

Florida Building Commission

Attachment to the September 8 – 9, 1999 Minutes

Facilitators' Report of the September 8 – 9, 1999 Commission Meeting

Panama City Beach, Florida

Meeting Design and Facilitation by:

The Florida Conflict Resolution Consortium

Wednesday, September 8, 1999

Facilitated Public Hearings on Draft II of the Florida Building Code

On September 8, 1999 the Florida Building Commission convened the first of five public hearings on Draft II in Panama City Beach. There were 48 registered attendees who participated in the four hour facilitated hearing process. The hearing began with an opportunity for public comments in which 25 members of the public offered testimony on Draft II in front of the full Florida Building Commission. Following the public comments, there were three facilitated sessions soliciting written questions from the hearing participants in each of the code areas. After the facilitators read, collected, and organized the questions by topic on flipchart paper, the Commission members discussed and offered responses to the questions offered by the participants.

The chair closed the hearing by thanking the participants for their questions and comments and offering Commission members an opportunity to provide any final responses or comments to the participants.

Overview of Commission's Key Decisions

Wednesday, September 8, 1999

Workplan

As part of an ongoing process to update their workplan, the Commission reviewed and adopted their workplan and tasks list as amended. They agreed to review the plan monthly and amend the plans as needed.

Public Input Forums

The facilitators presented the Commission with the completed report on the Public Input Forums on the first draft of the code by explaining that the report summarizes the code development process and captures the flipchart comments from the eight forums. It also describes the Kendall hearing and the second hearing in Pensacola. The Commission reviewed the report and unanimously adopted it for public dissemination.

Meeting Locations

The Commission reviewed the proposed locations for the Commission meetings for the first half of 2000 and unanimously approved the proposed locations. The locations and dates are:

January 10 – 11	Tallahassee
February 14 – 15	Orlando
March 13 – 14	Miami
April 10 – 11	Orlando
May 8 – 9	Jacksonville
June 12 – 13	Orlando

State Agency Presentations

Next the State Agencies completed their presentations on their existing authority and recommendations relative to standards development and enforcement. At the conclusion of the presentations staff presented a matrix that visually depicts the various agencies and their current roles and responsibilities. The chair appointed an ad hoc committee to meet and provide recommendations at October's Commission meeting. The committee consists of Vice

Chair Doug Murdock and Commission members Dick Browdy, Suzanne Marshall, Karl Thorne, George Wiggins, and John Calpini.

Report to the Legislature

The facilitators highlighted that the Commission was now on a two track process of refining and adopting the final version of the code and developing, refining, and adopting their policy report to the Legislature. They asked the Commission to note that the outline of the Report to the Legislature has been fleshed out with additional tasks and details of key assignments and delivery dates.

Thursday, September 9, 1999

Draft I Responses

The Commission reviewed and unanimously approved the TAC/TG consent responses to written comments on the first draft of the code. In addition, they approved a response format which will allow staff to use the tracking charts which depict the development of proposed modifications to answer questions about specific comments or proposed modifications to the first draft of the code.

Product Approval System

Before the Commission took up the Product Approval Task Group's recommendations for a state wide product approval system the Chair reminded the Commission that product approval is the next step in the South Florida code integration process. He reminded Commission members that they were not asking for adoption of the Task Group's recommendations today, and they will work on a consensus option between now and the November meeting when they will review the first draft of the report to the Legislature.

After the committee's presentation on the Product Approval TG's recommendations for a state product approval system committee chair Jim Mehlretter answered Commission members clarifying questions. Following reflects the Commission's questions:

- Basis for # of employees at DCA office for product approval
- Address financial insolvency or movement of an entity?
- Liability insurance addressed?
- Do you need definitions of products covered?

This was followed by a presentation and Q&A session on a comparison between Miami-Dade's product control system and the proposed state system. Following reflects the Commission's questions:

- Miami-Dade building inspector must accept approved products through their system;
- How many products approved? 1800 products
- Staff? 8 P.E.s and 7 support staff
- From submittal to approval? 90 day average
- Expedited 1 time approval (allowing for use of consultants or overtime for staff) includes a fee for service

Next the facilitators led the Commission through a ranking exercise on the 12 components of the proposed state product approval system in order to identify where Commission members

stood on each of these elements. They were asked to explain their concerns and to offer solutions to their concerns. The following chart depicts the results of the ranking exercise on the overall concept behind the state system as well as the 12 components of the recommended system.

RECOMMENDATIONS FOR THE FLORIDA PRODUCT EVALUATION AND APPROVAL PROCESS

Ranking Scale

3= Whole hearted support

2= Heartburn-could support with the following changes...

3= coronary- can't support unless serious concerns addressed as follows...

Ranking Scale	3	2	1
Overall Rank	1	11	4

	3	2	1	
1. Introduction	4	8	4	
2. Part A- Product Evaluation	1	12	3	
3. Approved Product Evaluation Entity	1	11	4	
4. Evaluation Rpt/Rational Analysis	1	9	6	
5. Part B- Validation & Approval-Statewide Ap.	1	7	8	
6. Approval Based on Rpt. From App. PE entity	1	7	7	
7. Approval Based on Rpt. Or Rational Analy.PE/Ar.	1	6	9	
8. Product Approval by Local Juris.	4	4	8	
9. Grandfathering	5	8	3	
10. FBC Procedures for Approving Test Org.	3	10	3	
11. Acceptance Criteria for Qual. Assur. Agency Accreditation	1	12	3	
12. Revocation/ Notification	6	6	4	

After the ranking exercise Commission members were asked to discuss their ranking results on the twelve components of the report and to give any suggestions they had to address their concerns. Following represents the Commissions comments and discussion:

General

Does the approval apply only to the 6 products listed in the report?

