

# **Florida Building Commission**

**Attachment to the March 13, 2000 Minutes**

## **Facilitators' Report of the March 13, 2000 Commission Meeting**

*Miami, Florida*

**Meeting Design & Facilitation By:**



# **Florida Building Commission Attachment to the March 12, 2000 Minutes**

## **I. OVERVIEW OF AD HOCS' KEY DECISIONS**

**Sunday, March 12, 2000**

### **Partnership for Building Department Effectiveness Task Group (Formerly known as Ad Hoc on Role of the State with Overseeing Building Departments)**

The Ad Hoc reviewed their charge and agreed to begin their work with the task of voluntary professional standards for building departments and personnel development. It was agreed that the tasks of ISO rating programs for building departments and the role of the state with overseeing building should be delayed until after the Legislative session.

In addition, the Ad Hoc would like to consider folding the Privatization task into their workplan since it is a related task.

The Ad Hoc agreed to identify the key issues, key stakeholders, any needed information, and to draft a preliminary work/task plan.

#### **Problems / Issues:**

Provide for an out reach / education program through local collages.

Identify who needs the education on the FBC.

Need to reach design professionals.

Provide for actual construction industry CEU.

Educate through construction programs and address us vs. them and provide for mandatory partnership effort.

Provide for communication system infrastructure between various components and review existing programs.

Identify incentives.

Use frame work of ISO system for accreditation system design.

Address code administrators access to resources to improve building department effectiveness.

Address availability of resources for small jurisdictions and ways to get resources.

Address interlocal agreements and identify minimum standards.

Address accountability of local governments enforcement.

Address functions of building departments.

Address school systems / university system provisions.

**Key Stakeholders:**

Building department.  
Association of counties, and legal cities.  
Trade associations  
Design professional / associations.  
Education professional (SBCCI, University system, trade associations)  
Building owners (BOMA).  
State/Commission.  
Insurance industry.  
Fire service.

**Needed information:**

Presentations from exiting systems (i.e. ISO, Commission for Florida Law Enforcement Accreditation, Inc., BOAF).  
Survey - needs assessment.  
Cost impact.  
Who will administer the system.  
Educational component.

**Work Plan:**

*April 2000* (Presentations)  
Letters to schools, BOAF, etc.  
Public comments / needs assessment.

*May 2000*  
Review public comment  
Additional studies/reports  
Consultants/studies

*June 2000*  
Refine issues  
Identify and rank options resolution  
Design system.  
Legislative review and refinement.

**Recommendation:**

***Request that the Commission establishes collaboration with BOAF / Miami - Dade in designing the system.***  
**Adopted by unanimous consent**

Change the name of the Ad hoc to: “Partnership for Building Department Effectiveness Task Group / Project.

**Meeting Evaluation: Attachment 2**

**Ad Hoc for Alternative Procedures for Variances and Waivers Required Under Chapter 120**

The Ad Hoc met to decide whether or not to request a Legislative exemption from Section 120.542 of Chapter 120, F.S.

The committee moved and unanimously adopted the following recommendations to present to the Commission:

Request that the Legislature:

**1. Provide for an exemption from Chapter 120, F.S. With respect to granting waivers and variances in accordance with the procedures in Section 120.542, F.S.**

**2. Request that the Legislature grant rule-making authority to the Florida Building Commission to adopt by rule criteria and procedures for waivers, variances, appeals, exemptions, alternative methods and procedures, compliance with local requirements that are more restrictive, and referenced sections of Florida Building Code.**

**Note: The intent of the recommendation is to provide a process to grant alternative and equivalent means of compliance with the FBC requirements only and no variances will be granted.**

**Meeting Evaluation: Attachment 3**

## II. OVERVIEW OF COMMISSION'S KEY DECISIONS

**Monday, March 13, 2000**

### **Agenda Review**

The Commission reviewed and unanimously approved the agenda as presented.

### **Review and Approval of Updated Workplan & Upcoming Meeting Locations Including April's Meeting Template**

As part of an ongoing process to update its workplan, the Commission reviewed the workplan and tasks list and unanimously adopted it as presented.

