

FLORIDA BUILDING COMMISSION

FACILITATOR'S SUMMARY REPORT OF THE

DECEMBER 5 - 6, 2006

COMMISSION PLENARY SESSION

SUPPLEMENT TO THE DECEMBER 5 - 6, 2006 MINUTES

TAMPA, FLORIDA

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FLORIDA BUILDING COMMISSION

SUPPLEMENT TO THE DECEMBER 5 - 6, 2006 MINUTES

OVERVIEW OF COMMISSION'S KEY DECISIONS

TUESDAY, DECEMBER 5, 2006

Welcome

Chairman Rodriguez welcomed the Commission, staff and the public to the December 2006 plenary session. The Chair noted that a key issue for the Commission's consideration is the consideration and approval of the summary of issues and recommendations for inclusion in the Commission's Report to the 2007 Legislature.

The Chair noted that Arnold Velazquez, the Commission's Product Approval Administrator, had passed in October of 2006, and on behalf of the Commission the Chair expressed condolences to the family and friends of Mr. Velazquez, who the Chair remarked, "would be missed deeply by all who knew him".

Agenda Review and Approval

The Commission voted unanimously, 21 - 0 in favor, to approve the agenda for Day 1 as presented. Following are the key agenda items approved for consideration:

- To Consider Regular Procedural Issues: Approval of the October 11, 2006 Minutes and Facilitator's Summary Report.
- To Consider/Decide on Accessibility Waiver Applications.
- To Consider/Decide on Legal Issues and Petitions for Declaratory Statements.
- To Consider/Decide on Approvals and Revocations of Products and Product Approval Entities.

Review and Approval of the October 11, 2006 Meeting Minutes and Facilitator's Summary Report

Motion—The Commission voted unanimously, 21 - 0 in favor, to approve the October 11, 2006 Minutes and Facilitator's Summary Report as presented.

Consideration of Accessibility Waiver Applications

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

Consideration of Applications for Product and Entity Approval

Commissioner Carson presented the committee's recommendations for entities and Jeff Blair presented the committee's recommendations for product approvals. The results of product and entity applications are found in the Product Approval POC report included as an attachment to the minutes.

Legal Issues

Supplemental Hearings

DCA06-DEC-182 by Michael Thompson, HPA Consulting Engineers Inc.

Commissioner Bassett reported that the TAC was deadlocked on a recommendation to the Commission. Commissioner Bassett recommended the following answer to the declaratory statement: yes to all four questions.

Motion—The Commission voted 19 – 0 in favor, to answer yes to all four (4) questions.

Petitions For Declaratory Statements

Following are the actions taken by the Commission on petitions for declaratory statements.

Second Hearings

DCA06-DEC-200 by Warren Schaefer, P.E.

Motion—The Commission voted 17 – 0 in favor, to approve their previous action on the petition.

DCA06-DEC-201 by Warren Schaefer, P.E.

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

DCA06-DEC-212 by Steve Munnell, Florida Roofing & Sheet Metal Association

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

DCA06-DEC-215 by Bruce Kaiser, Wind Tripper, Corporation

Motion—The Commission voted 17 – 0 in favor, to approve their previous action on the petition.

DCA06-DEC-216 by Eddie Fischer

Motion—The Commission voted 18 – 0 in favor, to approve their previous action on the petition.

DCA06-DEC-218 by Paul B. Dickson, CBO, of City of Cape Coral

Motion—The Commission voted 13 – 7 in favor, to approve their previous action on the petition.

First Hearings

DCA06-DEC-188 by Kevin McGrath, P.E., Four Seasons Solar Products, LLC

Petition was dismissed as overly general.

DCA06-DEC-250 by Michael Griffin, Fugleberg & Koch

Petition was withdrawn.

DCA06-DEC-252 by Christopher M. Spence

Petition was dismissed as overly general.

DCA06-DEC-270 by Cindy , CSP Roof Consultants

The Commission voted unanimously, 17 – 0 in favor, to approve the TAC's recommendations on the petition as presented.

DCA06-DEC-273 by Jack McLaughlin, ORIOLUM Corp

The Commission voted unanimously, 18 – 0 in favor, to approve the POC's recommendations on the petition as presented.

DCA06-DEC-282 by Bert Kolodziej, PE, ITW Buildex

The Commission voted unanimously, 18 – 0 in favor, to approve the POC's recommendations on the petition as presented.

DCA06-DEC-283 by James Lozier, Hurricane Harness Corporation

The Commission voted unanimously, 18 – 0 in favor, to approve the POC's recommendations on the petition as presented.

DCA06-DEC-284 by Steve Munnell, FRSA

The Commission voted unanimously, 18 – 0 in favor, to approve the POC's recommendations on the petition as presented.

Recess

The Commission voted unanimously, 18 - 0 in favor, to recess at 5:35 PM.

WEDNESDAY, DECEMBER 6, 2006

Agenda Review and Approval

The Commission voted unanimously, 18 - 0 in favor, to approve the agenda for Day 2 as presented. Following are the key agenda items approved for consideration:

- To Consider/Decide on Chair's Discussion Issues/Recommendations.
- To Review and Update the Workplan.
- To Consider/Decide on Accessibility, Code Administration, Energy, Mechanical, Roofing, and Structural Technical Advisory Committees (TAC's) Report/Rec's.
- To Consider/Decide on Product Approval/Prototype Buildings/Manufactured Buildings and Education Program Oversight Committee (POC's) Reports/Recommendations.
- To Conduct a Supplemental Rule Development Workshop on Rule 9B-70, Building Code Training Program.
- To Consider/Decide on Code Amendment Process Review Workgroup's Phase III Report.
- To Consider/Decide on the Garage Door/Shutter Workgroup's Report and Recommendations.
- To Consider/Decide on the Window Labeling Workgroup's Report and Recommendations.
- To Consider/Decide on the Energy Code Transition Study Workgroup's Report and Recommendations.
- To Consider/Decide on the Committee Organization and Processes Ad Hoc's Report and Recommendations.
- To Review and Approve the Summary of Issues and Recommendations for Inclusion in the Report to 2007 Legislature.
- To Hear a Presentation on Design Problems with Aluminum Structures.
- To Hear an Update/Report on the Florida Board of Professional Engineers Initiative to Establish Rules for Engineering of Aluminum Structures.
- To Discuss Commissioner Issues.
- To Receive Public Comment.
- To Review Committee Assignments and Issues for the Next Meeting.

CHAIR'S DISCUSSION ISSUES AND RECOMMENDATIONS

Workgroup Meetings

Chairman Rodriguez indicated that Commission workgroups are formed to provide industry and other stakeholders affected by Commission policy with an opportunity to provide feedback and recommendations prior to the implementation of Commission policy. The Chair explained that workgroups are an extra effort to provide input into the implementation of policy, and demonstrates the Commission's commitment to consensus-building. Instead of going straight to rulemaking or simply deciding on a policy that affects interest groups, the Commission has added this extra step in the process for complex and/or controversial issues. The Commission also makes every effort to ensure workgroups have representatives for all of the key stakeholder groups. The workgroup process is a prelude to a review by the relevant TAC, POC, and/or Ad Hoc committee.

The Chair noted that it had come to his attention that some stakeholders feel that bad behavior during workgroup and committee meeting is awarded with appointments to the committees. The Chair stated, “let me assure you that we will continue to make every effort to appoint members who will participate in an honest and productive manner, representing their constituent groups, and committed to developing consensus on issues”. The Chair explained that workgroup/committee members should strive to understand even when they disagree, by listening respectively to all sides of an issue. The Chair explained that workgroup/committee members who fail to follow the participation guidelines provided in every agenda packet will not be appointed to workgroups and committees in the future.

The Chair described that disagreement is legitimate and acceptable, however, attacking others’ views is not acceptable. The Chair reiterated that, workgroups are a step above and beyond the requirements, and are convened to build consensus, and that attacks will not be tolerated. The Chair noted that obfuscation, delaying, and personal attacks may be tactics and strategies that some lobbyists use, but should not be used within the Commission processes, which are designed to build consensus. The Commission desires to hear all perspectives and points-of-view, however, not repeats of the same views. The Chair noted, stating agreement and adding new points is appreciated.

Staff’s role on workgroups and committees. The Chair informed the Commission and members of the public that for workgroup and committee meetings, staff’s role is to provide context and history, technical information, clarifications, and a range of starter options to be expanded by workgroup’s/committee’s. The Chair explained that in order to ensure the most productive use of members’ time, he has instructed staff to put together a range of starter options for workgroup’s and committee’s to consider and expand upon, and as long as staff is not advocating for a specific option they are within the parameters of their role in committee and workgroup meetings. The Chair noted that staff has a right to express their opinions and even preferences, again, as long as they don’t push for their preferences.

Policy on Workgroup Recommendations

Chairman Rodriguez noted that he wanted to take a moment to highlight and clarify the chain of process and communication for developing recommendations to the Commission. The Chair explained that in general, special topics are assigned to workgroups, constituted with stakeholder representation from the various interests affected by the issue. The workgroups develop consensus recommendations that will then be reviewed by the appropriate TAC, POC, or Ad Hoc committee, who will in turn send the package of recommendations with comments to the Commission for any needed action.

The Chair explained that TAC’s are constituted according to ANSI participation standards with a balance between producers, consumers, and general interests. By the time the Commission is asked to decide on special issues, a workgroup recommendation from stakeholders has been developed, and comments are made and delivered by a TAC/POC with a balance of consumers, producers and general interest representation. At this point, noted the Chair, the Commission has the benefit of a full range of perspectives before they are asked to make decisions on issues that affect industry and the public. The Commission makes decisions on recommendations that are of a policy nature and/or require legislation. The Commission reviews and accepts reports on recommendations that require code

changes. Recommendations for Code changes, are required to go through the code adoption process before the Commission takes formal action within the context of rule development.

Workgroup Appointments

The Chair noted that at Commissioner Gonzalez's request, Jamie Gascon is appointed to replace Herminio Gonzalez on the Product Approval Validation Workgroup and the Garage Door/Shutter Workgroup.

TAC Appointments

Chairman Rodriguez appointed Jack Humberg to replace Johnny Long on the Accessibility TAC. The Chair noted that Johnny will of course be missed, and on behalf of the Commission, welcomed Jack Humberg to the TAC.

Governor's Property and Casualty Insurance Reform Committee Update

Chairman Rodriguez informed the Commission that the Committee met October 26, 2006 in Tallahassee, and that he, as the Commission's Chair, was invited to attend. At the Chair's request, Commissioner Ed Carson and Rick Dixon attended to represent the Commission before the Committee. The Chair noted that as the Committee's name suggests, their charge from the Governor was to address difficulties encountered by the insurance industry as a result of recent hurricane storm activity in Florida during 2004 and 2005.

The Chair highlighted the recommendations that relate to the Commission and the Code. They are as follows:

Put a uniform statewide building code in place that requires American Society of Civil Engineers (ASCE) wind lines to be adopted and prohibit any changes in future statewide building codes unless such a change enhances the structural integrity of the code as it relates to wind protection. (12)

Develop a code plus standard that the insurance industry would recognize for maximizing premium discounts. (13)

Encourage local governments to promote and advocate for code plus structures by providing incentives to builders like density bonuses, lower impact fees, and concurrency credits when new construction is built at *higher levels* than the current approved building code. (14)

Jim Richmond reviewed draft legislation implementing the Committee's recommendations, and noted that the Commission will likely be tasked with developing code plus standards during 2007. In addition, the legislation as drafted, would require each county and municipality in the state, to at a minimum, enforce the wind-born debris protections and structural guidelines adopted in ASCE 7-02. The Commission will be instructed to amend the Code to reflect the application of ASCE 7-02 throughout the State, and to eliminate all exceptions providing less stringent requirements.

Letter from Senator Bennett on Product Approval

Chairman Rodriguez informed the Commission that he had received a letter from Senator Bennett in late October 2006, requesting some action by the Commission. The Chair explained that the issue as outlined in the letter, is that Senator Bennett has heard that certain jurisdictions are not accepting state approved products unless those products also have Miami-Dade County NOA. The Senator notes that the law states that a product bearing a Florida product approval does not require any further documentation. The Senator cites the applicable statutes and requests that the Commission “develop a memorandum that highlights the requirements specified in law and that clearly indicates that a separate NOA is not required for state-approved products”. The Senator is also recommending that the memo “be distributed to all building officials and posted on the BOAF website”.

The Chair stated that the Commission wants to be as helpful as possible in responding to the Senator’s request, while remaining within the Commission’s authority. The Chair stated that the Commission will work with the Commissioner building officials to disseminate the information. The Chair noted that the issues was discussed at the Product Approval POC on Monday, and representatives from Palm Beach, Broward, and Miami-Dade counties offered to work with the Commission to craft and distribute a memo to clarify this issue. The Chair stated that he has been assured that each of these three counties is clear on the law and rules, and has and will, continue to communicate the requirements to their local jurisdictions and provide any education needed.

The Chair explained that some of the confusion is likely terminology, interchanging the term NOA for FL product approval, and could probably be corrected with education and communication. The Chair noted that he had also been informed that some jurisdictions are requiring additional levels of review for State approved products, than is being required for products with an NOA. The Chair noted that locals have every right, and should ensure a product meets its “conditions of use”, but not an arbitrary extra level of review. The Chair informed the Commission that the three counties have assured the Commission that they are maintaining a level playing field and this is their official policy in that regard. As long as the permit applicant has submitted the correct documentation, additional documentation is not required. The Chair informed the Commission that he will write Senator Bennett and let him know that the Commission has reviewed the issue and has crafted a response that addresses his concerns.

Carbon Monoxide Alarms in Residential Buildings

Chairman Rodriguez informed the Commission that it has come to his attention that there is an effort to provide an exemption to the Florida Building Code allowing local jurisdictions to adopt their own requirements regarding carbon monoxide alarms in residential buildings. The Chair stated that again, legislation is not the solution to a complex problem. Local jurisdictions are already free to adopt more stringent requirements until those requirements sunset with the adoption of new editions of the Building Code. The Commission will consider code amendments on this issue in the 2007 Update Cycle, and hopefully this time technology will have advanced so our TAC will recommend approval. The Commission will consider and hopefully resolve this issue during the current Code update cycle that is in process.

2006 Annual /Glitch Code Amendments go into effect on December 8, 2006

The Chair informed the Commission that the 2006 glitch code amendments will become effective on Friday, December 8, 2006 and that, unless preempted by legislation, the Panhandle Wind-Borne Debris Region designation will go into effect March 8, 2007.

