

**FLORIDA BUILDING COMMISSION
CODE COORDINATION AND IMPLEMENTATION WORKGROUP
June 18, 2015 – IFAS, Citra, Florida
12:30 PM**

WORKGROUP MEMBERS PRESENT:

Chairman Dick Browdy
Steve Bassett
Jay Carlson
David Compton
Kevin Flanagan

Darrell Phillips
Brad Schiffer
Jim Schock
Brian Swope
George Wiggins

WORKGROUP MEMBER NOT PRESENT:

Tom Allen

Steve Strawn

DEPARTMENT STAFF PRESENT:

Drew Winters
Mo Madani

April Hammonds
Robert Benbow

MEETING FACILITATION:

The meeting was facilitated by Jeff Blair from the FCRC Consensus Center at Florida State University. Information at: <http://consensus.fsu.edu/>

Welcome and Introduction:

Chairman Browdy welcomed all to Citra, Florida to the Code Coordination and Implementation Workgroup and called the meeting to order at 12:30 pm. He provided background and purpose of the Workgroup and advised the importance of staying focused and providing information back to the Commission.

Chairman Browdy welcomed the audience participating in today's meeting.

Role Call:

Chairman Browdy called the role and a quorum was determined with 12 of 14 members present.

Agenda Review and Approval:

Mr. Blair provided the agenda for today's meeting.

- To Review List of Options to Address Issues Regarding the Florida Building Code Development Process
- To Discuss and Evaluate Level of Acceptability of Proposed Options
- To Consider Public Comment
- To Identify Needed Next Steps: Information, Assignments, and Agenda Items for Next Meeting

Mr. Wiggins entered a motion to approve the agenda as presented. The motion was seconded by Mr. Flanagan. The motion passed unanimously.

Review and Approval of the Facilitator's Summary Report and Meeting Minutes April 13, 2015:

Chairman Browdy asked the Workgroup if there were any changes, corrections or amendments to the Report and Minutes. He said there being none he asked for vote for the approval of the Facilitator Summary Report and Meeting Minutes from the April 13, 2015 meeting. The vote for approval was unanimous.

Review of Key Issues for Evaluation Regarding the Florida Building Code Development Process:

Mr. Blair provided the Workgroup with the seven key issues and where the group is in the process at this point. He provided the background from the prior meetings including the decisions made.

Mr. Schock stated one of the things that occurred during the last Legislative cycle was request to review ICC changes as well as the Florida Code changes. He asked if this should be added in section IV to be discussed.

Mr. Blair stated it can be added to the section for discussion.

There was discussion among the Workgroup members and staff regarding section IV, Florida Specific Amendments options A-G adding the review of ICC changes with costs analysis as H.

Review of Key Issues for Evaluation Regarding the Florida Building Code Development Process (cont.):

Mr. Blair provided the options for **Florida Specific Amendments**:

- A.) Maintain the current practice.
- B.) Provide that all Florida Specific Amendments (FSA) are carried forward for each Code update cycle. (Eliminate the sunset provision; FSAs would have to be proactively removed).
- C.) Ensure Florida Specific Amendments have Florida specific need.
- D.) Provide additional scrutiny to proposed Florida Specific Amendments via the Commission adoption a “test” or “definition” as to what constitutes a Florida specific need.
- E.) Provide additional scrutiny to proposed Florida Specific Amendments, in meeting the requirements of FS 553, by requiring a staff recommendation as to the submitted amendment qualifies as meeting a Florida specific need.
- F.) Eliminate the statutory exemption for Sun-Setting of Florida Building Code “amendments or modifications related to state agency regulations.”
- G.) Adopt statutory language that sunsets statutory technical changes to the Florida Building Code every six years.
- H.) ADDED DURING MEETING review of ICC changes with costs analysis.

There was discussion among the Workgroup, staff and the participating audience regarding the Florida Specific Amendments and the following were options that were ranked and achieved a consensus level of support that was greater than or equal to 75% in favor.

