level of Support

⊖ Develop an effective reporting mechanism allowing local partners to report when local technical amendments are implemented. {14 – 6 in support; 70%}

## FOUNDATION III

## LOCAL ADMINISTRATION

### Options Achieving ≥ 75% Level of Support

⊖ Utilize local BOAF chapters to find out from clients in their region where code interpretations are uniform, and then work out consensus on interpretations. {24 – 0 in support}

⊖ Require local technical amendments to be approved by the Florida Building Commission prior to adoption. {21 – 0 in support}

## FOUNDATION IV

## STRENGTHENING COMPLIANCE AND ENFORCEMENT

### Options Achieving ≥ 75% Level of Support

⊖ Investigate development of an associate degree program with Universities/ Colleges for building officials. {24 – 0 in support}

⊖ Create and maintain a comprehensive searchable data-base containing all Commission/ Code related items and automatically communicate/ transmit all relevant updates and changes to all jurisdictions (i.e., FBC policy decisions, statutory changes, declaratory statements, binding interpretations, product approval issues, code updates, etc.). This would be an updated, revised, fully searchable, user-friendly, linked, and comprehensive BCIS. The Florida Building Code and all relevant standards and documents should be available on the BCIS (fully searchable).

{Note: There were many suggestions regarding enhancing the BCIS/FBC website and the need to communicate more effectively and frequently with local jurisdictions, associations and stakeholders.

⊖ Convene workgroup to evaluate and make recommendations on the current education system. {22 – 0 in support}

⊖ Have the different licensing agencies work closer together to develop core classes required by all and accept each other's approved courses. Fire Safety Inspector, BCAIB, CILB, ECILB, Architect's Board, Engineer's Board. {23 – 0 in support}

*[Recommendation: If the above option is supported by the Ad Hoc reframe to: Request the DBPR and individual licensing boards review the above recommendation for inclusion in the licensing boards' rules and/or statutes.]*

⊖ Require that all Building Code System trainers have certain minimum qualifications, and develop criteria to ensure training materials are accurate and trainers are properly qualified. {25 – 1 in support}

*[Recommendation: If the above option is supported by the Ad Hoc reframe to: Request the DBPR and individual licensing boards review the above recommendation for inclusion in the licensing boards' rules and/or statutes.]*

⊖ Use the Commission education approval process as an interface between licensing boards so approved courses are approved across the relevant professions. {22 – 1 in support}

*[Recommendation: If the above option is supported by the Ad Hoc reframe to: Request the DBPR and individual licensing boards review the above recommendation for inclusion in the licensing boards' rules and/or statutes.]*

⊖ Consult with various licensing boards regarding the use of the Commission's evaluation model for course accreditation (enhance consistency and cross discipline course approvals). {23 – 3 in support}

*[Recommendation: If the above option is supported by the Ad Hoc reframe to: Request the DBPR and individual licensing boards review the above recommendation for inclusion in the licensing boards' rules and/or statutes.]*

⊖ The Florida Building Commission and the State Fire Marshal should approve/ accredit and require joint training for fire and building officials (consistency of interpretation and enforcement of fire provisions). {18 – 3 in support}

*[Recommendation: If the above option is supported by the Ad Hoc reframe to: Request the State Fire Marshal's Office, DBPR and individual licensing boards review the above recommendation for inclusion in their rules and/or statutes.]*

⊖ Mandate a continuing education process for code officials requiring them to keep current in the codes and administrative practices. Require CEUs on the Florida Building Code. Increase the number of CEUs required for all licensees (building officials, plans examiners, inspectors, etc.). {18 – 6 in support}

*[Recommendation: If the above option is supported by the Ad Hoc reframe to: Request the DBPR and individual licensing boards review the above recommendation for inclusion in the licensing boards' rules and/or statutes.]*

### **Options Achieving Between 51% and 74% Level of Support**

⊖ Increase the building permit surcharge fee to provide funding for enhanced training and education on the Florida Building Code System for all licensees. {16 – 10 in support; 62%}

## **FOUNDATION V**

## **PRODUCT APPROVAL**

### **Options Achieving ≥ 75% Level of Support**

⊖ Develop a faster, user-friendly, comprehensive, integrated and fully searchable product approval

*data-base and submittal system. The Product Approval data-base should be part of the comprehensive BCIS. {29 – 0 in support}*

*⊖ Establish a statewide requirement for how product approval documentation should be submitted to Building Departments, with a standard form and the minimum documents required for submittal. {23 – 3 in support}*

## **WORKGROUPS PROPOSED FOR CONVENING BY WORKSHOP PARTICIPANTS**

Following are workgroups proposed by participants:

*⊖ Continue to use the Commission’s workgroup process to deal with special topical issues, and to eliminate conflicts between the codes (e.g. FFPC and FBC). {23 – 0 in support}*