Review and Update of Commission Workplan

Commission Actions:

Motion—The Commission voted unanimously, 20 - 0 in favor, to approve the updated workplan and meeting schedule as presented, to reflect the Commission's priorities.

(Included as Attachment 2—Commission's Updated Workplan)

Supplemental Rule Development Workshop on Rule 9B-70, Building Code Training Program

Chairman Rodriguez reported that at the July meeting the Commission, at the recommendation of the Education POC, voted to initiate rulemaking for Rule 9B-70, the Building Code Training Program. At the August 22, 2006 meeting the Commission conducted a rule development workshop, Commissioner Browdy read the Education POC's recommendations into the record and an opportunity was provided for public comment. At the October 2006 meeting, a second Rule Development Workshop on the Building Code Training Program Rule, was conducted in order to provide an additional opportunity for input regarding rule language to implement enhancements to the Advance Course Accreditation System, including establishing, minimum criteria for the development and accreditation of instructor-led advance courses; establishing requirements for providers to update advance courses and submit for accreditation within 60 days after the code changes are approved by the Commission; establishing the deadline for completed advance course applications to be placed in the "Pending FBC Action" file on the Building Code Information System 23 days prior to a scheduled Commission meeting; and finally, prohibiting cross-accreditation of advance courses.

The Chair noted that at the October rule workshop there was significant substantive public comment provided on the rule draft, and as a consequence the Commission assigned the Education POC with reviewing the comments, and providing recommendations to the Commission at a supplemental rule development workshop. To that end, at the December 2006 meeting the Commission conducted a supplemental rule development workshop in order to provide an additional opportunity for public comment, and to consider the POC's recommendations.

Commissioner Browdy read the Education POC's recommendations into the record and an opportunity was presented for public comment. At the conclusion of public comment an opportunity was offered for Commission discussion, and then the Commission took the following action:

Commission Actions:

Motion—The Commission voted unanimously, 22 – 0 in favor, to adopt the comments contained in the 9 bullet points, as amended by the Commission (120 days from code adoption), and to proceed with rule adoption for Rule 9B-70, the Building Code Training Rule by integrating and

noticing the approved changes and conducting a rule adoption hearing at the February 2006 Commission meeting.

Overview of Commission Actions:

Motion—The Commission voted, 16 – 6 in favor, to adopt the comments contained in the 9 bullet points, with bullet number 6 amended to state: Providers shall have 60 calendar days from the effective date of code implementation to submit their courses for reaccreditation.

Motion—The Commission voted unanimously, 22 – 0 in favor, to reconsider their previous action.

Motion—The Commission voted unanimously, 22 – 0 in favor, to adopt the comments contained in the 9 bullet points, as amended by the Commission (120 days from code adoption), and to proceed with rule adoption for Rule 9B-70, the Building Code Training Rule by integrating and noticing the approved changes and conducting a rule adoption hearing at the February 2006 Commission meeting.

Comments Adopted by Commission on Proposed Changes to Draft of Rule 9B-70

- To delete obsolete rule language regarding the equivalency exam.
- To establish criteria for accreditor approval, including the grandfathering for current accreditors.
- To create minimum criteria for course accreditation.
- To eliminate cross accreditation of courses.
- At least 50% of the actual training course materials content should be code related.
- Providers shall have 120 calendar days from the date of code adoption to submit their courses for reaccreditation.
- A course application shall be accredited and placed on the BCIS no later than 23 calendar days prior to the next scheduled Commission meeting.
- DCA staff will have three business days to move Commission approved courses within the BCIS.
- To audit a minimum of 2% of accredited and reaccredited courses. The Commission will finance the audit expenses.

Committee Reports and Recommendations

The Chair requested that all TAC reports that did not require specific Commission actions be entered into the record.

Accessibility TAC

Commissioner Gross presented the Committee's report and any recommendations.

Commission Actions:

Motion—The Commission voted unanimously, 19 – 0 in favor to accept the report.

(See Commission Minutes for Committee report)

Commission Actions:

Motion—The Commission voted unanimously, 20 – 0 in favor to convene a sub-committee on Training Development meeting in January 2007 to develop recommendations to the TAC regarding updates to the 2-hour accessibility training course. The meeting will be held in the Fort Lauderdale area.

Motion—The Commission voted unanimously, 20 – 0 in favor to authorize the TAC to convene a workshop (non-rule development workshop) in February 2007 to develop preliminary recommendations regarding updates to the accessibility waiver application form, including new policies on electronic submissions.

Motion—The Commission voted unanimously, 20 – 0 in favor to conduct a workshop (non-rule development workshop) in February 2007 regarding recommendations for “turning space in toilet rooms”.

Motion—The Commission voted unanimously, 20 – 0 in favor to have appropriate DCA staff, including legal staff, to attend the Accessibility TAC meeting to provide guidance to the TAC for the TAC’s scope regarding Commission Workplan Item #13: “Amend the Florida Accessibility Code for Building Construction”.

Code Administration TAC

Commissioner Wiggins presented the Committee’s report and any recommendations.

Commission Actions:

Motion—The Commission voted unanimously, 22 – 0 in favor to accept the report.

(See Commission Minutes for Committee report)

Window Labeling Workgroup

Chairman Rodriguez explained that the Window Workgroup met in Tampa on May 31, 2006, and was charged with developing recommendations on how to provide building officials with needed information for conducting field inspections to ensure windows comply with the relevant wind pressure Code requirements. In addition, the Workgroup was charged with considering issues related to window installation and water intrusion. The Workgroup developed consensus recommendations on the window labeling provisions of the Florida Building Code in May, and subsequently requested an additional meeting, that was conducted on November 1 – 2, 2006 in Tampa to review their previous recommendations.

Jeff Blair, Workgroup facilitator reported that the Workgroup developed consensus on a package of recommendations for a supplemental label that will provide building officials with critical field useable information to ensure windows are installed according to the correct conditions of their use.

Jeff Blair reviewed the Workgroup’s report with Commission members and answered questions.

Motion—The Commission voted unanimously, 21 – 0 in favor, to accept the Window Labeling Workgroup’s report.

Overview:

Jeff Blair, Commission and Workgroup Facilitator, explained that workgroups are constituted of representative stakeholders to develop consensus on recommendations to implement Commission policy, in this case regarding a supplemental label for windows providing building officials with field useable information necessary for ensuring the window complies with the Code and is correct for its intended conditions of use. Jeff Blair reviewed the Workgroup's report/recommendations and any comments from the Code Administration TAC, with the Commission, Commissioners were provided with an opportunity for clarifying questions, the public was provided an opportunity to comment on the report and recommendations, the Commission was offered an opportunity to discuss the recommendations, and the Commission voted unanimously to accept the Report.

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

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

Garage Door and Shutter Labeling Work Group

Chairman Rodriguez reported that at the July 2006 Commission meeting, based on the Window Workgroup's recommendations, the Commission created a Garage Door and Shutter Labeling Workgroup, charged with developing recommendations regarding the labeling of garage doors and shutters. As with the Window Labeling Workgroup, the focus for the Garage Door and Shutter Labeling Workgroup will be to provide building officials with the information they need, in a field useable format, to ensure that garage doors and shutters comply with the Florida Building Code. At the August meeting the Chair made the appointments and the Workgroup met on September 14, and again on November 13 – 14, 2006 in Tampa.

Jeff Blair, Workgroup Facilitator, reported that the Workgroup developed consensus on a package of recommendations for a permanent label that will provide building officials with critical field useable information to ensure garage doors and shutters are installed according to the correct conditions of their use. In addition, there are recommending that shutters be referred to, consistent with the Code, as "impact resistant coverings".

Jeff Blair reviewed the Workgroup's report and recommendations with members and answered questions.

Motion—The Commission voted unanimously, 20 – 0 in favor, to accept the Garage Door and Shutter Workgroup's report.

Overview:

Jeff Blair, Commission and Workgroup Facilitator, explained that workgroups are constituted of representative stakeholders to develop consensus on recommendations to implement Commission policy, in this case regarding a permanent label for garage doors and shutters/impact resistant coverings providing building officials with field useable information necessary for ensuring the garage door and/or shutter/impact resistant covering complies with the Code and is correct for its intended conditions of use. Jeff Blair reviewed the Workgroup's report/recommendations and any comments from the Code Administration TAC, with the Commission, Commissioners were provided with an opportunity for clarifying questions, the public was provided an opportunity to comment on the report and recommendations, the Commission was offered an opportunity to discuss the recommendations, and the Commission voted unanimously to accept the Report.

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

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

Energy TAC

Commissioner Greiner presented the Committee's report and any recommendations.

Commission Actions:

Motion—The Commission voted unanimously, 21 – 0 in favor to accept the report.

(See Commission Minutes for Committee report)

Energy Code Transition Study Workgroup Recommendations

Chairman Rodriguez informed the Commission that the Energy Code Transition Study Workgroup met for the first time in Cocoa on June 22, 2006. The purpose of the Workgroup was to evaluate the Florida Solar Energy Center (FSEC) comparison and recommendations regarding the Florida Energy Code and the International Energy Conservation Code (IECC). The Workgroup's charge was to make a recommendation to the Commission on whether to keep the Florida Energy Code as the template, or to adopt the IECC as the template for Florida's energy code provisions. The Workgroup developed a unanimous consensus recommendation regarding the Florida Energy Code, and in August the Commission also voted unanimously to maintain the Florida Energy Code, and charge the Workgroup with reviewing specific IECC code provisions and developing recommendations on which, if any, IECC provisions should be adopted into the Code. In addition, the Commission voted to seek legislative authority, if it is required, to give the Commission the option—but not to require the Commission to adopt the IECC—to adopt the IECC as the foundation code, if the Commission determines it is in the best interest of the State to do so. The Chair reported the Workgroup met again on November 14, 2006 in Tampa to consider Phase II recommendations regarding which, if any, specific IECC code provisions the Commission should consider adopting into Chapter 13, Florida Energy Efficiency for Building Construction.

Jeff Blair, Workgroup Facilitator, reported that the Workgroup developed consensus on a package of recommendation(s) requiring a code change.

Jeff Blair reviewed the Workgroup's report with members and answered questions.

Motion—The Commission voted unanimously, 21 – 0 in favor, to accept the Energy Code Workgroup's report.

Overview:

Jeff Blair, Commission and Workgroup Facilitator, explained that workgroups are constituted of representative stakeholders to develop consensus on recommendations to implement Commission policy, in this case regarding which if any of the specific IECC code provisions should be considered for adoption into the Florida Building Code. Jeff Blair reviewed the Workgroup's report/recommendations and any comments from the Energy TAC, with the Commission, Commissioners were provided with an opportunity for clarifying questions, the public was provided an opportunity to comment on the report and recommendations, the Commission was offered an opportunity to discuss the recommendations, and the Commission voted unanimously to accept the Report.

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

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

Mechanical TAC

Commissioner Bassett presented the Committee's report and any recommendations.

Commission Actions:

Motion—The Commission voted unanimously, 22 – 0 in favor to accept the report.

(See Commission Minutes for Committee report)

Commissioner Bassett, chair of the Mechanical TAC, reported that he was recommending that Chairman Rodriguez remove Peggy Patterson and Phillip Simmons from the Mechanical TAC (both in the producer category) on the grounds of non-attendance at the last two meetings, and that Dan Griffith, President of the Florida Refrigeration and Air Conditioning Contractors (FRACCA), and Larry Banks of Del-Air be appointed to replace them respectively.

Roofing TAC

Commissioner Schulte presented the Committee's report and any recommendations.

Commission Actions:

Motion—The Commission voted unanimously, 21 – 0 in favor to accept the report.

(See Commission Minutes for Committee report)

Motion—The Commission voted unanimously, 21 – 0 in favor, that for the existing shingle inventory/stock that does not meet the newly implemented labeling requirements of the Code, the Commission will issue a Memo clarifying that ASTM D 3161 asphalt shingles modified to 110 mph are equivalent to ASTM D 3161 Class F shingles, that complies with wind resistance for 150 mph.

Structural TAC

Commissioner Kim presented the Committee's report and any recommendations.

Commission Actions:

Motion—The Commission voted unanimously, 21 – 0 in favor to accept the report.
(See *Commission Minutes for Committee report*)

Education POC

Commissioner Browdy presented the Committee's report and any recommendations.

Commission Actions:

Motion—The Commission voted unanimously, 21 – 0 in favor to accept the report.
(See *Commission Minutes for Committee report*)

Commission Actions—Education POC:

Motion—The Commission voted unanimously, 21 – 0 in favor, to approve the following subject areas for potential advanced courses and fees from the CILB and ECLB:

Construction Industry Licensing Board

Outreach (billboards, website postings, articles for trade publications, fact sheets, and other short message means to alert and reinforce) on rules and laws relating to building codes and licensure requirements

Electrical Contractors Licensing Board

Safety on live electrical parts

Board of Landscape Architecture

Site and parking lot Accessibility, commercial swimming pools and spas, lighting (site and energy conservation), water conservation through storm water design, site design, roof gardens and green roofs, outdoor type structures (arbors, shelters, large gathering facilities, etc.), LEED related topics.

Board of Professional Engineers

1. Understanding and applying Florida Building Code for facilities in the high-velocity hurricane zone (sequence of 2, 4 hour sessions)
2. Understanding and applying Florida Energy Code Commercial Building Compliance Methods for HVAC systems and calculations for total building compliance (4 hrs)
3. Understanding and applying Florida Energy Code Commercial Building Compliance Methods for lighting and electrical systems (2 hrs)
4. Understanding and applying Florida Building and Fire Prevention Codes for sprinkler and standpipe design (4 hrs)
5. Understanding and applying Florida Building and Fire Codes for fire alarm design (2 hrs)

Building Code Administrator and Inspector Board

Code related courses

Training on electrical requirements of the energy code
ADA and plumbing contractors

Motion—The Commission voted unanimously, 21 – 0 in favor, to develop through administrative rule an alternative four-hour core course on Chapter 11, Accessibility issues.

Motion—The Commission voted unanimously, 21 – 0 in favor, to recommend to the 2007 Florida Legislature, that the Legislature place the sole authority and responsibility for training on the Florida Building Code under one entity.

Motion—The Commission voted unanimously, 21 – 0 in favor, to approve the following Accreditors:

Florida Refrigeration and Air Conditioning/Individual Contractor.

JC Code and Construction Consultants, Inc.