In addition, the Commission approved holding three rulemaking hearings for the Building Code Rule. These hearings will be held concurrently with the Commission's March, April, and May meetings.

The Commission approved the following meeting dates and locations:

July 10 - 11	Sarasota
August 7 - 8	Orlando
September 11 - 12	Ocala/Gainesville
October 9 - 10	Orlando
November 13 - 14	West Palm Beach
December 11 - 12	Orlando

Finally, the Commission approved the template for April's meeting as presented.

### **Decision-Making Process Review and Update**

The Commission reviewed the proposed process (page 7 of March's agendas packet) and unanimously adopted the process and criteria with the following modification:

***Following the second public hearing in April, the Commission establishes the following process to consider and decide on any changes that may lead to ~~strengthening the Commission's~~ additional consensus on the code by the Commission.***

(Attachment 4)

### **Rulemaking Hearing for Education/Training Rule**

The Commission conducted a rulemaking hearing on the Education/Training Rule (9B-70.001). There were no public comments.

### **Rulemaking Hearing for Building Code Rule**

The Commission conducted the first of three rulemaking hearings on the Building Code Rule (9B-3.047). The hearing lasted three hours and 15 members of the public addressed comments to the Commission.

### **File Education/Training Rule for Adoption**

The Commission unanimously approved filing for adoption the Education/Training Rule by a 18 - 0 vote in favor.

### **Clarification of Wind Design Standards in Draft Building Code Relative to Designing for Partially Enclosed Buildings**

Rick Dixon reviewed the technical provisions of the wind design standards for designing for partially enclosed buildings with the Commission to ensure member's were in agreement with how the standards are being presented to the Legislature. There were no questions or comments from Commission members.

### **Ad Hoc for Alternative Procedures for Variances and Waivers Required Under Chapter 120 Presents Recommendations**

After reviewing the Ad Hoc's recommendations, the Commission unanimously approved the following recommendations by a 18 – 0 vote in favor:

Request that the Legislature:

- 1. Provide for an exemption from Chapter 120, F.S. With respect to granting waivers and variances in accordance with the procedures in Section 120.542, F.S.**
- 2. Request that the Legislature grant rule-making authority to the Florida Building Commission to adopt by rule criteria and procedures for appeals, alternative methods and procedures, compliance with local requirements that are more restrictive, and referenced sections of Florida Building Code.**

Note: The intent of the recommendation is to provide a process to grant alternative and equivalent means of compliance with the FBC requirements only.

### **Role of the State with Overseeing Building Departments Ad Hoc Report**

Commissioner D'Andrea presented the Ad Hoc's report and requested that the Commission adopt the following recommendation:

Request that the Commission:

**Establish collaboration with BOAF and Miami – Dade and Broward in designing the system.**

The Commission unanimously approved the recommendations by a 18 – 0 vote in favor.

### **Review Final Report Submitted to the Legislature**

The Commission was presented the final long version of the Report to the Legislature as well as the short version draft. They were asked to review the short report and to submit any comments to DCA by close of business on Wednesday, March 15, 2000.

### **Clarification of FBC and DCA Roles, and Communication During the Legislative Review Process**

Rick Dixon reviewed the role of the Commission and DCA during the Legislative process to clarify expectations and responsibilities. In addition, the Commission reviewed the list of roles and responsibilities for the development and Legislative approval of the Florida Building Code that they were presented in October of 1999.

### **Threshold Inspector Committee Report**

The Commission unanimously approved the report and recommendations by a 18 – 0 vote in favor.

**Appoint Ad Hoc to Make Recommendations on Plans Review Criteria and Minimum Standards**

Including Recommendations on the Appeals Process From Local Boards of Appeals;

and, Recommendations for Emergency Management/Disaster Relief Permitting and Inspections

Chairman Rodriguez appointed the following Commissioners to serve on the Ad Hoc: Nick D'Andrea (chair), Dick Browdy, Jim Mehlretter, Dan Shaw, Karl Thorne, ,and Frank Quintana.

