

FLORIDA BUILDING COMMISSION

DEPARTMENT OF BUSINESS AND  
PROFESSIONAL REGULATION  
DIVISION OF PROFESSIONS



PROCEDURAL POLICIES AND  
GUIDELINES

COMMISSION PROCEDURAL POLICIES

(ADOPTED UNANIMOUSLY MAY/JUNE 1999)

## FLORIDA BUILDING COMMISSION REPRESENTATION AND CONSENSUS PROCESS

**COMMISSION REPRESENTATION.** The Florida Building Commission is a 25 member Governor appointed stakeholder group who successfully created, implemented, and maintains the statewide Florida Building Code, which became effective in 2002. The Commission is comprised of the Governor's Chair, and 24 members appointed according to criteria established by the American National Standards Institute (ANSI) for representation. They are as follows: in the *general interest category*: four code officials, two state government representatives, a local government representative, a representative of persons with disability, and a representative of the green building industry; in the *consumer category*: an architect, a structural engineer, a mechanical or electrical engineer, representatives of fire protection technology, the building management industry, and the insurance industry; and in the *producer category*: a general contractor, residential contractor, mechanical contractor, plumbing contractor, electrical contractor, roofing/sheet metal/air conditioning contractor, a manufactured building representative, a building product manufacturer, and a swimming pool contractor.

**CONSENSUS PROCESS.** The Florida Building Commission (FBC) seeks to develop consensus decisions on its recommendations and policy decisions. General consensus is a participatory process whereby, on matters of substance, the members strive for agreements which all of the members can accept, support, live with or agree not to oppose. In instances where, after vigorously exploring possible ways to enhance the members' support for the final decision on substantive decisions, and the Commission finds that 100% acceptance or support is not achievable, final decisions require at least 75% favorable vote of all members present and voting. This super majority decision rule underscores the importance of actively developing consensus throughout the process on substantive issues with the participation of all members and which all can live with and support.

The Commission's consensus process is conducted as an open public process with multiple opportunities for the public to provide input to the Commission on substantive issues.

At each Commission meeting, the public is welcome to speak during the public comment period provided for each substantive issue under consideration, as well as general public comment periods provided at the end of each day's meeting. In addition, most substantive issues before the Commission go through a workgroup process where consensus recommendations are developed by appointed representative stakeholder groups, providing additional opportunities for public input. Workgroup recommendations approved by the Commission usually require rule development to implement, affording at least two additional entry points for public comment.

Since its formation in July of 1998, The Commission has demonstrated a commitment to working with affected interests to build consensus on complex issues. The adoption of the first edition of the Florida Building Code (2001 Edition), developed from September 1998 through January of 2001, involved 27 Commission meetings, dozens of facilitated public workshops, and hundreds of TAC meetings. The Commission has consistently worked with all affected interests to build the best possible consensus-based decisions for the citizens of Florida. Through its committees and workgroups comprised of experts, the Commission has always developed its decisions based on the results of the best engineering and science available. Although the Code is by law a minimum building code, the Florida Building Code is the strongest consensus and science based building code in the country. In summary, the Florida Building Commission provides a forum for stakeholders representing different interests to participate in a consensus-building process where issues affecting the construction industry are discussed and evaluated on their technical merits and cost-benefits to the citizens of the State of Florida

## CONSENSUS DEFINITIONS

**CONSENSUS DEFINITIONS.** Consensus is a **process, an attitude and an outcome**. Consensus processes have the potential of producing better quality, more informed and better-supported outcomes.

As a **PROCESS**, consensus is a problem solving approach in which all members:

1. Jointly share, clarify and distinguish their concerns;
2. Educate each other on substantive issues;
3. Jointly develop alternatives to address concerns; and then
4. Seek to adopt recommendations everyone can embrace or at least live with.

In a consensus process, members should be able to honestly say:

- I believe that other members understand my point of view;
- I believe I understand other members' points of view; and
- Whether or not I prefer this decision, I support it because it was arrived at openly and fairly and because it is the best solution we can achieve at this time.

Consensus as an **ATTITUDE** means that each member commits to work toward agreements that meet their own and other member needs and interests so that all can support the outcome.

Consensus as an **OUTCOME** means that agreement on decisions is reached by all members or by a significant majority of members after a process of active problem solving. In a consensus outcome, the level of enthusiasm for the agreement may not be the same among all members on any issue, but on balance all should be able to live with the overall package. Levels of consensus on a committee outcome can include a mix of:

- Members who strongly support the solution;
- Members who can "live with" the solution; and
- Some Members who do not support the solution but agree not to veto it.