Motion—The Commission voted unanimously, 20 – 0 in favor, to approve the consent agenda for recommended advance course approvals (BCIS #201*; BCIS #200; and BCIS #203).

* Commissioner Hamrick abstained from voting on course BCIS #201.

Motion—The Commission voted unanimously, 21 – 0 in favor, to approve the consent agenda for recommended updated course approvals (#64.1; #65.1; #69.1; #196.1; #153.1; #119.1; #118.1; #168.1; #84.1; #100.1; #78.1; #79.1; #132.1; #190.1; #144.1; #129.1; #161.1; #150.1; 91.1; and #137.1).

Product Approval POC

Commissioner Carson presented the Committee's recommendations.

Commission Actions:

Motion—The Commission voted unanimously, 21 – 0 in favor to accept the report.

(See Commission Minutes for Committee report)

Commission Actions—Product Approval POC:

There was no action requested of the Commission by the Product Approval POC.

Ad Hoc Committee on Organization and Process

Chairman Rodriguez reported that at the October Commission 2006 meeting, he had appointed an Ad Hoc committee of the following Commissioners to review committee organization and process issues, including considering alternate members for TAC's and workgroups:

Raul Rodriguez, Chair, Dick Browdy, Nick D'Andrea, Do Kim, Dale Greiner, and George

Wiggins. The Ad Hoc met Tuesday, December 5, 2006 and developed a package of consensus recommendations for Commission consideration. The recommendations and the Commission's action(s) are as follows:

Commission Actions:

Motion—The Commission voted unanimously, 21 – 0 in favor to accept the report.

(Included as Attachment 3—Ad Hoc Committee on Organization and Process Report/Rec's.)

Motion—The Commission voted unanimously, 21 – 0 in favor to adopt and implement the following recommendations from the Code Amendment Process Review Workgroup by administrative rule and not to request any legislative/statutory action from the 2007 Legislature:

Eliminate the annual interim amendment process, maintaining only the triennial and expedited processes. Provide statutory authorization for the expedited process to be implemented

whenever deemed necessary by the Commission, and amend the criteria for the expedited process to include updates and changes to federal and state laws.

Require the TAC's to review code change proposals two times (two TAC reviews prior to Commission consideration, beginning with rule development) during the Code development phase of the update process, prior to the Commission conducting Chapter 120 rule development, with a rule development workshop and rule adoption hearing, in the adoption phase of the update process.

The TAC's would review proposed code amendments, and after the 45 public comment period on the TAC's recommendations, the TAC would review and make recommendations regarding comments, and then the TAC's revised recommendations would be submitted to the Commission for their consideration in a rule development workshop and subsequently through a rule adoption hearing.

Motion—The Commission voted unanimously, 21 – 0 in favor, to adopt the TAC/Workgroup Alternate Member Participation Policy, included as Attachment 3 of this Report, and to implement through administrative rule.

Motion—The Commission voted unanimously, 21 – 0 in favor, to proceed with rule adoption for annual interim amendment policy and for the TAC/Workgroup Alternate Member Participation policy.

Building Code Amendment Process Review Work Group

Chairman Rodriguez reported that the Commission adopted the Code Amendment Process Review Workgroup's Phase I recommendations regarding the 2007 Code Update schedule at the May 2006 meeting, and the Phase II recommendations at the August Commission meeting. The Workgroup met Monday, December 4, 2006 to consider Phase III of the project, focusing on education and training, integrating the ICC code updates and Florida specific amendments into the FBC update, and Code formatting issues.

Jeff Blair reported that the Workgroup's Phase III recommendations include:

Recommending that The Commission retain the current Florida Building Code as the base documents for future updates and revisions. Under this option, the Commission will utilize the current FBC as the base code and revise as needed based on updates to the I-codes and Florida Specific changes and publishing a complete and integrated FBC.

The Commission recommend that the Legislature designate a single entity for approving Building Code courses.

Commission Actions:

Motion—The Commission voted unanimously, 21 – 0 in favor to accept the report. *(Included as Attachment 4—Code Amendment Process Workgroup Phase III Report)*

Draft Report of Issues and Recommendations to the 2007 Legislature

The Chair reported that the Commission had reviewed and approved a Draft Report of recommendations and issues for inclusion in the Commission's 2007 Report to the Legislature at the October 2006 Commission meeting. The Final Report will have the Commission's recommendations related to Legislative assignments as well as Commission initiatives. The Chair explained that the plan, as always, is for the Chair to review and approve the final draft of the Report to the 2007 Legislature, ensure completeness and accuracy, and approve the Report for submittal to the Legislature. The Chair explained that the Commission will review and adopt the Summary of Issues and Recommendations for Inclusion in the 2007 Report to the Legislature, with the understanding that the actual Report will be updated with the Commission's final decisions, and subsequent approval by the Chair prior to submittal to the 2007 Florida Legislature.

Jeff Blair reviewed the Summary of Issues and Recommendations, asked if there were any additional issues that should be included in the Report, asked for clarifying questions from members, commission comment(s) and discussion, and public offered an opportunity for comment prior for any Commission formal action.

Commission Actions:

Motion—The Commission voted unanimously, 21 – 0 in favor to accept the report and adopt the recommendations for submittal to the Legislature as amended, and to charge the Commission's Chair with reviewing and approving the final report prior to submittal to the 2007 Legislature.

(Included as Attachment 5—Summary of Issues and Recommendations for Submittal to the 2007 Legislature)

Presentation by Dennis Grimm, B.O., on Design Problems with Aluminum Structures

This presentation was not given.

Status Report on the Florida Board of Professional Engineer's Practice of Engineering Design Practice of Aluminum Enclosures

Commissioner Do Kim, attended and reported on the second and last meeting of the Task Group. Commissioner Kim reported that the Task Group is recommending a set of rules to the full the Board for adoption. The main aspect of the recommendations is to require site specific engineering. The Task Group will review master sets of plans and various manuals as the second phase of their deliberations.

Commission Member Comment/Issues

Chairman Rodriguez invited members of the Commission to address the Commission.

Commissioner Wiggins recommended that when a controversial or contested Declaratory statement comes to the Commission without a recommendation from the TAC, and our contract provider for code interpretations or ICC has substantial comments on the matter, the matter should be referred back to the TAC to try to overcome having no recommendation. Failing that, the item should be returned to the Commission for a final determination. Or, when the TAC does not delivery a recommendation (if time allows) invite BOAF or ICC to give input to the TAC at the next meeting to assist with the interpretation.

Commissioner McCombs expressed his appreciation for the excellent and crucial work being done by DCA staff and Jeff Blair.

Commission Actions:

Motion—The Commission voted unanimously, 21 – 0 in favor, to charge DCA staff, with setting up and noticing in the FAW, a Commission legislative conference call projected for January 11, 2007 at 10:00 AM.

Commission Member Agenda Items

Chairman Rodriguez invited Commission members to propose issues for the Commission's next (February 2007) meeting.

No agenda items were proposed by Commissioners.

General Public Comment

Chairman Rodriguez invited members of the public to address the Commission on any issues under the Commission's purview.

Joe Belcher stated that the facilitator was essential to the successful development and implementation of the Florida Building Code, and the central role of consensus-building to the Commission's processes.

Adjourn

The Commission voted unanimously, 21 – 0 in favor, to adjourn the meeting at approximately 11:20 AM.

Staff Assignments

Set up and notice in the FAW, a Commission legislative conference call for January 11, 2007 at 10:00 AM.

Product Approval POC agenda item: for shutters, add a discussion item to the agenda on association product approvals and the Product Approval's use by licensees, in relation to developing criteria and requiring each to have Quality Assurance (i.e., standing seam roof systems).

Provide summary and staff analysis of recommendation regarding Product approval declaratory statements.

For Energy Workgroup Report: define all definitions and acronyms in the Report(s).

An Energy Code Forum/Summit should be conducted as a function of the Energy Code Workgroup (Phase III) to educate participants on fenestration and building envelope by expert HVAC system designers, and fenestration experts to ensure that the performance requirements for energy efficiency don't create unintended indoor air quality problems.

E-mail PAVWG members regarding that, the POC and not the PAVWG, will be reviewing validation recommendations prior to rule development. This meeting will take place on January 24, 2006 in Tampa.

Legal staff will research options on how the declaratory statement process may address dealing with controversial or contested Declaratory statement(s) going to the Commission without a recommendation from the TAC, and the Commission's contract provider for code interpretations or ICC has substantial comments on the matter, than the matter should be referred back to the TAC to try to overcome having no recommendation. Failing that, then the item should be returned to the Commission for a final determination. Or, when the TAC does not delivery a recommendation (if time allows) invite BOAF or ICC to give input to the TAC at the next meeting to assist with the interpretation.

ATTACHMENT 1
MEETING EVALUATION RESULTS

December 5 - 6, 2006—Tampa, 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.

- 9.7 The background information was very useful.
- 9.6 The agenda packet was very useful.
- 9.7 The objectives for the meeting were stated at the outset.
- 9.7 Overall, the objectives of the meeting were fully achieved.
- 9.5 Accessibility Waiver Applications.
- 9.3 Requests for Declaratory Statements.
- 9.7 Approval of Products and Product Approval Entities.
- 9.7 Chairs Issues and Recommendations.
- 9.7 Commission's Workplan and Meeting Schedule Update.
- 9.8 TAC and POC Reports and Recommendations.
- 9.7 Supplemental Rule Development Workshop on Rule 9B-70, Building Code Training.
- 9.7 Code Amendment Process Review Workgroup's Phase III Report.
- 9.7 Garage Door and Shutter Labeling Workgroup's Report and Recommendations.
- 9.7 Window Labeling Workgroup's Revised Recommendations.
- 9.7 Energy Code Study Workgroup's Report and Recommendations.
- 9.7 Committee Organization and Processes Ad Hoc's Report and Recommendations.
- 9.7 Status Report on Engineering Design Practice of Aluminum Enclosures.
- 9.7 Review and Approval of Recommendations for the Draft Report to the 2007 Legislature.

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

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

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

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

4. What progress did you make?

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

5. Commission Member's Written Evaluation Comments.

- Our Chairman is a master at consensus-building.
- Kudos to the Chair and DCA staff.
- Jeff Blair does an exemplary job as our facilitator.
- Great job Jeff Blair.
- Jeff Blair is outstanding. He makes all the difference in having a successful meeting.
- Give Jeff Blair a raise, we cannot afford to lose him.
- Go back to Orlando for next year's meetings.
- Perhaps when a controversial or contested Declaratory statement comes to the Commission without a recommendation from the TAC, and our contract provider for code interpretations or ICC has substantial comments on the matter, than the matter should be referred back to the TAC to try to overcome having no recommendation. Failing that, then the item should be returned to the Commission for a final determination. Or, when the TAC does not delivery a recommendation (if time allows) invite BOAF or ICC to give input to the TAC at the next meeting to assist with the interpretation.
- It is appreciated when discussions remain non-adversarial. This makes decision-making less emotional and better decisions will be reached.
- There is a tendency to have a lot of repetitive discussion both from the floor and the Commission needs to take a look at how to limit the redundant comments.
- Merry Christmas and Happy Holidays!

ATTACHMENT 2

COMMISSION'S UPDATED WORKPLAN AND MEETING SCHEDULE

(Adopted Unanimously December 6, 2006)

MEETING DATES

2006

| | |
|--------------------------|---|
| January 23, 24 & 25 TACs | Tampa Embassy Suites |
| February 6 & 7 Cmsn | Orlando Rosen Plaza |
| March 20,21 & 22 Cmsn | Tampa Embassy Suites |
| May 1, 2, 3 & 4 Cmsn | Orlando Sheraton Safari |
| June 19 Cmsn | Destin Sandestin Beach Resort |
| July 10, 11 & 12 Cmsn | Ft Lauderdale Seminole Hard Rock Hotel & Casino |
| August 21, 22 & 23 Cmsn | Miami Don Shula |
| October 9, 10 & 11 Cmsn | Tampa Embassy Suites |
| December 4, 5 & 6 Cmsn | Tampa Embassy Suites |

Note: Based on experience developing the 2004 FBC, TAC meetings are scheduled separately from the Commission meeting for January 2006 and March 2007 to review proposed Code amendments for the Glitch Cycle and 2007 FBC Update respectively. Commission meetings are set for 2 weeks after those TAC meetings. This scheduling was established to avoid a week long Commission meetings and to avoid meetings in back to back weeks.

