

# **Florida Building Commission**

**Attachment to the May 8, 2000 Minutes**

## **Facilitators' Report of the May 8, 2000 Commission Meeting**

*Jacksonville, Florida*

**Meeting Design & Facilitation By:**



# **Florida Building Commission Attachment to the May 8, 2000 Minutes**

**Monday, May 8, 2000**

## **I. OVERVIEW OF COMMISSION'S KEY DECISIONS**

**Monday, April 10, 2000**

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

The Commission held their second rulemaking hearing on the Building Code Rule. In addition, the Chair informed the Commission that they would be required to reconsider previously approved modifications to the base code, with the addition of a fiscal impact statement from the proponent of the modification, if they received any specific comment on those modifications. In light of this new statutory requirement, the Commission unanimously approved extending the comment period for the Building Code Rule until close of business on Friday, May 19, 2000 (Browdy/Wiggins). The Commission agreed to hold a rule development workshop for establishing the criteria for the fiscal impact statement in June, and to develop, adopt, and move to proceed with rule adoption of the criteria at the June Commission meeting.

### **Agenda Review and Approval of April's Minutes**

The Commission reviewed and unanimously approved the agenda as presented and the minutes from the April 2000 Commission meeting.

### **Overview/Report of Key Issues and Direction from Legislative Session**

The Chair informed the Commission that the Building Code Bill was approved by the Florida Legislature on Friday, May 5, 2000. In addition, the Chair and staff reviewed with the Commission key decisions and statutory changes as well as topical areas where Legislative direction varies from the Commission's recommendations.

*(A detailed report is included as Attachment 2)*

### **Commission Recommendations to Governor on Signing Building Code Bill**

The Commission discussed whether or not they as a body wished to recommend that the Governor sign the Building Code Bill into law. After discussion, it was moved and adopted by a vote of 16 – 1 in favor, that the Commission recommend their support for Governor Bush to sign the Building Code Bill (Lipka/Bassett).

The Commission expressed the desire that legal staff indicate in their analysis of the bill, the difference between the Commission's recommendations and the Legislature's approved definition of the wind-borne debris region. They requested that staff include a copy of both the Commission's and the Legislature's wind-borne debris region maps in order to graphically depict the differences between the two versions.

## **Overview of Economic Impact Criteria for Amending the Code**

Legislative mandate requires that the Commission shall consider all future modifications as well as previously adopted modifications to the base code that receive specific public comment, in light of a fiscal impact statement from the modification's proponent. In addition, the statute requires the Commission to adopt the criteria for the fiscal impact statement by administrative rule. The Commission has agreed to hold a rule development workshop in June and a rulemaking hearing in July.

Following is the language in HB 291 approved by the Florida Legislature:

### **Section 109**

(1) The commission shall apply the criteria set forth at section 553.73(7)(a) and (b), Florida Statutes, as amended by section 40 of chapter 98-287, Laws of Florida, and section 553.73(6)(c), Florida Statutes, as created by this act, for the adoption of any amendments to the base codes after the effective dates of this act. The commission shall review modifications to the base codes adopted by the commission on or before February 15, 2000, which are identified verbally or in writing during the public hearings on proposed rule 9B-3.047 held pursuant to chapter 120, Florida Statutes, except those integrating state agency construction regulations, high velocity hurricane zone provisions, and those necessary to harmonize the Florida Building Code with the Florida Fire Prevention Code, and shall confirm that such amendments meet the requirements of s. 553.73(7), Florida Statutes, as amended by s. 40, chapter 98-287, Laws of Florida. In addition, the commission shall apply the above referenced criteria to s. 610.1ABC.3.5.2 of chapter 13 of the Florida Building Code. Any modification which, after such criteria are applied is not approved for inclusion by an affirmative vote of three-fourths of the commission members present and voting, must be removed from the code pursuant to chapter 120, Florida Statutes.

*(Statutory reference included as Attachment 3)*

### **Manufactured/Prototype Buildings Ad Hoc Report**

Commissioner Parrino presented the Ad Hoc's report and recommendations, and the Commission unanimously approved the report and recommendations by a vote of 19 - 0 in favor.

*(Attachment 4)*

### **Partnership for Building Departments Report**

Commissioner D'Andrea presented the Ad Hoc's report and recommendations, and the Commission unanimously approved the report and recommendations by a vote of 19 - 0 in favor.

*(Attachment 5)*

### **Threshold Inspector Committee Report**

Commissioner Mehlretter requested that the Commission take up the Threshold Inspector applications at June's meeting since the Committee is recommending approval for both applicants.