## COMMISSION’S DECISION-MAKING THRESHOLD OVERVIEW

The Florida Building Commission (FBC) will seek consensus decisions on its recommendations and policy decisions. General consensus is a participatory process whereby, on matters of substance, the members strive for agreements which all of the members can accept, support, live with or agree not to oppose. In instances where, after vigorously exploring possible ways to enhance the members’ support for the final decision on substantive decisions, and the Commission finds that 100% acceptance or support is not achievable, final decisions will require at least 75% favorable vote of all members present and voting. This super majority decision rule underscores the importance of actively developing consensus throughout the process on substantive issues with the participation of all members and which all can live with and support.

COMMISSION’S* DECISION-MAKING VOTING THRESHOLD REQUIREMENTS	
Policy Decisions	75%
Substantive Decisions	75%
All Non-Procedural Decisions	75%
Approval of Agendas, Minutes and Reports, etc.	75%
Procedural Decisions (reconsider/ table, etc.)	51%
Declaratory Statements	51%
Accessibility Waiver Requests	51%
Product and Entity Approvals	51%
<i>*Applies to all Commission committees (TACs/POCs/Workgroups/ Ad Hoc, etc.)</i>	

### RULE 9N-2.002

(10) The Commission and all of its Committees will utilize *Robert’s Rules of Order*\* to make and approve motions except as provided in subsection (11).

(11) Resolution of petitions for declaratory statement shall be resolved as provided in Chapters 120 and 28, F.A.C., upon a vote of the majority of Commissioners or Committee members present. Resolution of petitions for waiver of accessibility requirements shall be resolved as provided in Chapter 9B-7, F.A.C.

(12) In all other matters, excepting procedural motions, a 75% supermajority voting requirement will supercede the normal voting requirements used in Robert’s Rules of Order for decision making on all motions. The Commission and all of its Committees shall only consider motions to approve and not consider motions to deny. In addition, the Commission and all of its Committees shall utilize their adopted *Meeting Guidelines*\*\* for conduct during meetings.

*\*Robert’s Rules of Order allows the Commission to revise their procedural rules as desired.*

*\*\* The Commission’s adopted Meeting Guidelines provides detail regarding the Commission’s adopted procedural policies and guidelines.*

## COMMISSION'S ADOPTED PROCEDURAL POLICIES AND GUIDELINES

### COMMISSION'S ADOPTED MEETING GUIDELINES

(Adopted Unanimously May/June 1999)

The Florida Building Commission (FBC) will seek consensus decisions on its recommendations and policy decisions. General consensus is a participatory process whereby, on matters of substance, the members strive for agreements which all of the members can accept, support, live with or agree not to oppose. In instances where, after vigorously exploring possible ways to enhance the members' support for the final decision on substantive decisions, and the Commission finds that 100% acceptance or support is not achievable, final decisions will require at least 75% favorable vote of all members present and voting. This super majority decision rule underscores the importance of actively developing consensus throughout the process on substantive issues with the participation of all members and which all can live with and support.

The Commission will develop its recommendations and substantive policy decisions using consensus-building techniques with the assistance of the facilitator. Techniques such as brainstorming, ranking and prioritizing approaches will be utilized.

The Commission's consensus process is conducted as an open public process consistent with applicable law. Commission members, staff, and facilitator will be the only participants seated at the table. Only Commission members may participate in discussions and vote on proposals and recommendations. The Chair, or a Commission member through the Chair, may request specific clarification from a member of the public in order to assist the Commission in understanding an issue. Observers/members of the public are welcome to speak during the public comment period provided for each substantive issue under consideration, as well as general public comment periods provided at the end of each day's meeting.

The Facilitator will work with DBPR (f.k.a. DCA) staff and Commission members to design agendas and processes that will be both efficient and effective. The DBPR (DCA) staff will help the Commission with information and meeting logistics.

To enhance the possibility of constructive discussions as members educate themselves on the issues and engage in consensus-building, members agree to refrain from public statements that may prejudice the outcome of the Commission's consensus process. In discussing the Commission process with the media, members agree to be careful to present only their own views and not the views or statements of other participants. In addition, in order to provide balance to the Commission process, members agree to represent and consult with their stakeholder interest groups.