2007

| | |
|----------------------------|-------------------------------------|
| February 5, 6 & 7 Cmsn | Tampa Embassy Suites, USF |
| March 12, 13, 14 & 15 TACs | St Augustine Casa Monica Hotel |
| March 26, 27 & 28 Cmsn | St Augustine Casa Monica Hotel |
| May 7, 8 & 9 Cmsn | Tampa Embassy Suites, USF |
| June 25,26 & 27 Cmsn | Miami Lakes Don Shula Hotel |
| August 20, 21 & 22 Cmsn | Tampa Embassy Suites, USF |
| October 8, 9 & 10 Cmsn | Tampa Embassy Suites, USF |
| December 3, 4 & 5 Cmsn | Orlando Doubletree Hotel, Universal |

2008

| |
|--------------------------|
| January 28,29 & 30 Cmsn |
| March 17, 18 & 19 Cmsn |
| May 5, 6 & 7 Cmsn |
| June 23, 24 & 25 Cmsn |
| August 25, 26 & 27 Cmsn |
| October 13, 14 & 15 Cmsn |
| December 8, 9 & 10 Cmsn |

FLORIDA BUILDING COMMISSION 2006 WORKPLAN
(A. – H. Ranked by Commission Survey; 1 - Other Tasks)

2005 Tasks Carried Forward:

- A. Amend Product Approval Rule 9B-72, 2004**
 - Rule implemented 1/01/06
 - Updated website implementing the revised rule replaces previous site 2/27/06

- 1. Hurricane Damage Investigations**
 - 2005 Hurricanes**
 - Staff report to HRAC on damages of Hurricane Dennis 8/22/05
 - Reports to HRAC by Miami-Dade, Broward and Palm Beach Counties on damages of Hurricane Wilma 12/7/05
 - Identification of research needs 3/21/06

- 3. Recommendations for Report to 2007 Legislature**
 - Consider preliminary recommendations to Legislature 10/10/06
 - Approve recommendations to Legislature 12/04/06
 - Report transmitted to Legislature 2/08/07

- 6. 2004 FBC Glitch Amendments/2006 Annual Interim Amendments:**
 - Amendment submittal cutoff 12/1/05
 - Post on website (45 days minimum) 12/2/05
 - TAC's consider proposals to develop recommendations 1/23-26/06
 - 1/30-31/06
 - 2/1/06
 - Appoint Correlation Committee to Assist Staff 2/07/06
 - Post TAC recommendations on website (45 days min) 2/15/06
 - Commission considers in **Rule Development Workshop (RDW)** 5/2-3/06
 - Commission meeting in the panhandle on Panhandle WBD region 6/19
 - Supplemental RDW on Panhandle WBD region designation 7/12/06
 - Rule adoption hearing (if requested) and filing with DOS authorized 8/22/06
 - Effective date of glitch amendments (Rule requires min 3 mo after adoption) 12/8/06
 - Effective date of Panhandle Wind Borne Debris region designation 3/8/07
 - (Note: Law requires 6 month delay between adoption and implementation)**

11. Revise Rule 9B-3.004 to Allow Alternates for Committee Members and Annual Amendments Process

| | |
|---------------------------|----------|
| Appoint Ad Hoc Committee | 10/11/06 |
| Committee meeting | 12/06 |
| | 2/07 |
| Rule development workshop | 2/07 |
| Rule adoption hearing | 4/07 |
| Rule effective | 6/07 |

12. 2007 Update to the Florida Building Code

| | |
|---|------------|
| Design of Update Process | Apr-May 06 |
| 2006 International Codes published and available to the public | 3/1/06 |
| Supplement version of 2006 FBC amendments available | 9/1/06 |
| Commission selects 2006 I Codes as foundation for 2007 FBC <i>(Note: 2006 I Codes must be available to public for 6 months prior to selection)</i> | 10/11/06 |
| Replacement pages version of 2006 FBC amendments available | 11/1/06 |
| Proposed amendments to the 2006 I Codes with Florida amendments due date | 1/1/07 |
| Florida Specific amendment overlaps with 2006 I Codes, local amendments and 2008 FFPC correlation submitted amendments proposals by staff | 1/1/07 |
| Proposed amendments posted to the Web by (45 day min before TAC review) | 1/15/07 |
| 45 day comment period ends | 2/28/07 |
| TACs review proposed Florida amendments, current Florida amendments and current Local amendments and make recommendations | 3/12-15/07 |
| TAC recommendations posted to web (45 day min before Commission review) | 4/13/07 |
| 45 day comment period ends | 5/27/07 |
| TACs review comments and prepare public comment for Rule Workshop | 6/26&27/07 |
| Commission considers TAC recommendations on proposed amendments via Rule Development Workshop | 6/28/07 |
| Rule Adoption Hearing | 8/22/07 |
| File Rule adopting the 2007 FBC | 9/14/07 |
| Printed Codes available to the public | 1/1/08 |
| Code implemented (6 months from publishing to web) | 10/1/08 |

Subtasks:

| | |
|---|----------------|
| Joint Fire TAC/Fire Code Advisory Council review of I Codes changes to FFPC conducted | 10/06 |
| Meetings | 10/06, 12/6/06 |
| Correlation committee review of Florida specific amendments overlap with 2006 I Codes | 10/06-2/07 |
| Code books publication and printing | |
| <i>Provide 1st set of changes to ICC consisting of non-overlap Florida Specific changes as identified by staff</i> | <i>1/07</i> |
| <i>Provide 2nd set of changes to ICC consisting of changes as approved by the TACs</i> | <i>5/27/07</i> |

Provide 3rd set of changes to ICC consisting of changes as approved by the Commission at the Rule Workshop

7/27/07

12.5 Glitch Amendments to the 2007 Florida Building Code

| | |
|--|---------|
| Printed 2007 Codes available to the public (<i>Note: Code implemented 10/1/08</i>) | 1/1/08 |
| Rule development workshop | 6/25/08 |
| Rule adoption hearing | 8/27/08 |
| File Rule and post Supplement to website | 9/5/08 |
| Glitch Rule effective | 9/27/08 |
| 2007 FBC effective | 10/1/08 |

(Note: Expedited Glitch Amendment authority pending passage of legislation 2006.)

14. Panhandle Hurricane Ivan Study

Phase I

| | |
|--|--------------------|
| Workshop in Panhandle to review studies | 9/13/05 |
| Commission approved consensus recommendation from workshop to conduct Panhandle windborne debris study | 10/12/05 |
| Hire contractor to conduct Panhandle windborne debris study | |
| Phase I (study initiation data development for models) | 10/05 |
| Obtain budget amendment | 11/05 |
| Initiate Phase II (modify models and conduct simulations) | 12/05 |
| Commission receives preliminary report from researchers | 2/07/06 |
| Public hearing and decide recommendation to Legislature at Commission meeting | 2/07/06 |
| Meeting with Panhandle Building Officials | 2/16/06 |
| Recommendation to the Legislature (In Annual Report) | 2/24/06 |
| Contractor preliminary report presentation on study at Commission meeting | 3/22/06 |
| Contractor presentation on study at Commission meeting | 5/3/06 |
| Initiate amendment of Code as directed by 2006 Legislature | See Task 6. |
| Special Commission meeting for Supplemental Rule Development | 6/19/06 |
| Workshop and contractor presentation at Destin | |
| Supplemental Rule Development Workshop | 7/11/06 |
| Rule Adoption Hearing | 8/22/06 |
| HRAC considers recommendation for Phase II | 7/11/06 |
| Commission approved proceeding with Phase II | 7/11/06 |
| Phase II | |
| Line up funding | 8/06-9/06 |
| Contract with UF/ARA | 12/06 |
| Initiation reporting to HRAC | 2/07 |

- | | |
|--|-------------------|
| 15. Exposure Category C Study | |
| Assign to Hurricane Research Advisory Committee | 8/24/05 |
| Committee considers at meeting | 12/07/05 |
| Recommendations to Commission | 12/07/05 |
| Commission decides to have Structural TAC review | 12/07/06 |
| Structural TAC reports to Commission | 2/07/06 |
| Public hearing and Commission decides on recommendation to Legislature | 2/07/06 |
| Recommendation to the Legislature (Addenda to Annual Report) | 2/24/06 |
| 2006 Legislature removes Exposure C definition from law | 7/1/06 |
| New definition considered at supplementary rule workshop for 2006 Amends | 7/11/06 |
| Proceed with adoption and implementation in 2006 Amendments | See Task 6 |
| | |
| 19. Standards for Hospice Facilities | |
| Standards development by ACHA | Jul-Nov 2005 |
| Proposed Code Amendments considered in glitch amendment process | See Task 6 |

NEW 2006 TASKS:

- | | |
|---|----------|
| 1. Establish Legislative Liaison Process | |
| Chairman establishes process for 2006 Legislative session | 2/07/06 |
| Telephone calls throughout session | 3/13/06 |
| : | 4/03/06 |
| : | 4/17/06 |
| | |
| 2. Develop and Implement an Accelerated Revocation Process for Noncompliant Product and Entity Approvals | |
| POC take public comment and begin discussion | 3/06 |
| Revocations of Approvals begin | 7/10/06 |
| | |
| 3. Review and Address Code Administration Needs of Local Governments and Measures to Improve Uniform and Effective Enforcement of the Code | |
| Assessment survey | 2/07 |
| Report to Code Administration TAC | 5/07 |
| Code Administration TAC Review and Develop Recommendations | 5/07 |
| Recommendations to Commission | 6/07 |
| | |
| 4. Develop Product Validation Criteria for Methods of Demonstrating Compliance with Code | |
| Meeting | 2/7/06 |
| Meeting | 5/3&4/06 |
| Meeting | 6/1/06 |
| Recommendations to Commission | 7/11/06 |
| Recommendations reviewed and approved by Commission | 8/22/06 |
| Rule adoption schedule approved for amending the rule | 10/4/06 |
| Product Approval POC review of draft rule | 1/24/07 |

| | |
|---|--|
| Rule workshop | 2/7/07 |
| Rule adoption hearing if requested | 3/28/07 |
| Rule effective | 7/07 |
| | |
| 5. Develop Window Labeling and Default Installation Criteria | |
| Appoint Work Group | 2/22/06 |
| Meeting | 5/31/06 |
| Meeting | 11/1/06 |
| Recommendation to Code Administration TAC and Commission | 12/6/06 |
| Code amendment submitted prior to | 1/1/07 |
| Adopted through 2007 FBC update | see Task 12 of previous section |
| | |
| 6. Evaluate Termite Protection Requirements | |
| Appoint Workgroup | 3/06 |
| Meeting | 5/17/06 |
| Recommendations to Commission | 7/11/06 |
| | |
| 7. Evaluate Code Update, Amendment, Interpretation and Coordination with FFPC and with Model Base Codes Editions | |
| Appoint Workgroup | 3/22/06 |
| Meeting on 2007 FBC Update | 4/19/06 |
| Recommendation to Commission | 5/3/06 |
| Annual Interim Amendment Assessment | 4/06-6/06 |
| Report to WG (on assessment) | 7/12/06 |
| WG Meeting | 7/12/06 |
| WG Meeting | 8/21/06 |
| Recommendation to Commission | 8/22/06 |
| Supplemental meeting | 10/9/06 |
| Supplemental meeting | 11/2/06 |
| Public Hearing on the Recommendation | 12/5/06 |
| Finalize Recommendations for Report to Legislature | 12/5/06 |
| | |
| 8. Assess Transition to IECC as Base for Florida Energy Code | |
| Appoint Workgroup | 2/22/06 |
| Hire Consultant to develop code comparisons | 3/06 |
| Meeting | 6/22/06 |
| Recommendation to Commission | 7/11 |
| Meeting | 9/14/06 |
| Meeting | 11/15/06 |
| Amendments proposed for 2007 FBC | 1/1/07 |
| Energy Code revisions thru adoption and implementation of 2007 FBC | See Task 12 |

9. 2006 Legislature’s Assignments

See Tasks 14 and 15 on Panhandle WBD issue above

10. Coordinate the Elevator Code and 2007 Florida Building Code updates with the Department of Business and Professional Regulation and The Elevator Advisory Council

Initial staff meeting to establish protocols 9/6/06
Council reviews Code amendment proposals and advises Commission See Task 12

11. Conduct a work group review of in-home waste water recycling in coordination with Department of Health and Department of Environmental Protection

Staff investigate DOH concerns and determine statutory authorities 10-12/06
Code amendment proposals submitted (as needed) 1/1/07

12. Address implementation of the electrical systems requirements of the Energy Efficiency Code

Forum for discussion of requirements and their implementation 7/10/06
Recommendations presented to the Commission 7/11/06
Education and outreach
Florida Board of Professional Engineers newsletter article
Florida Engineering Society publication article 10/06
Identification of Code enforcement and education issue by
Building Code Education and Outreach Council 9/27/06
Add notice to Commission’s website 9/06
Send notice to all parties registered on BCIS for electrical issues 9/06
Notice Building Officials via BOAF 9/06

13. Amend the Florida Accessibility Code for Building Construction

Rule development workshop 3/28/07
Rule adoption hearing if requested 5/9/07
Rule effective 6/07
Note: Code amendment is only conducted to integrate current chap 553, Part II, F.S.
parking requirements

14. Shutter and Garage Door Labeling

Work Group appointed 8/22/06
Work Group meeting 9/14/06
: 11/13-14/06
Report to Code Administration TAC and Commission 12/06

2005 Legislature Directed Tasks

Florida Building Code Amendments:

Expedited Code Amendment

COMPLETED

- Shall by November 1, 2005, adopt the ICC provisions for ventless attic spaces. [Section 33 SB 442]
- Shall by November 1, 2005, recognize all alarms complying with UL 2017 for the pool alarm option compliance with swimming pool safety requirements of chapter 515 , F.S. [Section 32 SB 442]
- Shall consider how to address water intrusion and roof-covering-attachment weaknesses. [Section 34 SB 442]
- Shall **review** Modifications 569 and 570 adopted October 14, 2003 to IBC and repeal, modify or leave the same but 569 and 570 cannot go into effect until the review (leave the same) or rulemaking (modify or repeal) are completed. [Section 48 SB 442]

2004 FBC Glitch Amendments (2006 Annual Amendment to 2004 FBC)

COMPLETED (Implemented in the 2005 expedited Code Amendment)

- Shall amend the 2004 FBC to allow use of the area under mezzanines to be included in the calculation of total floor area when determining the maximum allowable mezzanine area in sprinklered S2 occupancies of Type III construction. Retroactive to the adoption of the 2001 FBC. [Section 44 SB 442]
- Shall modify Table 1014.1 of 2004 FBC maximum occupancy loads for R occupancies. [Section 46 SB 442]
- Shall amend section 1014.1.2 of 2004 FBC to exempt R1 and R2 occupancies from required distance between exits under certain conditions. [Section 46 SB 442]

2007 Florida Building Code Update

- Eliminate the “interior pressure design” option for buildings in the wind-borne debris regions consistent with the IBC and IRC.

Special Studies:

- Together with building officials from the area, review Hurricane Ivan damage and other data for the region from Franklin County to the Alabama border and issue a report of findings and recommendations to the Governor and 2006 Legislature. [Section 39 SB 442]
- Evaluate the definition of exposure category C and make recommendations to the Governor and 2006 Legislature. [Section 41 SB 442]
- Study the recommendation that the State be served by a single validation entity for state product approval. [Section 45 SB 442]

Other Tasks:

COMPLETED

- Develop a form by rule that is posted on a construction site and identifies all private providers that will be conducting inspections and their contact information. [Section 11 SB 442/ 553.791(4)(c)]
- Develop a form by rule for use on the Building Code Information System for petitioning for review of local building official decisions. [Section 9 SB 442/ s.553.775(3)(c)2.]
- Add design and construction related facility licensing requirements for Hospice Facilities. [HB 189]

2006 Legislature Directed Tasks

Florida Building Code Amendments:

Redesignate the Wind Borne Debris Protection Region for the Florida Panhandle

ATTACHMENT 3
COMMITTEE ORGANIZATION AND PROCESS AD HOC
REPORT AND RECOMMENDATIONS
TO THE FLORIDA BUILDING COMMISSION

DECEMBER 5, 2006

Tampa, Florida

Meeting Design & Facilitation By

QuickTime™ and a
TIFF (Uncompressed) decompressor
are needed to see this picture.