Public comment was offered on ICC, change in Legislation and Florida Specifics by Doug Buck - Home Builders, Cam Fentriss - Florida Roofing and Air Conditioning Contractors, Jamie Gascon - Miami-Dade County, Julius Halas - Director, Division of State Fire Marshalls, Tony Apfelbeck - Fire Marshall and Building Official Altamonte Springs, Mark Zehnal - FRSA,

Mr. Blair then asked for additional public comment.

Tony Apfelbeck - Fire Marshall and Building Official Altamonte Springs spoke on D, E, F and G options and the reasoning behind their recommendations.

Mr. Blair explained each section will be ranked by the group; all rankings are posted on the Facilitators report. There was additional discussion on each section prior to ranking by the Workgroup members and additional public comment was allowed.

- All Florida specific amendments are brought forward for evaluation and a recommendation by the relevant TAC(s). The vote among the members was unanimous with a 100% in favor.
- Maintain the current practice (status quo). The vote among the members was unanimous with a 83% in favor.

Review of Key Issues for Evaluation Regarding the Florida Building Code Development Process (cont.):

- Provide statutory authority for the Commission to consider a cost/benefit analysis for ICC code amendments that are brought into the FBC by the adoption of the new base code through triennial updates for the Commission's evaluation regarding whether to accept or reject the amendments. The vote among the members was 83% in favor.
- Provide additional scrutiny to proposed Florida Specific Amendments via the Commission adopting a "test" or "definition" as to what constitutes a Florida specific need. The vote among the members was 75% in favor.

Mr. Blair provided the options for **Statutory Timelines:**

Code By Reference:

- A.) Due to the extensive industry input into the Code adoption process eliminate the requirement to adopt the Code using the Chapter 120, F.S. rule process.
- B.) Maintain the 6-month I-Codes publication requirement (maintain status quo). Commission shall wait six months after publication of the latest I-Code Edition before selecting the same as the foundation code for the Florida Building Code for future Code Editions.
- C.) Commission Process Review Ad Hoc Committee (2009) recommended that the Commission recommend to the Florida Legislature eliminating the statutory requirement for the Commission to wait six months after publication of the latest I-Code Edition before selecting the same as the foundation code for the Florida Building Code for future Code Editions.
- D.) The FBC shall take effect no sooner than 3 months after publication. Reduce the 6-month availability requirement to 3 months (due to recent training changes).
- E.) The Florida Building Code shall take effect no sooner than 3 months after publication of the updated code, and 6 months after completion of on line draft code. (Intent: Both conditions would apply resulting giving code users the necessary 6 month lead time for training and education.)
- F.) Remove any time constraints on use of the I Code base document. Start the review process as soon as the base code is issued.
- G.) Maintain status quo for TAC and Commission review process (45 day/45 day review process).
- H.) Proposed amendments shall be published on BCIS for 30 days before consideration by TAC (instead of 45 days).
- I.) After TAC review and recommendations publish TAC comments/recommendations on BCIS for 30 days before FBC consideration (instead of 45 days).
- J.) Provide a minimum of 60 days for TAC review and public comment. 60day/60 day review cycle.

Review of Key Issues for Evaluation Regarding the Florida Building Code Development Process (cont.):

Mr. Blair asked for any public comment on the Statutory Timelines Fire Prevention Code.