## **PARTICIPATION GUIDELINES**

(Adopted Unanimously May/June 1999)

### **COMMISSION CHAIR**

- Provide leadership and guidance to commission members, staff, stakeholders and general public.
- Provide commitment to the consensus-building process.
- Participate directly in the substantive process of seeking agreement on recommendations.
- Ensure a fair process during which all perspectives are considered.
- Enhance the opportunity for consensus building encouraging constructive discussions among the members.
- Maintain neutrality, managing meetings to help maintain the flow.
- Consult with legal staff and facilitator to resolve any procedural issues.
- Consult with senior staff and facilitator to design agendas and meeting processes that will be both efficient and effective.
- Assign staff and facilitator to provide needed information and documentation.
- Appoint all TAC, POC, workgroup and ad hoc committee members, including chairs.

### **COMMISSION AND COMMITTEE MEMBERS**

- The Commission's meeting process is an opportunity to explore possibilities. Offering or exploring an idea does not necessarily imply support for it.
- Listen to understand. Seek a shared understanding even if you don't agree.
- Be focused and concise—Balance participation and minimize repetition. Share the airtime.
- Look to the Chair or Facilitator to be recognized. Please raise your hand to speak.
- Speak one person at a time. Please don't interrupt each other.
- Focus on issues, not personalities. Avoid stereotyping or personal attacks.
- To the extent possible, offer options to address other's concerns, as well as your own.
- Represent and communicate with member's constituent group.

### **FACILITATOR**

- Design and facilitate a participatory and fair meeting process.
- Provide consensus-building and conflict resolution guidance.
- Enhance the opportunity for consensus building encouraging constructive discussions among the members, and that all perspectives are considered.
- Assist members to stay focused and on task.
- Facilitate public participation and input.
- Prepare agenda packets and provide meeting summary reports.

### **MEMBERS OF THE PUBLIC**

- Respect meeting process and guidelines.
- Provide input during provided comment opportunities.
- Consult and provide input to their representative stakeholder members to enhance the efficacy of the process.

**GUIDELINES FOR BRAINSTORMING**

- Speak when recognized by the Chair/Facilitator.
- Offer one idea per person without explanation.
- No comments, criticism, or discussion of other's ideas.
- Listen respectfully to other's ideas and opinions.
- Seek understanding and not agreement at this point in the discussion.

**THE NAME STACKING PROCESS**

- Determines the speaking order.
- Participants raise hand to speak. Chair/Facilitator will call on participants in turn.
- Chair/Facilitator may interrupt the stack (change the speaking order) in order to promote discussion on a specific issue or, to balance participation and allow those who have not spoken on a issue an opportunity to do so before others on the list who have already spoken on the issue.

**ACCEPTABILITY RANKING SCALE**

During the meetings, members may be asked to develop and rank options, and following discussions and refinements, may be asked to do additional rankings of the options if requested by members and staff. Please be prepared to offer specific refinements or changes to address your reservations. The following scale will be utilized for the ranking exercises:

<b>ACCEPTABILITY RANKING SCALE</b>	<i>4= acceptable, I agree</i>	<i>3= acceptable, I agree with minor reservations</i>	<i>2= not acceptable, I don't agree unless major reservations addressed</i>	<i>1= not acceptable</i>
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**PRIORITIZATION RANKING SCALE**

- 5 Highest Level of Priority—Urgent
- 4 High Priority
- 3 Moderate Level of Priority
- 2 Low Level of Priority
- 1 Lowest Possible Priority—Council Should not Pursue

<b>Topic</b>	<b>Rank</b>	<b>5</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>1</b>	<b>Raw Score</b>
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## **FLORIDA BUILDING COMMISSION CONSENSUS-BUILDING AND DISCUSSION PROCESS**

(Adopted Unanimously October 14, 2008)

The Commission seeks to develop consensus-based policy decisions and recommendations. General consensus is a participatory process whereby, on matters of substance, the members strive for agreements which all of the members can accept, support, live with or agree not to oppose. In instances where, after vigorously exploring possible ways to enhance the members' support for a final decision on an issue and the Commission finds that 100% acceptance or support is not achievable, final decisions will require at least 75% favorable vote of all members present and voting. This super majority decision rule underscores the importance of actively developing consensus throughout the process on substantive issues with the participation of all members and which all can live with. In instances where the Commission finds that even 75% acceptance or support is not achievable, publication of recommendations will include documentation of the differences and the options that were considered for which there is more than 50% support from the Commission.

The Commission develops its decisions and recommendations using consensus-building techniques with the assistance of the Facilitator (i.e., brainstorming, acceptability ranking, prioritization, etc).

