

FLORIDA BUILDING COMMISSION



FACILITATOR'S SUMMARY REPORT OF THE MARCH 16, 2009 TELECONFERENCE MEETING

TALLAHASSEE, FLORIDA

Facilitation and Process Design By



CONSENSUS SOLUTIONS

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FLORIDA BUILDING COMMISSION

MARCH 16, 2009 TELECONFERENCE MEETING REPORT

MONDAY, MARCH 16, 2009

Opening and Meeting Attendance

The meeting was opened at 10:00 AM, and the following Commissioners participated:

Raul L. Rodriguez, AIA, Bob Boyer, Dick Browdy, Matthew Carlton, Ed Carson, Herminio Gonzalez, Ken Gregory, Jeffery Gross, Scott Mollan, Bill Norkunas, Rafael Palacios, Jim Schock, Chris Schulte, Drew Smith, Tim Tolbert, and Randall Vann.

DCA Staff Present

Joe Bigelow, Rick Dixon, Ila Jones, Mo Madani, and Jim Richmond.

Meeting Facilitation

The meeting was facilitated by Jeff Blair from the Florida Conflict Resolution Consortium at Florida State University. Information at: <http://consensus.fsu.edu/>

Agenda Review and Approval

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

- To Hear a Legislative Update
- To Decide on Action Regarding Rule 9B-72.180, Equivalence of Standards
- To Decide on Action Regarding Rule 9B-72.090, Product Approval by the Commission (Self-Affirmation)

Legislative Issues Update

Jim Richmond, Commission Attorney, provided an update on legislative issues of interest to the Commission from the 2009 Florida Legislative Session, and answered member's questions.

Overview of Report:

Related to Economic Stimulus:

Senator Altman's bill (SB 2026) would prohibit more stringent standards adoption for all types of development regulation including the Building Code between May 1, 2009 through May 1, 2011.

State Agency Sunset Review:

There is a bill, House side only, that the Governor's Office does not support, that would move the DCA including Commission function to the Department of State (merge agencies).

Senator Bennett's bill (SB 2100) includes Commission recommendations to add adopting equivalent standards via the expedited "glitch" amendment process, and to add IAPMO to the list of evaluation entities recognized in law. It also currently proposes to automatically approve products for which compliance is demonstrated with a certification by a Commission approved Certification Agency with no Commission action. Jim noted this provision may have problems with unlawful delegation.

A separate concept is being discussed, no bill yet, to provide a restricted exemption from the Code for quarried rock mausoleums.

Commission Action Regarding Rule 9B-72.180, Equivalence of Standards

Mo Madani, DCA Staff, provided the Commission with an overview of the Product Approval POC's recommendations regarding Rule 9B-72.180, Equivalence of Standards, and answered members questions. Jim Richmond, Commission Attorney, explained the Commission's options relative to the Rule. Members of the public were provided an opportunity to comment, and then the Commission took the following action.

Motion—The Commission voted unanimously, 16 – 0 in favor, to adopt the Product Approval POC's recommendations and file the Rule as recommended by the POC. (Motion by Commissioner Carson, Second by Commissioner Greiner)

Commission Action Regarding Rule 9B-72.090, Product Approval by the Commission (Self-Affirmation)

Mo Madani, DCA Staff, provided the Commission with an overview of the Product Approval POC's recommendations regarding Rule 9B-72.090, Product Approval by the Commission (Self-Affirmation), and answered members questions. Jim Richmond, Commission Attorney, explained the Commission's options relative to the Rule. Members of the public were provided an opportunity to comment, and then the Commission took the following action.

Motion—The Commission voted unanimously, 16 – 0 in favor, to adopt the Product Approval POC's recommendations with the removal of the word ~~original~~ (in front of: validation entity) and issue a Notice of Proposed Change (NOPC), and then to file the Rule without additional hearing. (Motion by Commissioner Schock, Second by Commissioner Browdy)

Adjourn

The Commission voted unanimously, 16 – 0 in favor, to adjourn at 11:00 AM.