### **Update and Status Report on Copyright/Royalty Issues**

Staff attorney Suzanne Schmith, presented the Commission with a letter from copyright consultant attorney, Ava Doppelt. The letter detailed out a series of questions that require Commission response. Chairman Rodriguez informed the Commission that he is appointing a Code Dissemination Ad Hoc Committee to review the questions, propose a timeline for completing the task, and advising the Commission on future direction relative to this issue. In addition, the Commission directed staff to inform Ava Doppelt that they did not want her to take any further action pending Commission review of the issue. Following are the questions identified for Commission consideration:

- How will the code be manufactured and sold?
- Will the SBCCI handle all manufacturing and fulfillment from Birmingham with the State simply transmitting orders it receives?
- If so, how will the State be compensated?
- If the SBCCI handles all order fulfillment, will it also furnish the other associated codes as well?
- Will the codes be made available on CD-ROM?
- Will the codes - or any parts of the code - be made available online, perhaps by subscription?
- And of course, how will the payment flow?
- Will the State pay any royalty? Will there be a flat license fee?
- Will the SBCCI be compensated simply for its profits on sales of the code?

### **Appoint Ad Hoc Committee**

Chairman Rodriguez appointed the following Commissioners to serve on the Code Dissemination Ad Hoc:

George Wiggins (chair), Steve Bassett, Dick Browdy, Med Kopczynski, and Frank Quintana.

The Code Dissemination Ad Hoc is charged with reviewing and making recommendations on the questions, proposing a timeline for completing their task, and advising the Commission on future direction relative to this issue.

### **Review and Refine Workplan Relative to Legislative Mandates**

The Commission reviewed a modified workplan and agreed to support the plan in concept pending formal review and approval at June's meeting. Jeff Blair reviewed the key elements of the modified workplan which reflected direction from Chairman Rodriguez and incorporated statutory mandates.

The Commission expressed their support for holding two day Commission meetings with Ad Hoc meetings on Monday and Commission plenary sessions on Tuesday. They also agreed that each Ad Hoc would meet every other month unless a critical path delivery schedule required monthly meetings for a specific Ad Hoc.

Finally, the Commission took a straw poll and voted 17 - 2 in favor of extending the Product Approval system delivery deadline to January 2001. However, they agreed to pursue resolution on this issue in as expeditious manner as possible and to start work on the system in June.

*(Key proposed workplan modifications included as Attachment 6)*

### **Product Approval System Review**

The Commission took a straw poll and voted 17 – 2 in favor of extending the Product Approval system delivery deadline to January 2001. However, they agreed to pursue resolution on this issue in as expeditious manner as possible and to start work on the system in June.

Following is the language in HB 291 approved by the Florida Legislature:

**Section 90.** Subsection (1) of section 553.842, Florida Statutes, is amended to read:

553.842 Product evaluation and approval. --

(1) The commission shall make recommendations to the President of the Senate and the Speaker of the House of Representatives prior to 2001 Regular Session ~~may adopt rules pursuant to ss. 120.536(1) and 120.54~~ to develop and implement a product evaluation and approval system to operate in coordination with the Florida Building Code. The product evaluation and approval system shall provide:

- (a) Appropriate promotion of innovation and new technologies.
- (b) Processing submittals of products from manufactures in a timely manner.
- (c) Independent, third-party qualified and accredited testing and laboratory facilities.
- (d) An easily accessible product acceptance list to entities subject to the Florida Building Code.
- (e) Development of stringent but reasonable testing criteria based upon existing consensus standards, when available, for products.
- (f) Long-term approvals, where feasible.
- (g) Recall or revocation of product approval.
- (h) Cost-effectiveness.

For purposes of this section, an approved product evaluation entity is an entity that has been accredited by a nationally recognized independent evaluation authority or entity otherwise approved by the commission.

### **Review Committee Assignments for June's Commission Meeting**

Following are the Ad Hoc committees and TACs that will meet prior to the June 13 Commission plenary session:

- Manufactured/Prototype Buildings Ad Hoc
- Partnership for Building Departments
- Product Approval Ad Hoc
- Code Dissemination Ad Hoc
- Plans Review Ad Hoc
- Plumbing TAC
- Accessibility TAC
- Joint Building Fire TAC

**Commission Direction to Staff**

The Commission expressed the desire that legal staff indicate in their analysis of the bill, the difference between the Commission's recommendations and the Legislature's approved definition of the wind-borne debris region. They requested that staff include a copy of both the Commission's and the Legislature's wind-borne debris region maps in order to graphically depict the differences between the two versions. In addition, the Commission directed staff to inform Ava Doppelt that they did not want her to take any further action pending Commission review of the issue.