The Commission's consensus process is conducted as an open process consistent with applicable law and rule. Commission members, staff, and facilitator are the only participants seated at the table, and only Commission members may vote on proposals and recommendations. To the extent reasonable, on each substantive issue the Commission shall identify and evaluate the full range of options prior to offering a formal motion. This ensures that the Commission makes the best possible decision informed by the public's and Commissioner's perspective on the issue and range of alternatives.

### **Substantive Discussion Issue Process Overview**

- Issue is presented to the Commission,
- TAC, POC, Workgroup, Ad Hoc, or staff recommendations are presented,
- Commission asks clarifying questions (addresses a specific point that is not understood),
- Commission identifies any additional options they want discussed/evaluated,
- Public is provided an opportunity to comment on the options, and/or to offer alternative options for Commission consideration,
- Commission discusses the range of options,
- A motion is made for a specific action on the issue,
- Commissioners may, through the Chair or Facilitator, request clarification from the public,
- If the motion involves an option the public has already provided input on, then the vote is taken following any additional Commission discussion; if the proposed action (motion) is materially different from what was previously discussed, an additional opportunity is provided for public comment, and then the Commission votes on the motion.

To enhance the possibility of constructive discussions as members educate themselves on the issues and engage in consensus-building, members agree to refrain from public statements that may prejudge the outcome of the Commission's consensus process. In discussing the Commission process with the media, members agree to be careful to present only their own views and not the views or statements of other participants. In addition, in order to provide balance to the Commission process, members agree to represent and consult with their stakeholder interest groups to the extent feasible.



**FLORIDA BUILDING COMMISSION**  
**PUBLIC INPUT ON COMMISSION DISCUSSION PROCESS**  
(Adopted Unanimously October 14, 2008)

Discussion item is introduced and any background information provided. If there is a specific action requested of the Commission, the proposal is summarized and any rationale provided.

Chair or Facilitator asks Commission members only for clarifying questions (a clarifying question addresses a specific point that is not understood, and should not indicate support or opposition to the proposal).

After questions, the Chair or Facilitator opens the issue up for discussion. All Commission members wishing to speak must raise their hand(s) and be acknowledged by the Chair/Facilitator prior to speaking. Commission adopted meeting guidelines are in effect at all times.

Following Commission's preliminary discussion on a substantive issue, the Chair or Facilitator asks if any members of the public wishes to address the Commission on the current issue under Commission consideration. Members of the public will be provided one opportunity to comment per discussion/agenda item, and may be time limited depending on number of people wishing to speak and number of issues on the agenda. The Facilitator serves as the moderator for public input. The Facilitator asks for those who wish to speak in favor of the proposal or topic under discussion to offer brief comments, others who wish to speak in favor are asked to offer new points or simply state agreement with previous speakers. The same opportunity and requirements are offered for those who wish to speak in opposition to the proposal or topic under discussion. In addition, the public may offer alternative options for Commission consideration. The Facilitator ensures that the full range of views are expressed and similar views are not repeated. Members may, through the Chair/Facilitator, ask clarifying questions to members of the public offering comments. This process is used for substantive issues and not for procedural matters before the Commission.

After discussion and public comment, a Commission member may offer a motion for an action on the issue. If there is a second to the motion the Chair/Facilitator calls for discussion. Once a motion is made and seconded, the discussion is restricted to only Commission members unless the Chair/Facilitator requests specific clarification from a member of the public. Commission members may request specific clarification from a member of the public through the Chair/Facilitator at any time. A member may wish to second a motion for the purpose of Commission discussion and not necessarily as a show of support for the motion. If the motion involves an option that the public has already commented on, then the vote is taken, if the proposed action (motion) is materially different from what was previously discussed, an additional opportunity is provided for public comment, and then the Commission votes on the motion.

Only motions to approve are considered. If there is no motion after discussion the requested action is not approved, and "dies" for a lack of a second.

In addition, members of the public are welcome to provide input to the Commission during the public comment period provided at each meeting, and all comments submitted on the blue "Public Comment" forms provided at each meeting are included in the Facilitator's summary reports.