**Appoint Ad Hoc to Begins Review of Criteria for Economic Impact Statement of Proposed Amendments (after 2001) to State Code**

Chairman Rodriguez appointed the following Commissioners to serve on the Ad Hoc: Bob Leonard (chair), Dick Browdy, Harold Covey, Suzanne Marshall, and Craig Parrino.

**Appoint Ad Hoc to Develop a Rating System for Buildings Under Storm Conditions**

Chairman Rodriguez appointed the following Commissioners to serve on the Ad Hoc: Dan Shaw (chair), Harold Covey, Peggy Harris, Jim Mehlretter, Craig Parrino, and Frank Quintana.

**Product Approval System Development Process**

The Commission unanimously approved the process and timelines as presented, by a 18- 0 vote in favor.

(Attachment 3)

**Additional Requests to Legislature**

**Adoption and Updating of the Florida Building Code**

The Commission voted 17 -1 in favor, to adopt the following recommendation:

**Section 553.73**

***(5) The Commission, by rule adopted pursuant to ss. 120.536(1) and 120.54, shall update the Florida Building Code every 3 years. Once initially adopted and subsequently updated by the Commission, the FBC shall be deemed adopted for use statewide without adoptions by local governments. When updating the FBC, the Commission shall consider changes made by the adopting entity of any selected model code for any model code incorporated into the Florida Building Code and may subsequently adopt the new edition or successor of the model code, which may be modified for Florida and further consider, the Commission's own interpretations , declaratory statements, appellate decisions, and approved statewide and local technical amendments.***

## Attachment 1

### Summary of Meeting Evaluation

**Florida Building Commission  
March 13, 2000  
Miami, Florida**

#### How well did the Commission achieve the meeting objectives?

	<i>Circle One</i>					
	<u>Good</u>	<u>Poor</u>				<u>Avg</u>
Review Decision-Making Process	5	4	3	2	1	4.61
	<b>8</b>	<b>5</b>				
Rulemaking Hearing for Education/Training Rule	5	4	3	2	1	4.66
	<b>8</b>	<b>4</b>				
Rulemaking Hearing for Building Code Rule	5	4	3	2	1	4.69
	<b>9</b>	<b>4</b>				
Clarify Wind Design Decision	5	4	3	2	1	4.53
	<b>8</b>	<b>4</b>	<b>1</b>			
Review and Decide on Chapter 120 Variance Review Ad Hoc Recs.	5	4	3	2	1	4.76
	<b>10</b>	<b>3</b>				
Review Final Report to the Legislature	5	4	3	2	1	4.84
	<b>11</b>	<b>2</b>				
Review State/Building Departments Oversight Ad Hoc Report	5	4	3	2	1	4.69
	<b>9</b>	<b>4</b>				
Clarify FBC and DCA Roles, and Communication During the	5	4	3	2	1	4.69
	<b>9</b>	<b>4</b>				
Legislative Review Process						
Discuss Commissioners Speaking at Associations	5	4	3	2	1	4.69
	<b>9</b>	<b>4</b>				
Report on Information/Communication System	5	4	3	2	1	4.63
	<b>7</b>	<b>4</b>				
Threshold Inspector Committee Report	5	4	3	2	1	4.76
	<b>10</b>	<b>3</b>				
Appoint Special Assignment Ad Hoc Committees	5	4	3	2	1	4.84
	<b>11</b>	<b>2</b>				
Review Assignments for Next Month	5	4	3	2	1	4.81
	<b>9</b>	<b>2</b>				

#### Rate the following aspects of the meeting?

Clarity of the meeting purpose and plan	5	4	3	2	1	4.76
	<b>11</b>	<b>1</b>	<b>1</b>			
Balance of structure and flexibility	5	4	3	2	1	4.76
	<b>10</b>	<b>3</b>				

Group involvement and productivity	5	4	3	2	1	
	4.76					
	11	1	1			
Facilitation	5	4	3	2	1	4.76
	10 3					
Facility	5	4	3	2	1	4.38
	8 4 1					

**Comments:**

I like the new microphones - better clarity, less feedback, less obtrusive.