Public comment was offered on Florida Fire Prevention Code by Doug Buck -Home Builders for 6 months, Jennifer Hatfield - Florida Swimming Pool Association, Al Zichella – Related Group, Julius Halas - Director, Division of State Fire Marshalls, John Farinelli, JC Code Services, Dwight Wilkes – Representing himself, Tony Apfelbeck - Fire Marshall and Building Official Altamonte Springs, Shar Hingson – FFMIA, Casia Sinco – State Fire Marshalls

Florida Fire Prevention Code:

- A.) Adopt the ICC Fire Code with the Building Code using joint TAC and Fire Advisory Council recommendations.
- B.) Integrate the adoption of the Florida Fire Code with the Building Code. Integrate the Fire Code cycle into the Building Code cycle.
- C.) Work with the DSFM to sync an accelerated code adoption cycle.
- D.) Closer coordination between FBC and Florida Fire Code development.
- E.) Ensure the SFMO and Florida Building Commission jointly adopts and publishes an agreed to schedule for the adoption process of future FBC and FFPC editions.
- F.) Provide a statutory change that allows for concurrent rulemaking of the FFPC and the FBC.
- G.) Ensure the Florida Fire Code Advisory Council meets jointly with the Fire TAC at least once every six months to review DEC statements issued by the other agency and potential issues of improved coordination/cooperation between the FFPC/SFMO and FBC/Commission.
- H.) To assist with cooperation and coordination, have the FFPC rule adoption hearings occur at the same locations and date as the Florida Building Commission meetings.
- I.) Utilize the Florida Building Commission web based system to submit, track and publish proposed/adopted amendments to the FFPC. (SFMO would still administer the FFPC, but the system would be shared.)
- J.) Ensure both the SFMO FFPC and DBPR FBC web pages, that display the codes, have direct links to the partner codes, DEC statements and informal interpretations.
- K.) Create a “Binding Interpretation” process for the FFPC.
- L.) Ensure the SFMO FFPC informal interpretations web page has the same quality as the BOAF Informal Interpretation page with a search friendly index.
- M.) Ensure both the SFMO FFPC informal interpretation web page links to the SFMO informal interpretation web page and vice versa.
- N.) Eliminate the statutory provisions in Section 633.206, F.S. adopting a “Uniform Fire Safety Standards” for certain occupancies. (This Uniform rule creates a significant source of conflict and source of confusion for coordination with the FBC and even the core FFPC.)

Review of Key Issues for Evaluation Regarding the Florida Building Code Development Process (cont.):

The workgroup members and staff discussed the issues and resolutions that could be proposed to the Commission regarding changes with the Fire Prevention Code.

Mr. Blair provided the following:

Based on the comments from the Public and the Workgroup with the leadership of the staff and legal there was language proposed for this section for ranking.

- Require a minimum of 6 months between the effective date of a new Code and the starting date for submittal of proposed code changes for a new triennial Code update cycle. The vote among the members was 83% in favor.
- Provide a statutory change that allows for concurrent rulemaking of the FFPC and the FBC. The vote among the members was 92% in favor.
- Integrate the adoption of the Florida Fire Prevention Code with the Florida Building Code. Integrate the Fire Code cycle into the Building Code cycle. The vote among the members was 83% in favor.

National Electrical Code:

Mr. Blair asked for any public comment on the Statutory Timelines National Electrical Code.

Public comment was offered on National Electrical Code, Neal Burdich - ECF/IAEI, Karl Thompson – State Fire Marshall, John Farinelli, - JC Code Services

- A.) Electrical Code adoption should be consistent with the Base Code document date.
- B.) The current issues with the NEC could be handled by using the authority currently granted in law to update the electrical and all other nationally recognized consensus standards adopted by reference.
- C.) Provide authority requiring the Commission to adopt the latest NEC edition into the FBC.

The workgroup members and staff discussed the issues and resolutions that could be proposed to the Commission regarding changes with the National Electrical Code.

Mr. Blair provided the following:

Based on the comments from the Public and the Workgroup with the leadership of the staff and legal there was language proposed for this section for ranking.

- Electrical Code adoption should be consistent with the Base Code document date (status quo). The vote among the members was 75% in favor.

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Mr. Blair advised the next Workgroup meeting date is August 18 and 19, 2015, in Daytona Beach at the Plaza Hotel.

ADJOURNMENT

The Chair thanked Workgroup members and the public for their attendance and participation, and adjourned the meeting at 4:50 P.M. on Thursday, June 18, 2015.