## MEETING PROCESS FORMAT GUIDELINES

- Chair/Facilitator introduces each agenda item.
- Proponent/Presenter provides overview, rationale for proposal, and any requested action.
- Clarifying questions from members (something you don't understand). Names stacked.
- Council begins discussion only after all questions are answered.
- General discussion by Council members.
- Facilitator asks if any members of the public wishes to address the Council on the current issue under board/committee consideration
- Facilitator asks for those who wish to speak in favor of the proposal or topic under discussion to offer brief comments, others who wish to speak in favor will be asked to offer new points or simply state agreement with previous speakers.
- The same opportunity and requirements will be offered for those who wish to speak in opposition to the proposal or topic under discussion.
- Facilitator ensures that all views are expressed and similar views are not repeated.
- Facilitator may instruct public to avoid repeating points, and to summarize key points and to submit lengthy prepared statements into the record (instead of reading them).
- Members of the public will be provided one opportunity to comment per discussion agenda item, and may be limited to three (3) minutes.
- Members may, through the chair, ask clarifying questions to members of the public offering comments.
- After public comment, facilitator calls for members' discussion and stacks names of members wishing to speak.
- Members explore all options (pros and cons) prior to making a formal motion.
- Any voting member may make a motion when a quorum is present. Requires a second.
- If a motion is seconded, the facilitator opens the floor for discussion. The Facilitator will recognize members wishing to speak on the motion.
- If the motion involves an option that the public has already commented on, no additional public comment is taken. If the proposed action (motion) is materially different from what was previously discussed, an additional opportunity is provided for public comment, and then the Council votes on the motion.
- Once a motion is on the floor discussion is restricted to Council members except as allowed by the chair for purposes of clarification.
- Council member offers a second (may be seconded for purposes of discussion, and not necessarily due to agreement with the motion).
- Council members may offer friendly amendments and if accepted by maker of the motion, friendly amendment becomes a part of the motion currently under discussion.
- In order to get a "read" on a motion, the Facilitator may elect or be requested by the member making the motion to take a "straw poll" on the motion. Based on the result, the Facilitator may withdraw or table the motion with the agreement of the member moving it, pending further discussion.
- Council members may offer an amendment to the motion: second required, discussion, vote on the amendment only.
- The motion on the table is now the motion as amended (if amendment was approved).
- After completing discussion, the Facilitator will call the discussion to a close and restate the motion, with any friendly amendments or approved amendments, and the chair/facilitator will call for a vote. If the motion receives a 75% or greater favorable vote of the Council members it will be deemed approved.

## **FBC TELECONFERENCE PARTICIPATION PROCESS**

(Adopted Unanimously October 14, 2008)

### **ATTENDANCE**

- Facilitator will ask Commissioner or committee members to identify themselves.
- Members will offer their names one at a time. To avoid confusion and to ensure accuracy, please wait until facilitator repeats and confirms a name before offering another.
- Once attendance is complete, the agenda will be reviewed and approved by the Commission or Committee.
- Commission or committee members should announce if they have to sign-off before the teleconference meeting is complete, to ensure a quorum and accurate count of votes.

### **PARTICIPANT ETIQUETTE**

- Background noise from participants is picked-up and amplified on the conference leader's phone, especially if you are on a speaker-phone. Please refrain from sidebar conversations.
- Please place your phone on mute, unless you are speaking, to cut down on ambient background noise. Ensure your phone is muted if you leave the phone for any reason. Use the mute function on your personal phone, or the conference muting function as follows: \*6 to mute and #6 to un-mute.
- If your line creates a disturbance or has technical difficulties, the teleconference operator may be required to manually mute your line until the problem is resolved.
- Do NOT place your phone on hold (your system's background sound/music will play).

### **DISCUSSION PROCESS**

- Chair/Facilitator will introduce discussion item or presenter.
- Presenter will provide overview of issue and recommendation(s) for Commission or committee action.
- Hold questions until presentation is complete.
- Once presentation is complete, Chair/Facilitator will ask if Commissioners or committee members have clarifying questions on the issue, create a speaker's list, and call on members in-turn for clarification.
- Chair/Facilitator will ask if anyone from the public wishes to discuss the issue or propose alternative options, create a speaker's list, and call on participants in-turn for discussion.
- Chair/Facilitator will ask if any Commissioner or committee member wishes to discuss the issue or propose alternative options, create a speaker's list, and call on members in-turn for discussion.
- Once clarification and discussion is complete, Chair/Facilitator will ask if a Commissioner or committee member wishes to make a motion on the issue.
- Following a second for the motion, Chair/Facilitator will ask if there is any additional discussion.
- If the motion involves an option the public has already provided input on, then the vote is taken following any additional Commission or committee discussion; if the proposed action (motion) is materially different from what was previously discussed, an additional opportunity is provided for public comment, and then the Commission or committee votes on the motion.

## COMMISSION ALTERNATE MEMBER 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 Business Regulations (DBPR).

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.

DBPR 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**

The member must notify the appropriate DBPR staff member that they will miss the next meeting and their alternate will attend in their place.

Member must provide alternate 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.

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

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

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

### **REMOVAL OF ALTERNATE**

All 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.