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

Good commission participation.

One day in lieu of two.

The reserve with which the commission held their views on the public comment.

The information as to the opinion of the councilman from South Florida that nothing could change their mind as regards to their acceptance of a state code.

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

Limit the "debating" during public comments. Allow the chair to "stop" unwarranted comments.

Nothing comes to mind.

All OK.

**Attachment 2**  
**Summary of Meeting Evaluation**  
**Florida Building Commission**  
**Building Departments Overview Ad Hoc**  
**Sunday, March 12, 2000**  
**Miami, Florida**

**How well did the Commission achieve the meeting objectives?**

	<i>Circle One</i>					
	<u>Good</u>		<u>Poor</u>			<u>Avg.</u>
Identify Issues for Role of the State with Overseeing Building Departments[DD]	5	4	3	2	1	4.83
	5	1				
Identify Issues for ISO Ratings Program for Building Departments [Leg. 9]	5	4	3	2	1	4.83
	5	1				
Identify Issues for Voluntary Standards for Building Departments [Leg. 6]	5	4	3	2	1	4.83
	5	1				
Public Comment	5	4	3	2	1	4.33
	5				1	
Summary, Review, Next Steps, and Drafting Assignments	5	4	3	2	1	4.83
	5	1				

**Rate the following aspects of the meeting?**

Clarity of the meeting purpose and plan	5	4	3	2	1	4.83
	5	1				
Balance of structure and flexibility	5	4	3	2	1	4.83
	5	1				
Group involvement and productivity	5	4	3	2	1	4.83
	5	1				
Facilitation	5	4	3	2	1	4.83
	5	1				
Facility	5	4	3	2	1	4.66
	5		1			

**Comments:**

Excellent, as usual.

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

Nick was the chair.

**Attachment 3**  
**Summary of Meeting Evaluation**  
**Florida Building Commission**  
**Alternative Procedures Review Ad Hoc**  
**Sunday, March 12, 2000**  
**Miami, Florida**

**How well did the Commission achieve the meeting objectives?**

<i>One</i>						<i>Circle</i>
<u>Avg.</u>	<u>Good</u>	<u>Poor</u>				
Review of Chapter 120 Requirements	5	4	3	2	1	5.00
	7					
Waivers Procedures Review and Recommendation	5	4	3	2	1	4.85
	<b>6</b>	<b>1</b>				
Variances Procedures Review and Recommendation	5	4	3	2	1	4.85
	<b>6</b>	<b>1</b>				
Public Comment	5	4	3	2	1	5.00
	7					
Summary, Review, Next Steps, and Drafting Assignments	5	4	3	2	1	5.00
	7					

**Rate the following aspects of the meeting?**

Clarity of the meeting purpose and plan	5	4	3	2	1	5.00
	7					
Balance of structure and flexibility	5	4	3	2	1	4.85
	<b>6</b>	<b>1</b>				
Group involvement and productivity	5	4	3	2	1	5.00
	7					
Facilitation	5	4	3	2	1	5.00
	7					
Facility	5	4	3	2	1	4.33
	<b>4</b>	<b>1</b>	<b>1</b>			

**Comments:**

Good job facilitating.

## Attachment 4

# Commission Decision Procedures for Deciding Whether to Re-Notice the Florida Building Code Rule

## Florida Building Commission Consensus Decision- Making Procedures

The Commission will sponsor public hearings on the proposed building code rule at its meetings in March, April, and May on the Florida Building Code that was submitted for rulemaking on February 18, 2000. Any changes to the Florida Building Code rule would require the Florida Building Commission to re-notice and re-submit the entire code as an amended rule pursuant to the requirements of Chapter 120 of the Florida Statutes.

Following the second public hearing in April, the Commission establishes the following process to consider and decide on any changes that may lead to additional consensus on the code by the Commission. These procedures will supercede the normal Roberts Rules of Order procedures related to motions and decisions on matters related to changing the rule language.

