

Florida Building Commission

Attachment to the November 13 - 14, 2000 Minutes

Facilitators' Report of the November 13 - 14, 2000 Commission Meeting

West Palm Beach, Florida

Meeting Design & Facilitation By:



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Florida Building Commission
Attachment to the November 13 - 14, 2000 Minutes

I. OVERVIEW OF COMMISSION'S KEY DECISIONS

MONDAY, NOVEMBER 13, 2000

Education Training System Ad Hoc Committee (BCTP)

The Education Ad Hoc met for the second time and agreed to a three track parallel process for developing recommendations on transition training, advanced technical and specialized modules, and entry level worker training.

The Ad Hoc developed the following recommendations to present in a report to the Commission:

Approval of ITNs for identification of code differences.

Approval in concept of draft recommendations for implementing the Building Code Training System.

Provide written comments by November 17, 2000 on any proposed changes or comments on the proposed implementation recommendations for the BCTP.

Creation of two tiers to the system:

Tier IA: the existing core training program

Tier IB: develop an alternative core to IA that focuses on differences between the existing code and the Florida Building Code.

Tier II A: develop curricula for technical fundamentals of the FBC

Tier II B: develop advanced specialized modules.

Motion: The Ad Hoc voted 7 – 1 in support, to recommend approval of the number 1 ranked candidates on both Invitation to Negotiate proposals(00-01-5 and 00-01-6) for curricula development.

Motion: The Ad Hoc voted unanimously (9 – 0) to approve the conceptual direction for system development as recommended in the BCTP draft implementation recommendations and to provide written comments by Friday, November, 17, 2000.

(Attachment 2)

Product Approval Ad Hoc

The Product Approval Ad Hoc reviewed the template proposal from BOAF/Industry that they voted to approve at the November 9, 2000 meeting, and as agreed discussed and decided on the specific issues that were previously identified for discussion/resolution.

Motion: After deciding on each of the 16 points identified for possible refinement, the Ad Hoc voted unanimously, 9 – 0, to adopt recommendations (BOAF/Industry proposal as amended) to submit as an amendatory text to the full Commission.

They also agreed to review HUD standards and to ensure that the proposed system was at least equivalent to HUD requirements. In addition, the Ad Hoc agreed to develop amendments that would address the issue of statewide approval of a product utilizing the existing BOAF registry.

(Attachment 3)

TUESDAY, NOVEMBER 14, 2000

Agenda Review and Approval

The Commission reviewed and approved unanimously, by a vote of 18 – 0 in favor, the agenda as amended.

Review and Approval of October 16 - 17, 2000 Meeting Minutes

The Commission unanimously adopted, by a vote of 18 – 0 in favor, the minutes as presented from the October 16 - 17, 2000 Commission meeting.

Review and Approval of Commission's Updated Workplan

The Commission reviewed the workplan and task delivery schedule and voted unanimously, by a vote of 18 – 0 in favor, to adopt the modified workplan as presented.

The following tasks delivery schedules were modified:

- D Projects Relating to the Building Construction Industry
- F Storage Sheds
- I Building Code Training Program
- O Code Dissemination
- P Prototype Buildings
- Q Commission Rules of Procedure
- R Board of Appeals Process
- U Commission Commentary
- V Voluntary Standards for Building Departments

(Attachment 4)

Public Comment

The Commission heard testimony from 11 members of the public who spoke primarily on the Product Approval Ad Hoc Committee's recommendations for the Product Approval system.

Product Approval Ad Hoc Progress Report and Draft Recommendations

Chairman Rodriguez expressed that the Commission should review the amendatory text of recommendations, ask any clarifying questions, and move to adopt the text with the understanding that Commission members would have until November 22, 2000 to submit written amendments to DCA.

Jeff Blair explained the chronology of events and the process for completing recommendations for the state product approval system:

- Ad Hoc adopted BOAF/Industry proposal as template and identified issues for refinement on November 9, 2000 in Miami.
- Ad Hoc refined and agreed on all 16 of the issues identified for discussion at the Monday, November 13 meeting in West Palm Beach.
- Commission will review recommendations and adopt an amendatory text at the November 14, 2000 meeting.
- Commission members only may submit written amendments to DCA by November 22, 2000.
- Commission will decide on amendments and move to adopt recommendations as amended at December's meeting.
- Submit recommendations in report to Legislature by early January.

Commissioner D'Andrea presented the Ad Hoc committee's report and highlighted the committee's consensus recommendations to the full Commission.

(Attachment 3)

Discussion and Adoption of Product Approval System Amendatory Draft

After review of the recommendations, clarifying questions, and discussion, the Commission voted 17 – 1 in favor to adopt the Ad Hoc's recommendations as an amendatory text.

After determining that two Commission members were not present for the vote due to circumstances beyond their control, the commission voted 20 – 0 in favor to reconsider the previous action adopting the product approval system amendatory text.

The Commission then voted 18 – 2 in favor, to adopt the Ad Hoc's recommendations as an amendatory text.

Questions/Comments

Who is the validator?

Needs review- FBC approval of product on statewide basis.