## Attachment 1

### Evaluation Summary

#### Florida Building Commission

May 8, 2000

Jacksonville, Florida

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

	<i>Circle One</i>					
	Good			Poor		Avg.
Report and Update on Legislative Issues Related to the FBC	5	4	3	2	1	4.73
Conduct Rulemaking Hearing for Building Code Rule	5	4	3	2	1	4.61
Discuss and Straw Poll Adoption of Criteria for Amending the Code	5	4	3	2	1	4.58
Identification of Proposed Amendments/Changes to Building Code Rule	5	4	3	2	1	4.46
Manufactured/Prototype Buildings Ad Hoc Report	5	4	3	2	1	4.46
Partnership for Building Department Ad Hoc Report	5	4	3	2	1	4.60
Threshold Inspector Committee Report	5	4	3	2	1	4.61
Update on Copyright/Royalty Issues	5	4	3	2	1	3.57
Adopt the Updated Workplan	5	4	3	2	1	4.60
Appointment of Special Issue Ad Hoc Committees	5	4	3	2	1	4.66
Review of Assignments for Next Month	5	4	3	2	1	4.53

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

Clarity of the meeting purpose and plan	5	4	3	2	1	4.06
Balance of structure and flexibility	5	4	3	2	1	4.53
Group involvement and productivity	5	4	3	2	1	4.53
Facilitation	5	4	3	2	1	4.66
Facility	5	4	3	2	1	3.93

#### Comments:

Find a better way to get last-minute changes to Commissioners. Many changes to flights and room reservations had to be made, that perhaps could have been avoided.

Good!

Concern about "official action" vs. not in sunshine. Suggest cover all requirements and possible board actions in future public meeting advertisements.

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

One day.

Excellent meeting room.

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

A schedule published in advance that was realistic from the beginning.

Schedule - always seems to change from when we leave office to when we start meetings...can someone e-mail a FINAL meeting schedule just before we leave business offices? (As best you can)

Will you summarize a list of Ad Hoc and other committees (all) with names of members. Thanks.

**Attachment 2**  
**Report of Legislative Action**



## **Attachment 3**

### **Fiscal Impact Statement Criteria**

## **Statutorily Mandated Criteria for Amendments to the Florida Building Code**

### **553.73 Florida Building Code.— 553.73 (7)(a)(b)**

(7)(a) The commission may approve technical amendments to the Florida Building Code once each year for statewide application upon a finding that delaying the application of the amendment would be contrary to the health, safety, and welfare of the public or the amendment provides an economic advantage to the consumer and that the amendment:

1. Has a reasonable and substantial connection with the health, safety, and welfare of the general public.
2. Strengthens or improves the Florida Building Code, or in the case of innovation or new technology, will provide equivalent or better products or methods or systems of construction.
3. Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities.
4. Does not degrade the effectiveness of the Florida Building Code.

**Amendments approved under this paragraph shall be adopted by rule pursuant to ss. 120.536(1) and 120.54.**

- (b) A proposed amendment shall include a fiscal impact statement which documents the costs and benefits of the proposed amendment. Criteria for the fiscal impact statement shall be established by rule by the commission and shall include the impact to local government relative to enforcement, the impact to property and building owners, as well as to industry, relative to the cost of compliance.

## **Attachment 4**

### **Manufactured/Prototype Buildings Ad Hoc Report**

Call to order at 12:30 PM

Quorum achieved with three members present

Agenda approved as amended (agenda item 5 certification moved to item 4)

Minutes approved as submitted

**Recommendation:**

Certification and licensing issues:

Ad hoc recommendation: Have legal staff meet to propose method of qualification and regulation structure relative to: FS 553 Part IV Manufactured Buildings, FS 633 Fire Prevention Code, and FS 468 Certification requirements.

**Recommendation:**

Process vs. License Issue:

Legal to research the current Mfg bldg "process" for compliance to the current law.  
Note: This is a process issue not a licensing issue.

**Recommendation:**

Standard Check list forms:

On issue of one form for DCA monitoring, 3rd Party inspection, and Manufactures Traveler, the Ad hoc recommends this only apply to the DCA monitoring form.

**Recommendation:**

Standardized Plan Review Check List:

This issue will be addressed at the Plans Review 5/8/2000 Ad hoc, results reported at the June meeting for consideration of adoption.

**Recommendation:**

Emergency Rule on "Relocatables" manufactured buildings:

Legal to update progress to the Ad hoc on the development at the June meeting.

**Recommendation:**

Change to the Ad hoc time line :

It is recommended that Mfg Bldg product be completed to the Commission by the August deadline. The Prototype component product will be completed and sent to the Commission by November 2000.