Report By Jeff A. Blair
Florida Conflict Resolution Consortium
Florida State University



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[http:// consensus.fsu.edu](http://consensus.fsu.edu)

COMMITTEE ORGANIZATION AND PROCESS AD HOC REPORT AND RECOMMENDATIONS

DECEMBER 5, 2006

Overview

At the October 2006 Commission meeting, Raul L. Rodriguez, AIA, Chair of the Florida Building Commission, reported to the Commission that as a result of there being a large number of committees and workgroups—there is an overlap of participants and staff, as well as a limited quantity of time slots—stakeholders have recommended that the Commission consider allowing members appointed to TAC's and workgroup's to identify an alternate member to attend and participate in his/her place.

Chapter 553.77(1)(g) authorizes the Commission to appoint advisory committees and the Commission has done this through the use of workgroups. Rule 9B-3.004 (Commission Organization and Operations) addresses rules for Ad Hoc Committees, TAC's, and POC's. The Chair announced he was convening an ad hoc committee to consider alternate member provisions for both TAC's and workgroups. The Chair noted that the ad hoc would consider options to ensure that TAC's and workgroups' have a quorum, and that all views are represented during TAC and workgroup meetings.

Committee Organization And Process Ad Hoc Membership

The Chair appointed the following Commissioners to sit on the Ad Hoc:

Raul Rodriguez (Chair), Dick Browdy, Nick D'Andrea, Do Kim, Dale Greiner, and George Wiggins.

SUMMARY OF AD HOC'S KEY DECISIONS

Opening and Meeting Attendance

The meeting started at 1:00 PM, and the following Ad Hoc members were present:

Raul Rodriguez (Chair), Dick Browdy, Nick D'Andrea, Do Kim, Dale Greiner, and George Wiggins.

DCA Staff Present

Rick Dixon, Mo Madani, and Betty Stevens.

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/>

Project Webpage

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

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

Meeting Objectives

The Ad Hoc voted unanimously, 5 - 0 in favor, to approve the agenda as presented including the following objectives:

- ✓ To Review and Adopt Meeting Agenda and Procedures and Guidelines
- ✓ To Review Meeting Scope
- ✓ To Review the Code Amendment Process Review Workgroup's Recommendations
- ✓ To Evaluate, Rank, and Refine Proposed Options for TAC/Workgroup Alternate Members
- ✓ To Consider Public Comment
- ✓ To Adopt Recommendations for Submittal to the Commission
- ✓ To Identify Any Needed Next Steps

Work Group's Decision-Making Procedures and Meeting Guidelines

Jeff Blair reviewed the Workgroup's decision-making procedures.

Review of Code Amendment Process Review Workgroup's Rec's.

The Ad Hoc Committee voted unanimously, 5 – 0 in favor, to recommend that the Commission implement the Code Amendment Process Review Workgroup's recommendations regarding annual interim amendments and TAC review processes, through administrative rule and not via statutory change(s). The following recommendations should be implemented by Commission policy and administrative rule, and not through a statutory change(s):

- Eliminate the annual interim amendment process, maintaining only the triennial and expedited processes. Provide statutory authorization for the expedited process to be implemented whenever deemed necessary by the Commission, and amend the criteria for the expedited process to include updates and changes to federal and state laws.*
- Require the TAC's to review code change proposals two times (two TAC reviews prior to Commission consideration, beginning with rule development) during the Code development phase of the update process, prior to the Commission conducting Chapter 120 rule development, with a rule development workshop and rule adoption hearing, in the adoption phase of the update process.
The TAC's would review proposed code amendments, and after the 45 public comment period on the TAC's recommendations, the TAC would review and make recommendations regarding substantive comments, and then the TAC's revised recommendations would be submitted to the Commission for their consideration in a rule development workshop and subsequently through a rule adoption hearing.*

Florida specific amendments to the base code should be narrowly defined and adhered to. This should be limited to only what is specifically needed in Florida beyond the provisions of the base code.

A set of criteria and a filtering process will be designed, and a process will be implemented to review and ensure that only Florida specific amendments are considered.

A screening process will be designed to ensure Florida specificity.

This process will be implemented so that no additional time is added to the overall code review process. Only Florida specific amendments will be considered during the code update process (new and existing Florida specific amendments).

6 – 0 in favor.

COMMISSION TAC AND WORKGROUP ALTERNATE MEMBER PARTICIPATION POLICY

An individual TAC and/or workgroup member may nominate another individual to participate in a meeting in his/her absence.

Selection of Alternate

The TAC and/or workgroup member must select his/her nominee, and in writing notify the Commission Chair, through the Department of Community Affairs.

Alternate members must be of the same stakeholder/constituent group as the appointed member. The nominee must attend at least one meeting of the TAC and/or workgroup prior to serving as an alternate.

DCA staff will notify the member if his/her alternate selection is approved.

Other TAC and/or workgroup members may notify the Commission Executive Director of any concerns they have regarding the nominee.

Participation of Approved Alternate Member(s)

The appointed member must notify the staff member (for TAC's) and Facilitator (for workgroups) in advance of the meeting that they will miss the next meeting and his/her alternate will attend in his/her place.

The appointed member must provide the alternate member with a copy of the upcoming meeting's agenda and other relevant documents, and consult with alternate on the substantive discussion issues before the TAC and/or workgroup.

The appointed member should provide his/her alternate with a summary of his/her views on each of the substantive issues under consideration at the upcoming TAC and/or workgroup meeting.

The Alternate shall sit at the table and participate and vote on all substantive discussions. The alternate should represent the appointed member's views on substantive discussion issues.

The alternate shall agree to follow all procedures as stipulated in the TAC and/or workgroup's adopted "Procedural Guidelines".

Removal of Alternate

All TAC and workgroup appointed members and alternates serve at the pleasure of the Commission Chair.

Commission Members on TAC's and Workgroups

Commission members may not appoint an alternate member. The Alternate Member Participation policy does not apply to POC's and Ad Hoc committees, since they are constituted entirely of Commission members.

Adoption of Package of Recommendations for Submittal to the Commission

The Ad Hoc voted unanimously, 6 – 0 in favor, to adopt the package of recommendations regarding the code amendment process and the alternate workgroup and TAC member proposal, and to submit to the Commission for their consideration.

Adjournment

The Workgroup voted to adjourn unanimously at 2:20 PM.

ATTACHMENT 1
MEETING EVALUATION RESULTS

December 5, 2006—Tampa, 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.

9.7 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.

9.7 Overall, the objectives of the meeting were fully achieved.

9.7 Review of the Code Amendment Process Review Workgroup's Recommendations.

9.7 Identification, Evaluation, Ranking, and Refinement of Ad Hoc Proposed Option(s).

9.7 Adoption of Recommendations for Submittal to the Commission.

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

9.7 The members followed the direction of the Facilitator.

9.7 The Facilitator made sure the concerns of all members were heard.

9.7 The Facilitator helped us arrange our time well.

9.7 Participant input was documented accurately.

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

9.7 Overall, I am very satisfied with the meeting.

9.7 I was very satisfied with the services provided by the Facilitator.

9.7 I am satisfied with the outcome of the meeting.

5. What progress did you make?

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

9.7 I know who is responsible for the next steps.

5. Member's Written Evaluation Comments.

None Offered.

ATTACHMENT 4
CODE AMENDMENT PROCESS REVIEW WORKGROUP
PHASE II RECOMMENDATIONS AND
PHASE III REPORT

TO THE FLORIDA BUILDING COMMISSION

DECEMBER 6, 2006

Tampa, Florida

Meeting Design & Facilitation By

QuickTime™ and a
TIFF (Uncompressed) decompressor
are needed to see this picture.

Report By Jeff A. Blair
Florida Conflict Resolution Consortium
Florida State University



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**FLORIDA BUILDING COMMISSION
CODE AMENDMENT PROCESS REVIEW WORKGROUP—PHASE III**

REPORT TO THE COMMISSION

COMMISSION CONSENSUS PHASE II RECOMMENDATIONS

(Adopted Unanimously August 22, 2006)

Motion—The Commission voted unanimously, 19 – 0 in favor, to adopt the Code Amendment Process Review Workgroups’ package of recommendations regarding the annual interim amendment, expedited, and triennial code update processes.

Eliminate the annual interim process, maintain only the triennial and expedited processes. The expedited process can be implemented whenever needed. The criteria for the process would be amended to include updates and changes to federal/state laws.

A triennial code update that coincides with the fire triennial update.

Justification for Florida-specific amendments to the base code should be strictly adhered to. Define specific needs of the State.

Issue quarterly notices of binding interpretations and declaratory statements. This would be in the form of a technical bulletin section of the Commission’s quarterly newsletter.

Require the TAC’s to review the code change proposals both times (two TAC reviews prior to Commission consideration during rule development) during the Code development phase of the update process then have the Commission conduct Chapter 120 rule development, with a rule development workshop and rule adoption hearing, in the adoption phase of the update process.

The TAC’s would review proposed code amendments, and after the 45 public comment period on the TAC’s recommendations, the TAC would review and make recommendations regarding comments, and then the TAC’s revised recommendations would be submitted to the Commission for their consideration in a rule development workshop.

Maintain updates to FBC within 2 years (not more than 2 years) of new editions of the foundation codes and provide for adoption of equivalent product evaluation standards via rule 9B-72. (Establish a policy that the would ensure the updated Florida Building Code would go into effect a minimum of one year before the next edition of the foundation codes on which it is based.)

OPTIONS FOR INTEGRATING THE CODE WITH FLORIDA SPECIFIC AMENDMENTS AND ICC FOUNDATION CODE UPDATES

Option A— *Maintain status quo, purchase copyright from ICC. Use another source to print the code, use with above (other) options. This is not a standalone option.*

| | <i>4=acceptable</i> | <i>3= minor reservations</i> | <i>2=major reservations</i> | <i>1= not acceptable</i> |
|------------------------------------|---------------------|------------------------------|-----------------------------|--------------------------|
| <i>Initial Ranking 10/9/06</i> | 6 | 2 | 0 | 1 |

Option B—*Retain the current Florida Building Code as the base documents for future updates and revisions. Under this option, the Commission will utilize the current FBC as the base code and revise as needed based on updates to the I-codes and Florida Specific changes and publishing a complete and integrated FBC.*

| | <i>4=acceptable</i> | <i>3= minor reservations</i> | <i>2=major reservations</i> | <i>1= not acceptable</i> |
|------------------------------------|---------------------|------------------------------|-----------------------------|--------------------------|
| <i>Initial Ranking 10/9/06</i> | 3 | 4 | 1 | 1 |

Option C— *Continue the current approach which consists of revising the base model code documents to integrate Florida Specific changes and publishing a complete and integrated Florida Building Code. Also, continue the production of replacement pages for interim code changes.*

| | <i>4=acceptable</i> | <i>3= minor reservations</i> | <i>2=major reservations</i> | <i>1= not acceptable</i> |
|------------------------------------|---------------------|------------------------------|-----------------------------|--------------------------|
| <i>Initial Ranking 10/9/06</i> | 3 | 1 | 5 | 0 |

Option D— *Substitute page approach to the code.*

| | <i>4=acceptable</i> | <i>3= minor reservations</i> | <i>2=major reservations</i> | <i>1= not acceptable</i> |
|------------------------------------|---------------------|------------------------------|-----------------------------|--------------------------|
| <i>Initial Ranking 10/9/06</i> | 2 | 2 | 5 | 0 |

Option E— *Maintain base code for 6 years. Integrate on 3 year cycle.*

| | <i>4=acceptable</i> | <i>3= minor reservations</i> | <i>2=major reservations</i> | <i>1= not acceptable</i> |
|------------------------------------|---------------------|------------------------------|-----------------------------|--------------------------|
| <i>Initial Ranking 10/9/06</i> | 1 | 2 | 5 | 1 |

Option F— Adopt latest version of ICC, eliminate Florida specific amendments, rely on interest groups make amendments to base code. Preferential treatment for carrying forward Florida specific amendments. Propose Florida specific amendments.

| | 4=acceptable | 3= minor reservations | 2=major reservations | 1= not acceptable |
|----------------------------|--------------|-----------------------|----------------------|-------------------|
| Initial Ranking 10/9/06 | 1 | 0 | 2 | 6 |

Option G— Adopt the model code base documents and the Florida Specific changes as two separate documents. This option would consist of adopting the base model code documents by reference and a code supplement which delineates Florida Specific changes.

| | 4=acceptable | 3= minor reservations | 2=major reservations | 1= not acceptable |
|----------------------------|--------------|-----------------------|----------------------|-------------------|
| Initial Ranking 10/9/06 | 1 | 0 | 1 | 7 |

TRAINING AND EDUCATION OPTIONS

Option A— Single point approval for building code courses.

| | 4=acceptable | 3= minor reservations | 2=major reservations | 1= not acceptable |
|----------------------------|--------------|-----------------------|----------------------|-------------------|
| Initial Ranking 10/9/06 | 6 | 3 | 0 | 0 |

Option B— In the law require that providers keep courses updated.

| | 4=acceptable | 3= minor reservations | 2=major reservations | 1= not acceptable |
|----------------------------|--------------|-----------------------|----------------------|-------------------|
| Initial Ranking 10/9/06 | 2 | 4 | 2 | 1 |

Option C— Make a law to require that the various licensing Boards keep courses updated to meet the current requirements of the FBC.

| | 4=acceptable | 3= minor reservations | 2=major reservations | 1= not acceptable |
|----------------------------|--------------|-----------------------|----------------------|-------------------|
| Initial Ranking 10/9/06 | 0 | 1 | 5 | 3 |

ATTACHMENT 5
FLORIDA BUILDING COMMISSION
FACILITATOR'S SUMMARY OF ISSUES FOR INCLUSION IN
THE 2007 REPORT TO THE FLORIDA LEGISLATURE
APPROVED UNANIMOUSLY ON DECEMBER 6, 2006

QuickTime™ and a
TIFF (Uncompressed) decompressor
are needed to see this picture.