Local approval by building official- yes.

What about competency of building official for statewide approval?

Support conceptually- the system.

FHB: Methodology for statewide certification of a product that has been approved in some jurisdictions.

FHB: All products shall comply- 4.0- concerns over change from six products to all products.

Concern over interpretation differences by building officials (of intent of system).

Local building official still makes an individual determination of product approval.

Separate validation entity will not accomplish anything above the proposed system adds additional level of bureaucracy.

Registry- what assures products on registry will be approved in all jurisdictions.

Facilitate use of nationally approved and registry approved products with approval by FBC for added acceptance.

This system is very different from original six product concept and HB 219 mandates.

Product approval should be for six products and other products approved by different process- building officials.

Building officials will determine if product complies with conditions use and not whether to accept the evaluation report.

This is a work in progress- pass text.

(Attachment 3)

Code Dissemination Update and Report

Chairman Rodriguez reported that he and staff had met with Miami-Dade County and Broward County and were making progress toward reaching a consensus. In addition, the Chair indicated that he would be in discussions with Miami –Dade, Broward, and SBCCI and anticipates delivering recommendations for Commission consideration and approval at the November 20, 2000 Commission conference call scheduled in order to consider filing for adoption of the Building Code Rule.

Education Ad Hoc Report and Recommendations

Commissioner Browdy presented the committee's report and the Commission unanimously accepted the report by a vote of 20 – 0 in favor. The Ad Hoc will submit their recommendations for implementing the Building Code Training Program at the December Commission meeting.

Motion: The Commission voted unanimously by a vote of 20 – 0 in favor to approve DCA proceeding with negotiations for the number 1 ranked candidates for Invitation to Negotiate numbers: 00-01-5 (University of Florida) and 00-01-6 (Chitester).
(Attachment 2)

Prototype Buildings Ad Hoc Report and Recommendations

Commissioner Parrino presented the committee's report and the Commission unanimously accepted the report by a vote of 20 – 0 in favor.
(Attachment 5)

Lawn Storage Buildings Report and Recommendations

Commissioner Parrino presented the committee's report and the Commission unanimously accepted the report by a vote of 20 – 0 in favor.
(Attachment 5)

Discussion of Airhandler Multiplier Development

(Settlement Agreement Component)

Chairman Rodriguez reported that he and Rick Dixon had met with Jack Glenn (FHBA—Homebuilders representative), Chuck Meyer (FHACA—Florida Heating and Air Conditioning Contractors Association representative), and Phillip Fairey (FSEC—Florida Solar Energy Center representative) to discuss methodology for determining the multiplier penalty for air handlers in the attic. He indicated that they agreed to participate in the project and to accept the results from the researchers for use in Florida Energy Code compliance calculations.

The Chair appointed a project advisory committee consisting of representatives from the Homebuilders and the Florida Heating and Air Conditioning Contractors Association to work with the researchers and to monitor the progress of the research.

Legal Staff Reports/Discussions/Recommendations/Approval

Staff indicated that if requested there would be a hearing on the adopted changes to notice of proposed changes to the building Code Rule on November 20, 2000 in Orlando Florida. In addition, the conference call approved at the October 2000 meeting by the Commission to vote on filing for adoption on the Building Code Rule, and to discuss decisions on code dissemination issues is scheduled for 2:30 PM on November 20, 2000.

The Commission voted unanimously by a vote of 20 – 0 in favor to approve Legal's recommendations.

Review Committee Assignments and Issues for November's Commission Meeting

- Amendments and adoption of recommendations for Product Approval System(E)
- Education Training Ad Hoc recommendations (I)
- Code Dissemination Issues (O)
- Prototype Buildings (P)
- Lawn Storage Buildings (F)
- Commission Rules of Procedure Ad Hoc (Q)
- Partnerships for Building Department Effectiveness Task Group (V)
- Accessibility TAC and Waivers
- Plumbing TAC
- Joint building Fire TAC
- Mechanical TAC

Additional Issues

Settlement to Rule Challenge to Florida Building Code Rule Settled

The Florida Building Commission negotiated a settlement of the challenge brought forth by the Florida Home Builders Association which threatened to delay adoption of the Florida Building Code. The central issue was a code provision prohibiting placement of air handlers in attics. The settlement agreement replaces the prohibition with code requirements which provide protections for consumers when the attic is the choice for air handler placement. The requirements ensure easy access to units for servicing, added protections from damage to ceilings and improvements to offset energy efficiency losses of the air conditioning system.

The Home Builders Association approved the settlement agreement that dismisses the code challenge at their fall meeting Friday. The settlement also strengthens the process for considering code modifications, specifies the use of safety-enhanced roof shingles, and clarifies certain aspects of the inspection process. Builders' President Ron Coppenbarger said the agreement was another positive step to make the code more cost effective for consumers. The public has until November 17 to comment on the settlement agreement changes to the draft code. If there is no further challenge the Florida Building Commission will then move to adopt the code the following week.