## **Attachment 5**

### **Partnership for Building Departments Report**

The Ad Hoc Committee met and addressed the following items on the agenda:

**Presentations:**

The Committee heard two presentations:

Presentation from the Insurance Service Office regarding the Building Code Effectiveness Grading Schedule (BCEGS). The presenter explained the BCEGS scope, elements (administration, plan review, field inspection), and classifications.

Presentation from the Commission for Florida Law Enforcement Accreditation, Inc. The presenter explained the structure of the accreditation system, the standard procedure manual used in the accreditation process, the structure of the Accreditation Commission, the application process and the criteria for obtaining certification.

Develop outline for draft letters to invite stakeholders to participate in the system development. The Committee approved the draft letter and recommended to send the letter to BOAF, Miami - Dade / Broward, DOE, Fire service, Insurance industry, School of Construction, ....etc.

Develop outlines and format for the needs assessment.

The Committee established a list of specific criteria for a need assessment pertaining to permitting, plans review, inspection and construction completion.

At the next meeting, the Committee will address the following questions:

Are we establishing an accrediting entity? ;  
Why we establishing the system? and  
What is in it for local governments?

## Attachment 6

### Proposed Workplan Modifications Reviewed by Commission

The Following workplan modifications were reviewed by the Commission and unanimously agreed to for planning purposes and pending review and formal adoption at the June 2000 meeting.

**A. Establish criteria for economic impact statement of proposed amendments (after 2001) to state code. [Legislative Task 5.]**

*May 2000:* Chair decides to address issue at the Commission level and dissolves ad hoc.

*June 2000:* Commission holds rule development workshop at June meeting, adopts criteria, and moves to proceed with rule adoption.

*July 2000:* Rulemaking hearing for implementing Legislative directive regarding criteria for review of amendments and modifications to the FBC.

*August/September 2000:* Administrative rule adopted.

**C. Product Approval System [Leg. 8]**

**Tasks Schedule**

*May 2000:* Commission approves by a straw poll vote, to extend system delivery date until January 2001 Commission meeting.

**E. Guidelines for Local Government Privatization [Leg. 10]**

**Tasks Schedule**

*May 2000:* Chair identifies task as a Commission priority, and folds task into purview of Partnership for Building Departments Ad Hoc.

**G. Determine which buildings will be exempt from the Code [Leg. 16]**

**Tasks Schedule**

*January 2000:* Commission appoints Ad Hoc to review and make recommendations.

*September 2000:* Ad Hoc identifies key issues and forms workplan.

*October 2000:* Ad Hoc develops preliminary recommendations and reports to Commission.

*November 2000:* Ad Hoc refines recommendations and reports to Commission.

*December 2000:* Ad Hoc finalizes recommendations and Commission receives public comment and approves recommendations to be included in its report to the 2001 Legislature.

**F. Refinement and Further Development/ Implementation of the Education/Training Programs for the Florida Building Code [Leg. 13 & 15]**

**Tasks Schedule**

*June 2000:* Commission discusses project to identify transition training requirements for the FBC and develop training delivery program.

*August 2000:* : Commission Workshop #1: issues identification.

*December 2000:* Final Commission Workshop: Review amendments and adopt final recommendations to present to Legislature.

**Q. Review royalty and copyright agreements and make recommendations (CPI# 24)**

**Tasks Schedule**

May 2000: Chair forms Code Dissemination Ad Hoc to review task and make recommendations to the Commission.

June 2000: Ad Hoc identifies key issues and forms workplan with proposed delivery schedule and, reports to the Commission.

**S. Establish Commission Rules of Procedure**

**Tasks Schedule**

August 2000: Appoint Ad Hoc Committee

September 2000: Ad Hoc identifies key issues and forms workplan and, reports to the Commission.

October 2000: Ad Hoc delivers preliminary recommendations to the Commission.

November 2000: Ad Hoc reviews Commission and public comment and refines recommendations.

December 2000: Ad Hoc finalizes recommendations and Commission receives public comment and approves recommendations to be included in its report to the 2001 Legislature.

**T. Code Maintenance (Changes/Updates/Format/Glitches)**

**Tasks Schedule**

May 2000: Chair refers task to DCA technical support staff (Task X. Administrative Support for the Commission (DCA Staff)) to review and make recommendations to the Commission as needed.

January 2000: Commission reviews recommendations and takes action as needed.

**U. Plans Review Criteria and Minimum Standards**

**Tasks Schedule**

Including, recommendations on the appeals process from local boards of appeals; and, recommendations for emergency management/disaster relief permitting and inspections.

March 2000: Commission assigns task to Ad Hoc.

May- June 2000: Ad Hoc develops recommendations and reports to the Commission.

July 2000: Ad Hoc delivers final recommendations and Commission includes as part of proposed changes to the Building Code Rule.