How (what process) are other products to be treated? This should be addressed.

1. Responsibilities

- Should there be an office of product approval at DCA?
- Overall, many state agencies are in the process to delegating and privatizing
- What about delegating the product approval to private sector vs. state? Can't do this under current legislation.
- Suggest that the Product Approval Task Group or TAC would do the work suggested for the office of product of approval at DCA. Staff it and have it report directly to the commission.
- Can't "delegate" the Commission's responsibility for the approval process
- Approval agency needs to be separate from the evaluation entities to avoid conflicts of interest.

2. Product Evaluation

- Concerned over differences with Dade County? Dade uses testing, but not rational analysis.
- Compliance process working confusing
- Need research and development of products
- Numbering system should be corrected for the next draft
- 2.1 What about appending to "evaluation/testing"? May not fit with the rational analysis approach which does not necessarily have to be a testing approach.
- Only statewide approval is by FBC. Local approval covered (Section 5)
- If we require engineers to base approval on testing, can't use rational analysis
- Building officials may not accept approval- from product evaluation of architecture to national testing
- Testing agencies test product. Arch/engineers do evaluation. Submit to FBC for final approval? Calculation by engineer/arch. Peer review/ rational analysis. Testing lab- mfg. Submits to evaluation entity.

3. Evaluation Entity

- Architecture/ engineers—some have own quality assurance products
- Require peer review—some could do internally
- Allow peer review instead of state
- Two entities (evaluation entity, arch/engineers rational analysis) should be put together and follow same criteria
- Need quality assurance entity- peer review should be done by those familiar with testing procedures and qualified personnel.
- Should have outside peer review from both entities
- Need presentation from various existing evaluation services

4. Evaluation Rational Analysis

No specific comments were offered.

5. Validation and Statewide Approval

- Office of DCA and how it would work- concerns
- No statutory charge or requirement to establish an office of product approval

6. Approval Based on a Report of an Approved Product Evaluation Entity

- Office of DCA and how it would work- concerns

7. Approval Based on Rational Analysis

- In Dade we rely on government agencies not individual—objective and open process- non profit.
- What is the rational for 3 and 5 years?

8. Product Approval by Local Jurisdiction

- Concerns over qualifications about testing agencies and engineers. Also concerned about local government qualifications
- Approval is based on report that is validated—engineer’s approval has to meet requirements of statutes.
- Quality assurance program separate from local approval- one

9. – 11.

No specific comments were offered

12. Revocation

- How long will it take to revoke approval? Chapter 120 procedures should be explicitly referenced in this section.

At the conclusion of the ranking exercise and discussion the Chair suggested that the Commission hire an independent consultant from the University of Florida to do a comparison between Miami-Dade’s product control system and the proposed state system. In addition, additional presentations would be scheduled at October’s meeting to provide Commission members with a better understanding of existing systems and procedures for product approval systems. At the conclusion of October’s meeting the South Florida code integration ad hoc drafting group would be reconvened with the addition of several additional members with expertise on product approval systems.

Building Code Training and Education Program (BCTP)

The Education task Group presented their recommendations for conceptual design for Building Code Training and Education program. At the completion of the presentation the facilitators conducted a ranking exercise for the program as presented.

In light of the Commission’s unanimous ranking of all (14) 3’s the chair requested a motion to approve the recommendations as presented and the Commission unanimously adopted the committee’s recommendations.

Florida Building Commission Meeting Evaluation Form

How well did the Commission achieve the meeting objectives?

	<i>Circle One</i>					Avg
	Good			Poor		
• To Hold a Public Hearing on Draft II	5	4	3	2	1	4.45
• To Review and Adopt the Commission's Updated Workplan and Committee Assignments List	5	4	3	2	1	4.36
• To Hear Additional Presentations on State Agency Issues and Review Key Questions and Characteristics Worksheets for State Agencies	5	4	3	2	1	4.27
• To Review and Adopt Options for an Entry Level Worker Training Program	5	4	3	2	1	4.67
• To Hear the Product Approval TG Recommendations for a State Product Approval System and Review Options	5	4	3	2	1	4.18
• To Hear and Adopt the Education TG Presentation and Proposal for a Conceptual Design for Building Code Training and Education Program	5	4	3	2	1	4.50
• To Hear and Adopt the Education TG Presentation and Proposal on an Information Guidebook on Roles and Responsibilities	5	4	3	2	1	4.67

Rate the following aspects of the meeting?

Clarity of the meeting purpose and plan	5	4	3	2	1	4.27
Balance of structure and flexibility	5	4	3	2	1	4.27
Group involvement and productivity	5	4	3	2	1	4.09
Facilitation	5	4	3	2	1	3.91
Facility	5	4	3	2	1	3.00

Comments:

- There were some difficulties with echoes and sound.
- Room had bad acoustics.
- I think we may now be streamlining or meetings too much. I'm beginning to feel rushed to complete issues in time, or in less time, allocated.

What did you like best about the meeting?

- Candid debate encouraged by chairman!

How could the meeting have been improved?

- Ensuring sufficient time to adequately discuss all matters, particularly, those that are controversial such as "wind borne" and "product approval" issues.
- PA system/better acoustics in the room.