Report By Jeff A. Blair
Florida Conflict Resolution Consortium
Florida State University



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This document is available in alternate formats upon request to Dept. of Community Affairs, Codes & Standards, 2555 Shumard Oak Blvd., Tallahassee, FL 32399, (850) 487-1824

FLORIDA BUILDING COMMISSION

SUMMARY OF ISSUES FOR INCLUSION IN THE 2007 REPORT TO THE FLORIDA LEGISLATURE

SUMMARY OF RECOMMENDATIONS

Monitoring the building code system and determining refinements that will make it more efficacious is a primary responsibility of the Commission, and consequently the Commission is continually effecting refinements to the building code system by administrative rule amendment(s) where the statutes provide authority. However, the building code system is established in law, requiring that some refinements must be implemented through changes to law. The Commission's recommendations for legislative actions designed to improve the system's effectiveness are summarized as follows:

- Clarify statutory authority for adoption of equivalent product evaluation standards via rule 9B-72, FAC.*
- In order to maintain consistent construction standards for residential construction, the Commission recommends that the sizing of private sewage systems be governed by the definitions contained in the Florida Building Code.*
- Provide statutory authority allowing, but not requiring, the Commission to adopt the IECC as the foundation code for the Energy provisions of the Florida Building Code, if the Commission determines it is in the best interest of the State to do so.*
- Require that the certification method of compliance for state product approval can only be used with products that have been tested to standards referenced in the Code, do not allow the certification method for products that have no test standard(s) referenced in the Code.*
- In instances where validation is defined as a technical review, then the evaluation engineer does not need to be an independent third-party from the manufacturer. Manufacturer's engineer can do the evaluation, provided the engineer is a Florida PE or RA who has taken the core building code course.*

- ❑ *Provide statutory authority for the Commission to develop criteria and penalties for validators that incorrectly validate applications for product approval.*
- ❑ *Recommend the relocation of the Chapter 553.509 requirements for backup power of elevators greater than seventy-five feet in length, established by the 2006 Legislature, to a more appropriate section of Florida Statutes.*
- ❑ *The Commission recommends that the Legislature place the sole authority and responsibility for training on the Florida Building Code under one entity.*

Code Process Policy Implementation

The following are policy decisions by the Commission and will be implemented with existing Commission authority through administrative rule development:

Eliminate the annual interim amendment process, maintaining only the triennial and expedited processes. Provide statutory authorization for the expedited process to be implemented whenever deemed necessary by the Commission, and amend the criteria for the expedited process to include updates and changes to federal and state laws.

Require the TAC's to review code change proposals two times (two TAC reviews prior to Commission consideration, beginning with rule development) during the Code development phase of the update process, prior to the Commission conducting Chapter 120 rule development, with a rule development workshop and rule adoption hearing, in the adoption phase of the update process.

The TAC's would review proposed code amendments, and after the 45 public comment period on the TAC's recommendations, the TAC would review and make recommendations regarding comments, and then the TAC's revised recommendations would be submitted to the Commission for their consideration in a rule development workshop and subsequently through a rule adoption hearing.

The Commission will report to the Legislature that there is a need for additional education on the Florida Accessibility Code (Chapter 11), and the Commission will work with the relevant agencies and entities, including DBPR, to implement recommendations regarding enhancements to education related to education on the Florida Accessibility Code.

BUILDING CODE ISSUES

Hurricane Damage Investigations—Hurricane Research Advisory Committee

As a result of hurricanes affecting Florida during the 2004 and 2005 seasons, the Florida Building Commission's Hurricane Research Advisory Committee (HRAC) continues to meet at each Commission meeting to review research and make recommendations to the Commission regarding proposed code enhancements. Some of the Committee's recommendations were adopted with the Glitch Code amendments and others will be considered during the 2007 Update cycle.

The Committee has developed and ranked a list of issues that require research and development in order to make Florida's structures, and the products that comprise them, more storm resistant. Of particular note, water managed window and door installation requirements are under development, and the Commission is working with industry to ensure windows, garage doors and shutters are labeled in a way to provide building officials with the information they need, in a field useable format, to ensure that the correct products are installed according to the appropriate conditions of their use.

In addition, the Committee received regular updates from the consultants conducting the Panhandle Windborne Debris Region designation and provided the Commission with recommendations to support the study's results as well as support for Phase II of the study, to conduct a research study, with the results serving as the basis for a 2008 Statewide implementation of windspeed/terrain-dependent WBD criteria.

The Committee is continually monitoring current research and recommending the development of standards and installation practices related to protecting against wind damage and water infiltration.

During 2006, Committee members identified and prioritized a list of issues that require additional research and/ or development prior to the HRAC evaluation of options and making additional recommendations for proposed hurricane related Code amendments. In addition, the HRAC heard monthly updates on preliminary results from the Panhandle Windborne Debris Region Study, prior to their submittal in July of 2006.

At the July 2006 meeting, members reviewed the final results of ARA's Panhandle Windborne Debris Region Study, and voted to recommend that the Commission continue with Phase II of the windborne debris study, as recommended by ARA, including post hurricane assessments of windborne debris damages resulting from any 2006 storms. The recommendation is to conduct a research study, with the results serving as the basis for a 2008 Statewide implementation of windspeed/terrain-dependent WBD criteria.

The implementation plan is for DCA to amend the ARA contract for Phase II of the windborne debris study project. The study will include assessing results from any 2006 hurricanes, with a current project completion date of late 2007. In addition, ARA and DCA staff are seeking additional funding sources to expand the study to include additional issues such as tree blow-down analysis. The amount of funding secured will determine the scope of the study/project.

The Commission voted unanimously at the July 22, 2006 meeting to continue with Phase II of the windborne debris study, as recommended by ARA, including post hurricane assessments of windborne

debris damages resulting from any 2006 storms. The recommendation is to conduct a research study, with the results serving as the basis for a 2008 Statewide implementation of windspeed/terrain-dependent WBD criteria.

At the August 2006 meeting, members heard an update on FMA/AAMA and AAMA/FMA window installation and window water leakage projects, respectively. In addition members were asked to consider what assumptions should be considered for analyzing the cost-benefit data regarding Phase II of the windborne debris study project.

The Committee will meet next to receive an update on related projects, and to develop consensus on the assumptions to be used in the cost-benefit analysis regarding Phase II of the windborne debris study.

Implementation of the 2004 FBC Glitch/2006 Annual Interim Amendment Process

The Commission began its annual interim amendment process for 2006, with a focus on identifying and correcting code glitches and correlation issues related to implementation of the 2004 Edition of the Florida Building Code. The amendment submittal cut-off date was December 1, 2005 and the Commission's Technical Advisory Committee's met in January of 2006 to review the proposed amendments and make recommendations to the Commission, who reviewed the amendments and initiated rule-making in February of 2006. The Commission completed rule making in August of 2006 and the effective date for glitch amendments is anticipated to be December 8, 2006.

The Commission voted unanimously that only amendments related to hurricane provisions, glitch, and standards updates and correlation issues would be considered during the 2006 Annual Interim Amendment "Glitch" process.

Adopted Glitch Code amendments include additional hurricane provision enhancements proposed by the Hurricane Research Advisory Committee as well as amendments to the FBC Residential Volume prescriptive design criteria. Specifically, the Commission adopted enhancements to the Residential Code for high wind, related to the masonry, foundations, wall coverings, wood, roofing, and windows provisions of the FRC.

Of particular note, during the glitch process the Commission adopted the windborne debris designation for the Panhandle region of the State (from Escambia to Franklin counties), and adopted a new Exposure Category C definition to account for the effects of open terrain and large subdivisions.

It should be noted that there were no major glitches, and with the exception of hurricane provisions, the residential prescriptive design criteria, the Exposure C definition, and the Panhandle Windborne Debris Region designation, glitches were minor in nature, and the focus was on harmonizing the Florida Building Code with the 2006 International Building Code (IBC).

The Commission also resolved conflicts with ASCE7-02 and revised Chapter 16, the Structural Design, chapter of the Code, to be consistent with the IBC provisions.

2007 Florida Building Code Update Process

The adoption of the 2007 Florida Building Code (FBC) will represent the second update and third edition of the Code. This will be a major focus of the Commission in 2007 and represents initiation of

the triennial code update process for the 2007 Edition of the FBC. The 2006 Edition of the International Building Code (IBC) was published in March of 2006, and the Commission's process—which by law could not begin until six months after the printing and availability of the IBC—commenced in October of 2006 with selection of the 2006 I Codes as foundation for the 2007 Florida Building Code.

Florida Statute, Chapter 553.73(6), requires the Commission to update the Florida Building Code every 3 years; by selecting the most current version of the International Family of Codes; the commission may modify any portion of the foundation codes only as needed to accommodate the specific needs of this state, maintaining Florida-specific amendments previously adopted by the commission and not addressed by the updated foundation code. The Commission complied with this statutory requirement by selecting certain of the 2006 Editions of the I-Codes as the foundation code for the 2007 Code (Building, Residential, Mechanical, Plumbing, Fuel Gas, and Existing Building Codes). The Florida Electrical Code has already been updated with the Commission's adoption of the 2005 NFPA 70: National Electrical Code. The 2007 Edition of the Florida Building Code is scheduled to be implemented in October of 2008.

Energy Code Workgroup Recommendations

Chairman Rodriguez appointed an IECC Transition Study Workgroup as a result of discussions on amendments proposed to the Energy TAC and their subsequent recommendation that the proposed transition to the International Energy Conservation Code be evaluated and recommendations developed during the next code update process. The Workgroup was conducted as a facilitated stakeholder consensus-building process, and the Workgroup voted unanimously to recommend to the Florida Building Commission, that the Commission maintain the Florida Energy Code, and charge the Workgroup with reviewing the IECC code provisions and developing recommendations on which, if any, provisions should be adopted into the Code. In addition, the Commission seek legislative authority to allow the Commission to adopt the IECC as the foundation code, if the Commission determines it is in the best interest of the State.

Following are the Workgroup's consensus recommendations:

Phase I Recommendations

The Workgroup voted unanimously to recommend to the Florida Building Commission, that the Commission maintain the Florida Energy Code, and charge the Workgroup with reviewing the IECC code provisions and developing recommendations on which, if any, provisions should be adopted into the Code. In addition, the Commission should seek legislative authority allowing the Commission to adopt the IECC as the foundation code, if the Commission determines it is in the best interest of the State.

The Commission unanimously adopted the Phase I recommendations at the July 11, 2006 meeting in Hollywood, Florida.

Phase II Recommendations

Proposal EWG 3—13-601.1.A Prescriptive requirements specific to Method A. Windows shall meet the air infiltration requirements in Section 606.1 The area weighted average maximum SHGC for all glazed fenestration products (windows, doors and skylights) shall be 0.50.

The Commission will consider this, and all specific code amendments, during the 2007 Code Update cycle.

Termite Workgroup Recommendations

Chairman Rodriguez appointment a termite workgroup to consider proposals for enhancing the Code's termite provisions. The Workgroup was conducted as a facilitated stakeholder consensus-building process, and the Workgroup developed recommendations on proposed code amendments and enhancements to the existing termite provisions in the Florida Building Code.

In addition, the Workgroup voted to recommend against the approval of two code amendments regarding amendments requiring that: "In areas where Formosan termites have been identified, all structural members shall be composed of termite resistant material", with a corresponding definition of termite resistant material.

Of particular note is the collaboration between the Commission and the Department of Agriculture and Consumer Services (DACS) to review and propose revisions to the Code's termite provisions.

Following are the Workgroup's consensus recommendations:

Recommendations to Approve:

1. *The Workgroup voted unanimously, 7 – 0 in favor, to the following proposal in concept, with details to be worked out with the Structural TAC:
If wood treatment (pesticides applied to wood) is used for subterranean termite protection in new construction, wood areas disturbed or added after initial treatment shall be retreated with a wood treatment (pesticides applied to wood).*
2. The Workgroup agreed in concept that pipe sleeves should not be used for CPVC, and the issue should be reviewed by the Plumbing TAC. Pipe sleeving in general should also be reviewed for issues of corrosion, insulation, and termite damage, and the Code amended as needed.
Pipe sleeves shall not be used with CPVC, and require non-cellulose-containing material for pipe sleeves.
3. *The Workgroup agreed that the Structural TAC should review all noncellulosic materials used in construction (i.e., rigid foam insulation, insulated concrete forms (ICF), for use above and below grade), and develop recommendations to ensure termite protection is provided in the Code.*
The Commission will consider these, and all specific code amendments, during the 2007 Code Update cycle.

Recommendations Against Approval:

4. The Workgroup voted 1 – 6 in favor of recommending that the Commission approve the proposed modification to Section 1816.1 and R320.1 of the Code and related definitions, requiring that: "In areas where Formosan termites have been identified, all structural members shall be composed of termite resistant material", and the corresponding definition of "Termite Resistant Material: Pressure preservatively treated wood, heartwood of redwood, eastern red cedar, concrete, masonry, steel, or other approved material."
By a vote of 6 – 1, the Workgroup recommends that the Commission not approve this proposed amendment.
5. The Workgroup voted 1 – 6 in favor of AF&PA's proposal to adopt the IBC termite provisions, with Florida specific amendments.

By a vote of 6 – 1, The Workgroup recommends that the Commission not approve this proposed amendment, in favor of the existing FBC termite provisions.

Window Labeling Workgroup Recommendations

Chairman Rodriguez appointment a Window Labeling Workgroup whose purpose is to provide recommendations on how to provide building officials with needed information for conducting field inspections to ensure windows complies with the relevant wind pressure Code requirements. In addition, the workgroup was charged with considering issues related to window installation and water intrusion. The Workgroup developed recommendations to the Florida Building Commission regarding the window labeling provisions of the Florida Building Code. Following are the Workgroup's consensus recommendations:

Require a Supplemental Label, to be printed and applied by the manufacturer. The manufacturer's process for accurately applying supplemental labels shall be consistent with the certification program or quality assurance requirements. The supplemental label shall be consistent with any other labeling required by the appropriate Chapters (i.e., 17, R308, R613) of the Florida Building Code(s). All of the Commission approved product approval compliance options require supplemental labels.

There may be only one rating per reference standard per label for windows.

The Design Pressure (DP) (per 101/I.S.2 or TAS) is required on the supplemental label.

The DP must include positive and negative pressures on the supplemental label.

Provide a prescriptive section (by design pressure) in the Code, the manufacturer may chose to indicate on the supplemental label that there are manufacturer's instructions that prevail, and that the prescriptive section does not apply. The Code's prescriptive installation section will indicate that the prescriptive requirements are not required when the manufacturer indicates that their instructions prevail. Prescriptive requirements will prevail if manufacturer does not indicate on the supplemental label that detailed installation instructions are available.

The glazing thickness shall be required on the supplemental label.

If a window unit is impact rated, the impact rating shall be required on the supplemental label.

The product model/series number shall be provided on the permanent and supplemental labels.

The FL number or NOA shall be required on the supplemental label.

The maximum size shall be required on the supplemental label.