*⊖ Convene the Florida Accessibility Code Workgroup, Florida Energy Code Workgroup, Flood Standards Workgroup, Code Amendment Process (and other relevant topical workgroups) prior to each triennial code update to develop recommendations to the Commission regarding their respective topical areas. {19 – 3 in support}*

*⊖ Establish an interagency coordination workgroup to ensure there is effective coordination and communication between state regulatory agencies and local jurisdictions. {27 – 0 in support}*

*⊖ Establish a joint FBC workgroup with the Department of Emergency Management (DEM) and relevant stakeholders (e.g., BOAF) to develop SOPs and MOUs for use by local Emergency Operation Centers (EOC). {23 - 0 in support}*

*⊖ Workgroup/process to ensure that the ISO recognizes the Florida Building Code for equivalent points for BSEGS (provide equal credits to the I-codes). {23 – 0 in support}*

*⊖ Workgroup to evaluate expanding interpretation authorities for Accessibility Code to non-binding opinions. {29 – 1 in support}*

*⊖ Evaluate coastal high hazard zone building construction provisions. (Evaluation of all coastal areas construction provisions was intended, broad generic definition if CHZ, not just the state law CHZ). {23 – 1 in support}*

*⊖ Conduct a comprehensive review and evaluation of all exemptions in the Code (i.e., statutory, I-Codes, etc.). {19 – 4 in support}*

*⊖ Agricultural exemptions should be clarified (i.e., show horse arenas). {22 – 2 in support}*

*⊖ Convene workgroup to evaluate and make recommendations on the current education system. {22 – 0 in support}*

**ATTACHMENT VI**  
**SUBMITTED WRITTEN COMMENT**

**AIA Florida**

The Florida Association of the American Institute of Architects

October 10, 2011



**TO:** Raul Rodriguez, AIA  
Chair, Florida Building Commission

**FROM:** Michael Lingerfelt, AIA  
President

Dan Kirby, AIA, AICP, LEED AP  
Vice President – Legislative & Regulatory Affairs

**RE:** Building Code System Assessment  
Ad-Hoc Committee Meeting

As the professional organization for Florida’s community of architects, AIA Florida is pleased to provide comments on the Building Code System Assessment being conducted by the Ad Hoc Committee of the Florida Building Commission.

In our daily practice, architects play a leading role in protecting public, health, safety and welfare. As we safeguard the interests of the general public and our clients, architects are acutely aware of the need for building codes that are straightforward and consistently enforced. Architects want to create code compliant and safe buildings and seek the cooperation of regulators and others in the industry to do so.

The 1997 Governor’s Building Codes Study Commission got it right when they said that,

“The Building Code System must protect the health, safety and welfare of the citizens of Florida and in doing so:

1. Be simple to use and clearly understood;
2. Be uniform and consistent in its administration and application;
3. Be affordable; and
4. Promote innovation and new technology.”

The Florida Building Code System would best serve the citizens of Florida by concentrating on these core purposes. We concur with the statement in the draft report that there is widespread support for a single statewide building code; however, this does not translate to support for the Florida Building Code system in its current form. Decisions on standards for construction and operation of buildings are not efficiently or effectively made at a local level. Moreover, given increasing complexity, development of most codes and standards is not effectively handled at the state level either. Building codes and

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standards must be driven by research and adopted based on a demonstrated connection to promotion of life safety.

Standards that promote safety do not recognize political boundaries. There is no compelling state purpose in having standards for building that are different in Tallahassee than they are 34 miles away in Thomasville, Georgia. Base codes and standards are better at sufficiently addressing geographic differences than ever. Floridians can be much more efficiently served by working to enhance and influence these efforts rather than by setting up duplicative processes.

The increasing frustration of our members in attempting to comply with the building codes due to update cycles and state-specific changes has led us to conclude that a significant departure from the current course is merited. The most direct method of eliminating confusion and fixing problems with the current code may well be adoption of the ICC family of codes without any Florida-specific amendments. In fact, this is the current policy of AIA Florida as adopted by our Board of Directors. AIA Florida supports the adoption of the International Building Code (IBC) family of codes with no Florida-specific amendments. In addition, AIA Florida supports the removal of authority for local approval of products, methods, or systems of construction.

It is our sincere hope that under your leadership that the Florida Building Commission will join with industry leaders such as the Building Officials Association of Florida (BOAF) to focus on landmark changes to create a system in alignment with the original 1997 Study Commission goals. FBC has a critical function in reviewing exceptions and serving as a partner to the industry in achieving compliance. We look forward to working with FBC to bring about needed reforms.

Together we can keep Florida safe and work in the context of a more predictable environment for those of us working to put the codes and standards in the public interest into practice.

cc: Peter Jones, AIA; Vice President/President-Elect; AIA Florida  
Vicki Long, CAE, Hon. AIA FL; EVP; AIA Florida  
AIA Florida Advocacy Committee  
AIA Florida Codes & Standards Technical Advisory Council