1. All proposed member proposals for changes must be offered to the Chair by close of business on April 21, 2000 for his consideration in light of adopted criteria. Members will include a statement of how the proposed amendment addresses the consensus-building criteria listed below. The Chair will decide whether the proposal meets that criteria and submit those that do as a Chair's amendments at the May 2000 Commission meeting. The Chair may propose additional amendments as a result of comments from May's hearings.
2. The Chair will review and decide, whether on his own motion or at the request of a member, to sponsor proposed amendments for review at the May, 2000 meeting based on the following criteria:
  - The proposed amendment can facilitate a greater level of consensus between stakeholders and/or Commissioners on key issues already adopted in the code; or
  - The proposed amendment can build consensus by responding to public concerns on an issue not directly addressed by the Commission; or
  - The proposed amendment can build consensus by addressing consequences clearly not intended by the Commission in adopting the Code; and
  - On balance, the proposed amendment will provide benefits that outweigh the costs in delaying the code adoption process by re-noticing a proposed rule change.
3. The Chair may elect to convene an Ad Hoc committee of the Commission to make recommendations to the Commission on a proposed amendment.
4. At the May, 2000 Commission meeting members who submitted proposals for changes, may at the Chair's discretion, provide a brief explanation of the proposed change, how it complies with the criteria above, and respond to any brief clarifying questions on the meaning and intent of the chair's amendment. The Chair member may accept "friendly" amendments" as determined by the member proposing the change.
5. Consensus reflecting support by 75% or more of a quorum of the members will be required for approval of the amendments and to initiate a notice of proposed rule change. No amendments will be accepted by members from the floor. The Chair alone may offer amendatory language to seek consensus.

## Attachment 5

# Product Approval System Development Process Timelines for Key Elements Adopted March 2000

### Product Approval System Timelines

- Review Ad Hoc's report on system development status at the April 2000 meeting.
- Review Ad Hoc's preliminary recommendations on proposed system at the May 2000 meeting.
- Adopt Amendatory Text of State Product Approval System including integration of Miami-Dade's Product Control System at June 2000 meeting.
- Review and decide on amendments to the Product Approval System and move to proceed with the rule adoption process at July 2000 meeting.
- Public hearings on proposed rule: August/September 2000.

### Development Process

*The Commission will utilize the same decision-making process used for the development of the Building Code:*

*Both the Florida Building Commission and the Product Approval Ad Hoc will seek consensus decisions on particular issues and their package of recommendations for developing the State Product Approval System and for the Commission's Final Recommendations to the Legislature.*

*The Commission's Consensus building and decision making process is a participatory one whereby on matters of substance, the members jointly strive for agreements which all of the members can accept, support or at least agree not to oppose. In instances where, after vigorously exploring possible ways to enhance the members' support for the final decision on an issue or package of recommendations, and where 100% acceptance or support is not achievable, final decisions of the Commission will require at least a 75% favorable vote of all members present and voting. This super majority decision rule underscores the Commission's view of the importance of seeking and developing agreements with the participation of all members and with which all can live with and support.*

### Amendment Process

- An amendatory text will be adopted at the June, 2000 meeting of the Florida Building Commission.
- The June Meeting Summary will be mailed to members on June 22, 2000 with amendment forms.
- Deadline for Member Written Amendments—close of business June 30, 2000.
- The Chair will work with staff to organize amendments as editorial and substantive and will move at the July 2000 meeting the adoption of the editorial amendments as a consent packet. As necessary, the Commission will review and vote separately on any editorial amendment believed to be substantive by any member.
- At the July 2000 meeting, the Amendment sponsor(s) may accept "friendly" language to their amendments. Amendment sponsors, at the chair's discretion, may be recognized for brief clarifying comments on the meaning and intent of the amendment. Members or the Chair may request straw polls on amendments.
- Commission members in the room will express consensus or vote on amendments, sections and the overall system or component as amended (no abstentions).
- Consensus reflecting support by 75% or more of the members will be required for inclusion of the amendments, for sections as amended and for the overall System as amended.
- No amendments will be accepted by members from the floor. The Chair may offer amendatory language to seek consensus.