Garage Door and Shutter Workgroup Recommendations

Based on the Window Workgroup's recommendations, the Commission created a Garage Door and Shutter Labeling Workgroup, charged with developing recommendations regarding the labeling of garage doors and shutters. As with the Window Labeling Workgroup, the focus for the Garage Door and Shutter Labeling Workgroup will be to provide building officials, in a field useable format, with

the information they need to ensure that garage doors and shutters comply with the Florida Building Code. As with all Commission workgroups the Garage Door and Shutter Labeling Workgroup was conducted as a facilitated stakeholder participation process with consensus recommendations delivered to the Commission.

Following are the Workgroup's consensus recommendations:

Garage Doors

Garage Doors should be labeled with a permanent label.

The label shall be provided by the manufacturer.

The design pressure, positive and negative shall be on the label.

The manufacturer's product model/series number shall be provided on the label.

If the garage door is impact rated, the rating should be indicated on the label.

The installation drawings reference number shall be on the label.

The FL or NOA number shall be on the label, if the product has an FL or NOA.

The manufacturer's name shall be on the label.

The test standard(s) that the door was tested to shall be on the label.

The required components of the label may be listed using a check list format on the label, the correct boxes on the checklist can be marked by the installer.

The installation instructions must be provided and available on the job site.

Definition of garage door manufacturer: The party responsible for the completed assembly of the garage door components.

A definition should be provided in the Code for permanent label. The definition proposed is a label that is not easily defeatable.

Shutters—Impact Resistant Coverings

The Workgroup proposed to change the term shutters to “**impact resistant coverings**”, to conform with the Code.

A permanent label shall be required on impact resistant coverings.

The label shall be provided by the product approval holder.

The following is required to be included on the Label.

- ***PA Holder Name and Location***
- ***All Applicable Methods of Approval*** (possible methods could be)
Miami-Dade NOA; FBC 2004; TDI Product Evaluation; ICC-ES
- ***Qualifying Test Standard used for compliance*** (possible test standards could be)

TAS 201, 202, 203; SSTD 12-99 \geq 110 mph Wind zones;
ASTM E 1886/E 1996 Type D Wind zone I, II, II and/or IV;
ASTM E 330 (required for SSTD 12 and ASTM E 1996)

Installation instructions shall be provided and available on the job site.

The FL or NOA number shall be on the label if the product has an FL or NOA.

The Location of the Label shall be as follows:

- *Accordions: Bottom of the locking bar or center mate facing outside*
- *Rollup: On the bottom of the hood facing outside or on the bottom slat facing outside*
- *Bahama: Awning or Colonial Hinged- on the bottom, placed on the back of the shutter.*
- *Panels: For metal and plastic hurricane panels the label or embossed or printed spaced not more than every three (3) lineal feet on each panel applied by the PA holder and facing the outside.*
- *Framed products on the side or bottom facing outside.*
- *All other products facing outside.*

BUILDING CODE SYSTEM

Code Amendment Process Review Workgroup Recommendations (Phase I and Phase II)

Raul L. Rodriguez, AIA, Chair of the Florida Building Commission, appointed a Code Amendment Process Review Workgroup charged with representing their stakeholder group's interests, and working with other interest groups to develop a consensus package of recommendations for submittal to the Florida Building Commission.

The Code Amendment Process Review Workgroup tasked with a short-term (Phase 1) scope and a long-term (Phase II) scope. The scope of the Workgroup in the short-term was to make a recommendation regarding the 2007 Code Update schedule. The long-term focus of the Workgroup was to deliver recommendations to the Commission regarding proposed enhancements to the annual interim amendment and triennial code update processes.

The Commission voted unanimously to adopt the Code Amendment Process Review Workgroups' package of recommendations regarding the annual interim amendment, expedited, and triennial code update processes. Those requiring statutory changes are as follows:

Eliminate the annual interim process, maintain only the triennial and expedited processes. The expedited process can be implemented whenever needed. The criteria for the process would be amended to include updates and changes to federal/state laws.

Require the TAC's to review code change proposals two times (two TAC reviews prior to Commission consideration, beginning with rule development) during the Code development phase of the update process, prior to the Commission conducting Chapter 120 rule development, with a rule development workshop and rule adoption hearing, in the adoption phase of the update process.

The TAC's would review proposed code amendments, and after the 45 public comment period on the TAC's recommendations, the TAC would review and make recommendations regarding comments, and then the TAC's revised recommendations would be submitted to the Commission for their consideration in a rule development workshop and subsequently through a rule adoption hearing.

Maintain updates to FBC within 2 years (not more than 2 years) of new editions of the foundation codes and provide for adoption of equivalent product evaluation standards via rule 9B-72. (Establish a policy that the would ensure the updated Florida Building Code would go into effect a minimum of one year before the next edition of the foundation codes on which it is based.)

Recommend that the Florida Building Commission seek legislative authority requiring that the sizing of private sewage systems be governed by definitions provided in the Florida Building Code.

FBC and FFPC Duplicate Provisions and Overlapping Responsibilities

Assessment Summary

In order to consider how to address conflicts between the Florida Building Code and the Florida Fire Prevention Code, the Commission conducted an assessment of stakeholder views, and determined there is consensus that as a first step, the technical code provisions should be reviewed and any conflicts resolved between the FBC and the FFPC.

The Joint Building Fire Technical Advisory Committee (TAC) comprised of the Commission's Fire TAC and the State Fire Marshal's Florida Fire Code Advisory Council, convened a process to review the technical provisions and make recommendations for any code changes. The TAC reached consensus on the threshold issue of defining what constitutes a conflict. The Joint Fire TAC agreed to narrowly define "conflicts" to mean requirements that are mutually exclusive, that is, if by satisfying the requirements of one code it would preclude the ability to satisfy the other. It was decided that in most instances, provisions were not conflicts since it was possible to comply with the requirements of both codes, when complying with the requirements of either code. It should be noted that conflicts are generally resolved as a result of complying with statute, requiring resolving the conflict in favor of the provision that offers the greatest lifesafety, or alternatives that would provide an equivalent degree of lifesafety and an equivalent method of construction. The Joint Fire TAC identified the specific Code amendments which could not be resolved by this definition, and submitted proposed amendments for consideration by the Commission during the glitch cycle. The Joint Building Fire TAC continues to review issues related to any further partitioning of the codes, and the overlapping jurisdictional and enforcement issues during 2006.

The Florida Building Code and the Florida Fire Prevention Code, by design, contain overlapping technical provisions in order to ensure that buildings are designed and constructed with life-safety considerations as an integral part of both. In order to design buildings of certain size and occupancies both codes must be used together and one code may trigger the use of the other. In some instances the same provisions are in both codes, this is referred to as duplicate provisions.

In other instances one code may reference the other, and in a few cases the two codes have conflicting requirements. In addition, the enforcement of the two codes, from plans review through final inspection, involve building and fire officials at the local, and in the case of fire, sometimes at the State level.

The Joint Fire TAC and Fire Code Advisory Council met in October to consider how to clarify/resolve issues regarding the duplicate provisions and overlapping responsibilities between the Florida Building Code and the Florida Fire Prevention Code. The Joint TAC achieved consensus on the following policy in regards to overlapping responsibilities and code provisions between the FBC and FFPC.

Continue to utilize Florida Statutory provisions as the tool to resolve conflicts. Continue to review both codes to correct conflicts. There would continue to be consistent review of both codes.

In addition, the Joint TAC decided to meet in December to identify conflicts between the Codes. The Joint TAC debated whether to re-consider the narrow definition of “conflict” that was recommended to the Commission in 2005, where the TAC, but not the Commission, reached consensus on the threshold issue of defining what constitutes a conflict, where the Joint Fire TAC agreed to narrowly define “conflicts” to mean requirements that are mutually exclusive, that is, if by satisfying the requirements of one code it would preclude the ability to satisfy the other.” However, in light of the Commission’s policy decision, that conflicts between the codes should be identified and resolved on an ongoing basis, the Joint TAC decided to identify actual code conflicts at the December 2006 meeting and work to resolve any specific conflicts between the respective codes. The Joint TAC decided to resolve “real world” conflicts, and in that context determine whether to revise their recommendations to the Commission regarding the definition of conflicts.

Members were requested to review the two codes and the various documents that currently identify potential conflicts, and send their comments to DCA staff in advance of the December meeting.

PRODUCT APPROVAL SYSTEM

Product Approval Rule Amendments

With the significant enhancements to the Product Approval system implemented through revisions through Rule 9B-72, State Product Approval—details of the revisions were described in the 2006 Report to the Legislature—and the hiring of a Product Approval administrator to process applications, the Product Approval System is functioning more efficiently and user satisfaction, as determined by surveys, is very high.

The new revisions included clarifications to the Rule’s various provisions, and enhancements to the application review process including requiring additional supporting documentation. The Rule revisions include implementing the statutory requirement to remove provisions related to local approval from the State system. In addition, the rule revisions clarify the technical documentation required for compliance using testing and evaluation reports. Enhancements to the rule also included items such as requiring installation documents to be submitted for all compliance methods including the verification of the installation requirements by qualified entities.

Another major enhancement to the Product Approval system is the complete revamping of the website/database, using state-of-the-art computer software and web-design. The new website is more user friendly and provides formatting with screens that are more specific to the product model(s), and providing more detailed summary screens.

Since inception, the Commission has approved 2,393 product applications under the 2001 Florida Building Code, and 3,222 product applications under the 2004 Florida Building Code. In addition, the Commission approved 46 testing laboratories, 24 quality assurance entities, 7 accreditation bodies, 5 evaluation entities, 13 certification agencies, and 8 evaluation entities.

Product Approval System Statistics Through November of 2006

| | |
|-------------------------------------|--|
| Approved 2001 Applications | 2,393 |
| Approved 2004 Applications | 3,222 |
| Approved 2001 Products | 20,485 |
| Approved 2004 Products | 24,762 |
| Approved Testing Laboratories | 46 (Not Expired), 59 (Including Expired) |
| Approved Quality Assurance Entities | 24 (Not Expired), 29 (Including Expired) |
| Approved Accreditation Bodies | 7 (Not Expired) |
| Approved Evaluation Entities | 5 (Not Expired) |
| Approved Certification Agencies | 13 (Not Expired), 14 (Including Expired) |
| Approved Validation Entities | 8 (Not Expired), 20 (Including Expired) |

Product Approval Validation Workgroup Recommendations

In 2005 the Florida Building Commission convened the Product Approval Validation Workgroup to review the role of the third party validators in the product approval process, and to make recommendations back to the Commission regarding to what extent the validators should review the technical documentation substantiating compliance with the Florida Building Code. The Commission delivered these recommendations in their Report to the 2006 Legislature.

For 2006, the revised scope of the Workgroup was to work with stakeholders to review and develop consensus recommendations regarding the validation requirements/details for each of the four compliance methods, the degree of technical review required for the compliance options, and review the validation requirements for the certification agency compliance method. The Workgroup developed consensus recommendations on the validation provisions of The Product Approval System (Rule 9B-72 and relevant laws), and delivered them to the Commission.

Subsequently the Commission reviewed the Workgroup’s consensus recommendations, and today the Commission will be asked to accept the recommendations and refer the voted unanimously to accept the Product Approval Validation Workgroup’s recommendations regarding changes to the validation provisions of the Product Approval System, and refer the recommendations to the Product Approval POC to begin work on amending Rule 9B-72, the Product Approval Rule.

The following recommendations require statutory changes:

Require that the certification method of compliance for state product approval can only be used with products that have been tested to standards referenced in the Code, do not allow the certification method for products that have no test standard(s) referenced in the Code.

If validation is defined as a technical review, then the evaluation engineer does not need to be and independent third-party from the manufacturer. Manufacturer's engineer can do the evaluation, provided the engineer is a Florida PE or RA who has taken the core building code course.

Penalties for validators that incorrectly validate applications for product approvals shall be developed.

EDUCATION SYSTEM

The state building code system, first established in 1974, was overhauled in 1998 to improve its effectiveness. The Legislature recognized the effectiveness of the Florida Building Code depended on the various participants' knowledge of the codes. The Building Code Training Program was intended to improve compliance and enforcement by providing a focus for code-related education through coordination of existing training resources, including those of universities, community colleges, vocational technical schools, private construction schools and industry and professional associations.

Historically, the division of responsibilities and authority among statutorily independent agencies has limited the implementation of a successful training program on the Florida Building Code. Currently, the statutes parcel training on the Florida Building Code among the Building Code Education and Outreach Council, Department of Community Affairs, Department of Business and Professional Regulation, Florida Building Commission, and professional licensing boards. While the intent was to bring all parties together for consensus decisions, the parceling of responsibilities has created an extremely divisive, inefficient and nonproductive process.

Florida Building Commission/Department of Community Affairs

The Commission developed the Code "core curricula" courses, which all licensees must take once, with additional courses to be developed by educational institutions and private sector training providers. The licensing boards approve these "advanced" topics courses through their general continuing education approval programs. To assist the boards, and to comply with the Commission's oversight responsibilities for code education, the Commission created an electronic Course Accreditation Program to review advanced building code courses developed by private providers for compliance with the Florida Building Code and its processes. The Commission approves "course accreditors," individuals with expertise in the Florida Building Code, to review the courses and ensure 100% compliance with the most current edition of the Florida Building Code. After the course has been reviewed by the accreditor and approved by the Commission, the provider receives an electronic approval, which is then submitted to the Department of Business and Professional Regulation as part of the continuing education course application process.

Since its original implementation in March 2002, the Florida Building Code has undergone extensive revisions each year to address hurricane, glitch, and legislative issues. The revisions, coupled with course approval administrative processes, have negatively impacted the ability of course providers to deliver training courses on the most current code in a timely manner. See the Commission proposal to eliminate the annual amendment process, maintaining only the triennial and expedited processes.

Department of Business and Professional Regulation/Licensing Boards

The licensing boards are mandated to adopt the specific number of hours in specialized or advanced courses their licensees are required to take on the Florida Building Code. The majority of the boards initially adopted “zero” as the number of required hours. After the Joint Administrative Procedures Committee challenged “zero” as a number, and consistent with the Legislature’s intent, the boards then adopted rules to require “one” or “two” hour(s) of training on the Florida Building Code each license renewal cycle.

Continuing education courses, including advance courses on the Florida Building Code, are approved for three (3) years by the licensing boards. . The Commission requires all advance courses be updated and accredited to comply with the latest version of the Code, including all updates and revisions that address glitches or Legislative mandates. The licensing boards rely on the continuing education providers to update other Code-related courses, but do not actively ensure the Code-related courses are updated until the three-year expiration date. Since the advance Code courses approved by the Commission represent only a small portion (1/14, 1/10, etc.) of the number of continuing education hours, there is reason to be concerned about how courses, other than those approved by the Commission, impact the construction industry on a day-to-day basis. Do the providers update the outdated course material? Based on the unwillingness exhibited by providers when informed they would be required to update the advance courses, the answer is “no.” If these courses are not being updated to the current adopted Code, how and when are licensees trained on the new requirements? Are implementation and enforcement of new codes delayed in some jurisdictions until the outdated continuing education courses expire?

Building Code Education and Outreach Council

The Building Code Education and Outreach Council, composed of representatives of the licensing boards, Florida Building Commission, Office of the State Fire Marshal, and K-12 public school construction was created to break the five-year impasse that existed on code training. The intent was to discuss substantive issues that impacted all parties at the Council and forward Council recommendations to the individual boards and Commission for action. Unfortunately, the same turf issues that had restricted the Commission from developing an effective program were brought forth to the Council.

The statutory requirement to submit advance courses through both the Florida Building Commission and individual licensing boards for review and action has extended the course approval time frame a minimum of 4-6 weeks, depending on the Commission and Board meeting schedules, for original applications.

Building Code Education Recommendation

Place the sole authority and responsibility for training on the Florida Building Code under one entity. The current parceling of authority and responsibility makes everyone, and no one, accountable for an effective training program.

Manufactured Buildings Program

The Manufactured (Modular) Buildings Program is authorized under Chapter 553, Part I F.S. and Rule 9B-1, FAC, and regulates all factory-built buildings constructed to the Florida Building Code (FBC), of closed construction (excluding HUD standard mobile homes). All approved buildings must bear the Department of Community Affairs (DCA) Insignia, which attests to compliance with the FBC prior to leaving the factory.

Certification of manufacturers' facilities, quality assurance manuals, plan reviews, product approval and in-plant inspections of modular buildings are performed by state approved Third Party Agencies, licensed under the Department of Business & Professional Regulation, and acting as an agent for the State.

The sale of modular buildings in Florida is a multi-hundred million dollar industry, largely due to State growth and hurricanes, exemplified by the FY06-07 sales of DCA insignias as follows:

| | |
|----------------------|--------|
| Storage Sheds | 47,604 |
| Portable Classrooms. | 3,138 |
| Residential | 1,488 |
| Commercial | 2,900 |
| Recertifications | 175 |

In 2006, the Commission conducted rulemaking changes to the Manufactured Buildings Rule 9B-1, FAC. The changes were intended to clarify the programmatic procedures of the Manufactured (Modular) Buildings Program. These changes include refinements to the following sections of the rule: Procedures; Definitions; Fees; Inspections & Insignias.

In addition, the Manufactured Buildings Program module on the Building Code Information System (BCIS) will undergo a major update in early 2007 to reflect rule and programmatic changes in a new more user friendly format. A collaborative initiative between DCA and the Building Code Administrators and Inspectors Board will result in rule change(s) in 2007 to allow more licensees to conduct plan reviews and inspections of modular buildings.

Prototype Building Program

The Florida Prototype Building Program (FPBP) is a plan review and approval system that allows businesses to simplify the permitting process across the state. Buildings and structures to be constructed multiple times in different locations can undergo plan review once, saving time, money and effort. Authorized by Florida Statute 553.77 in 2000, the program came on-line May 12, 2003 as part of the Department of Community Affairs' Building Code Information System website: www.floridabuilding.org.

The Prototype Building Program is administered by the IntraRisk Division of Applied Research Associates, Inc., (ARA) from its Orlando, Florida office. ARA was selected in 2003 and again in 2005 by the Florida Building Commission to be the FPBP Program Administrator. Since the introduction of the Program a number of challenges have been successfully handled and others remain to be resolved.

One of the first goals of the Program was to inform the designers and developers/builders of the availability and potential benefits of the Prototype Building Program. Because it was a revolutionary new program, the Program met with resistance from some building departments and skepticism from potential users. Several concerns identified by the building departments stemmed from their experiences with “Master Plans” filed at the local level. Building departments were also concerned with having the Prototype Plans properly reviewed. Some building departments questioned an “outside” organization’s capability of doing the job correctly. Designers of commercial buildings were among the first to express interest in the Prototype Program. To date, the Program has had one-hundred and nine (109) prototype plan use requests, and five (5) plan reviews have been conducted.

2006 LEGISLATIVE ASSIGNMENTS

Rules for Appeal of Building Official Decisions/Binding Interpretations

At the request of the Commission, the 2006 Florida Legislature created Section 9, Section 553.775 to provide the Commission with the authority to issue binding interpretations.

The system requires the Commission in coordination with the Building Officials Association of Florida (BOAF) to designate a panel consisting of five members to hear requests to review decisions of local building officials. The newly implemented web-based process is in place and administered by BOAF.

As mandated by F.S., the Florida Building Commission adopted an administrative rule which clarifies the interpretation/appeal process and adopts by reference the electronic/website components of the process. The electronic/website allows users to submit their application electronically and also search for binding interpretations electronically. Further, as directed by F.S., the Florida Department of Community Affairs has contracted with the Building Official Association of Florida to administer the process. To date, there have been few binding interpretations completed through the new process. However, as users get more familiar with the process, it is expected that the number of binding interpretations will increase. Attached are flow charts which delineate the steps of the binding interpretation process including flowcharts for other interpretations processes authorized by statute.

In addition, the legislation mandated that the Commission establish an informal process for rendering nonbinding interpretations of the Florida Building Code. The Commission has adopted a process for nonbinding interpretations, which is also detailed in the flowchart attached to this Report.

Panhandle Windborne Debris Region Designation

The 2005 Florida Legislature debated whether to revise the definition of the windborne debris region along the panhandle coast from Franklin County to the Alabama border and determined further study was warranted. It directed the Florida Building Commission to review the effects of Hurricane Ivan on damage caused by windborne debris and other data, and in conjunction with building officials from the impacted areas, to develop a recommendation for consideration by the 2006 Legislature.

On September 13, 2005 the Commission conducted the first workshop which was held at the Okaloosa County Airport, for the purpose of soliciting input from local building officials and other stakeholders in the Panhandle region of the State. At the conclusion of the workshop, there was consensus for the

strategy of conducting a study on the treed environment effects and historical wind data effects, in order to provide additional data for consideration in developing recommendations to the Legislature.

It should be noted, that although the building officials from the Florida Panhandle expressed strong support for the study, most agreed that changes were not warranted at that time to the definition of the windborne debris region of the Florida Panhandle region. The local building officials' comments ranged from most damage was related to surge and not windborne debris, to the Panhandle is a unique environment that ASCE 7 does not adequately reflect, to extra windborne debris protection should be voluntary and not mandatory, to mandatory protection will increase the cost of already unaffordable housing in the region.

Subsequent to the Panhandle workshop, at the October 2005 meeting, the Commission voted unanimously to request budgetary authority to contract with a consultant to conduct an engineering based risk assessment of hurricane windborne debris protection options for the Panhandle in order to analyze the risks, costs, and benefits of windborne debris protection for the region. The research focused on factors unique to the Panhandle region including treed areas inland of the coast, and consider historical wind data effects. The requested funding authorization was approved, and the consultant (ARA) updated the Commission at the February 2006 meeting.

At the February 2006 Commission meeting, the consultant reported that the goal of the study was to perform wind tunnel tests for houses located in treed environments characteristic of the Florida Panhandle, and to develop computer models for analysis of wind borne debris protection effects for representative Panhandle houses. The consultant subsequently updated the wind-borne debris model and conducted wind tunnel tests designed to perform hurricane simulations of the representative houses located at various positions in the Panhandle, designed to evaluate building damage and loss with and without windborne debris protection. The consultant conducted wind tunnel tests, analyzed hurricane data, and modified computer models.

At the conclusion of the Panhandle Study update provided at the February 2006 meeting, the Commission voted unanimously to recommend that the Legislature remove the Panhandle Windborne Debris Region definition from law, thereby authorizing the Commission to adopt a new definition within the Code by rule.

The Commission expressed a commitment to work with stakeholders to develop consensus on a new definition to be developed and adopted by rule into the Code, and to that end, the Commission conducted a second Panhandle region workshop on February 16, 2006, where stakeholders were presented with an update on the research project's status and the Commission's recommendation to the Legislature.

It should be noted that the Commission's decision to proceed with a regional strategy, is consistent with State policy of recognizing that Florida is a diverse State geographically and climatically, and risks are not uniform throughout the State. On this basis, the Florida Building Code and National Engineering Standards consider requirements specific to different regions of the State, when and where appropriate, such as, the High Velocity Hurricane Zone (HVHZ) provisions of the Code specific to Miami-Dade and Broward counties in Southeast Florida, and variations of design wind speeds relative to proximity to Florida's coasts. In addition, the Commission has always advised that Code should be

developed by the Commission in a consensus process and not written into law.

At the conclusion of the 2006 Legislative session, SB 1774 passed and the Panhandle Windborne Debris Region exemption was removed from law, and the Commission, as requested, was authorized to designate the Panhandle Windborne Debris Region based on the ARA modeling. The Commission was also authorized to use only Chapter 120 requirements for rule adoption, and the rule must take effect no later than May 31, 2007.

At the March 2006 meeting, Dr. Larry Twisdale and Dr. Peter Vickery provided the Commission with an overview of results from Phase I of the Study, the Wind Tunnel Test.

At the May meeting Dr. Larry Twisdale and Dr. Kurt Gurley updated the Commission on additional results regarding the Study and answered member's questions.

At the June 19, 2006 meeting, Dr. Larry Twisdale and Dr. Kurt Gurley presented their final report and recommendations, responded to clarifying questions, and then public comment was taken by the Commission. At the conclusion of public comment, the Commission participated in a facilitated discussion and made a decision on the Panhandle Windborne Debris Region definition.

At the July 2006 meeting, the Commission conducted a second supplemental rule development workshop, where we considered public comments, approved some primarily editorial revisions to approved amendments, and voted unanimously to proceed with rule adoption for Rule 9B-3.047, the Florida Building Code Rule, integrating and noticing the approved changes.

At the August 2006 meeting the Commission conducted a rule adoption hearing and after public comment voted to proceed with rule adoption integrating the 130 mph contour as the Windborne Debris Region designation in the Panhandle, including all areas within 1500 feet of the Inland Bays that are not within the 130 mph contour.

In addition, the Commission voted unanimously to adopt the Hurricane Research Advisory Committee's recommendation to continue with Phase II of the windborne debris study, as recommended by ARA, including post hurricane assessments of windborne debris damages resulting from any 2006 storms. The recommendation is to conduct a research study, with the results serving as the basis for a 2008 Statewide implementation of windspeed/terrain-dependent WBD criteria.

Exposure Category C Definition

The 2005 legislative removed the definition of "exposure category C" as defined in section 553.71(10), Florida Statutes, and authorized the Commission to make recommendations for a new definition that more accurately depicts Florida-specific conditions by rule. The Commission worked with stakeholders to develop consensus on a definition that was adopted through the glitch code cycle process. The new definition is as follows:

Exposure C. Open terrain with scattered obstructions, including surface undulations or other irregularities, having heights generally less than 30 feet (9144 mm) extending more than 1,500 feet (457.2 m) from the building site in any quadrant. This exposure shall also apply to any building located within Exposure B-type terrain where the building is directly adjacent to open areas of Exposure C-type terrain in any quadrant for a distance of more than 600 feet (182.9 m). Short term (less than two year) changes in the pre-existing terrain exposure, for the purposes of development, shall not be considered open fields. Where development build out will occur within 3 years and the resultant condition will meet the definition of Exposure B, Exposure B shall be regulating for the purpose of permitting. This category includes flat open country, grasslands and ocean or gulf shorelines. This category does not include inland bodies of water that present a fetch of 1 mile (1.61 km) or more or inland waterways or rivers with a width of 1 mile (1.61 km) or more. (See Exposure D.)

2006 COMMISSION PROJECTS OVERVIEW

Commission Legislative Liaison Process

As a result of the recommendations the Commission approved from the Building Code System Assessment project was to consider a method/process for enhancing the Commission's ability to represent their legislative interests. The Chair informed the Commission that he have discussed the issue with DCA staff and legal, and has decided to initiate a bi-weekly conference call during session. The conference calls will be noticed as a meeting of the Commission and members will get an update from staff on the status of the Commission's legislative agenda as well as other issues of interest to the Commission. In addition, the Commission will be able to discuss and develop recommendations and provide ongoing guidance to staff as appropriate, throughout the Session. The Chair noted that the Commission may also decide to invite legislators and others to participate. The conference calls will be scheduled on Monday's, thereby allowing for legislators to participate, and the Commission to weigh-in on issues coming up for consideration in the following weeks.

Coordination of the Elevator Code and 2007 Florida Building Code updates with the Department of Business and Professional Regulation and The Elevator Advisory Council

DCA and the Commission are working through the Fire and Special Occupancy TAC's to amend the Florida Building Code to be consistent with statutory requirements of Chapter 399 governing elevators. The goal is to implement updates through the 2007 Code Update cycle currently in process.

Implementation of Electrical Requirements of the Energy Efficiency Code

The Commission convened a Forum on Energy Code Electrical Requirements Enforcement that was convened to review concerns and discuss issues related to implementation of Energy Code electrical requirements from an enforcement perspective. The issue is to enhance education and awareness of the Florida Energy Efficiency Code for Building Construction and electrical load management. These requirements were adopted over 15 years ago, and it appears that some regions of the State have not been enforcing the provisions. Attendees identified the following issues and options:

Issues

Education and training.
Enforcement and inspections including reviewing their authorities.
Design professionals involvement.

Ideas to Implement

Building Code Education and Outreach Council needs to be involved and address.
FES and BOAF needs to be contacted.
Include in the UF needs study regarding education issues.
FBC/DCA letter to building departments reminding them they are required to enforce the Energy Code and the electrical provisions of the Energy Code.
Website notifications regarding requirements to enforce Energy Code and electrical provisions of the Energy Code.
Develop training materials/classes on the subject(s).
Education and training initiatives should be designed and implemented.
Inspectors qualifications and authorities to enforce should be reviewed and addressed.
Design professionals need to be educated and include provisions in their designs.

The participants recommended that the Commission charge DCA staff with developing a workplan to implement the education and outreach recommendations for enforcing the Energy Code's electrical provisions.

The Commission voted unanimously to charge DCA staff with developing a workplan to implement the education and outreach recommendations for enforcing the Energy Code's electrical provisions.