Commission Chairman Raul L. Rodriguez, AIA said, The Florida Building Commission is indeed the proper forum to resolve issues of this type. The Florida Building Commission and the Florida Home Builders Association worked hard to find a mutually agreeable solution to this disagreement. Now we can all move forward with printing the code and conducting the training essential to its implementation. The Florida Building Code is scheduled to replace all local codes July 1, 2001. Training on the differences between current code requirements and the new code will begin in the first quarter of 2001.

**Attachment 1
Meeting Evaluation Summary
Florida Building Commission
November 13 - 14, 2000
West Palm Beach, Florida**

How Well Did the Commission Achieve the Meeting Objectives?

| | <u>Circle One</u> | | | | | |
|--|-------------------|---|---|---|---|-------------|
| | <u>Good</u> | | | | | <u>Poor</u> |
| Review and Adoption of Updated Commission Workplan | 5 | 4 | 3 | 2 | 1 | 4.65 |
| Discussion and Adoption of Code Dissemination Recommendations | 5 | 4 | 3 | 2 | 1 | 4.06 |
| Product Approval Ad Hoc Report and Recommendations | 5 | 4 | 3 | 2 | 1 | 4.82 |
| Adoption of Product Approval System Amendatory Recommendations | 5 | 4 | 3 | 2 | 1 | 4.71 |
| Education Ad Hoc Report and Recommendations | 5 | 4 | 3 | 2 | 1 | 4.18 |
| Prototype Building Ad Hoc Report and Recommendations | 5 | 4 | 3 | 2 | 1 | 4.71 |
| Recommendations on Lawn Storage Buildings | 5 | 4 | 3 | 2 | 1 | 4.65 |
| Plumbing TAC Report and Recommendations | 5 | 4 | 3 | 2 | 1 | 4.29 |
| Discussion of Airhandler Multiplier Development | 5 | 4 | 3 | 2 | 1 | 4.65 |
| Legal Staff Reports/Discussions/Recommendations | 5 | 4 | 3 | 2 | 1 | 4.47 |
| Review of Assignments for Next Month | 5 | 4 | 3 | 2 | 1 | 4.00 |

Rate the Following Aspects of the Meeting?

| | | | | | | |
|---|---|---|---|---|---|-------------|
| Clarity of the meeting purpose and plan | 5 | 4 | 3 | 2 | 1 | 4.71 |
| Background information was helpful | 5 | 4 | 3 | 2 | 1 | 4.53 |
| Agenda packet was helpful | 5 | 4 | 3 | 2 | 1 | 4.24 |
| Balance of structure and flexibility | 5 | 4 | 3 | 2 | 1 | 4.65 |
| Group involvement and productivity | 5 | 4 | 3 | 2 | 1 | 4.76 |
| Facilitation | 5 | 4 | 3 | 2 | 1 | 4.71 |
| Facility | 5 | 4 | 3 | 2 | 1 | 3.65 |

Comments:

Convenient location near airport, however- no sound insulator and guests were in- out all night.
Table arrangement too small.
Great job on facilitation.
Hotel was substandard- staff should check out hotels thoroughly before booking.

What Did You Like Best About the Meeting?

Good meeting.
Productive.
Voting many times in Palm Beach.

How Could the Meeting Have Been Improved?

More table room at the commission meeting.
Room size didn't fit group.
Facility need to meet ADA.
Do not overlap Ad Hoc meetings so that critical issues/knowledge cannot be attained by participating in said Ad Hoc meetings.
Need more space for each commissioner at the table.
Microphone and facilities were inferior.

Attachment 2

Education Training System Ad Hoc Committee Report November 13, 2000

Invitation to Negotiate

Motion:

Approve DCA proceeding with negotiations with the number one ranked candidate on the Invitation to Negotiate for curricula development. (Adopted 7-1)

Transition Training

- ☐ Create regional training centres utilising building departments
- ☐ Miami-Dade/Broward has process in place
- ☐ Recommend 4 zones
 - Miami-Dade/Broward
 - Orlando
 - Gainesville
 - Tallahassee
- ☐ Need as many locations as possible, but provide zones for areas lacking resources
- ☐ Provide Building Officials with training - they disseminate the training
- ☐ Utilise building department training sites
- ☐ Train officials and contractors side-by-side

Transition Training

- ☐ Provide an incentive - certificate
- ☐ Make training easy to obtain
- ☐ Private professional schools have a role
- ☐ Training should accommodate large numbers of people in a short time frame
- ☐ Building Officials can utilise industry expertise in providing training
- ☐ Core should focus on difference between FBC and SBC
- ☐ Require an additional 2 hours in license area
- ☐ Modify the core - 2 hour overview and 2 hour subject area with 2 hours optional in subject area
- ☐ Provide a link to the technical core

Training - Transition

- ☐ Hire a contractor to provide training and organise training opportunities in conjunction with building departments/associations through an Invitation to Negotiate process
- ☐ Core relates to the system and is not technical training-overview of system/programmatic
- ☐ Core is the only required course for the contractors
- ☐ In the future, contractors will be required to take CEU's on code for re-licensure
- ☐ Hours to be determined by DBPR
- ☐ All building code courses to be approved by the FBC

Transition Training

- □ Need to leave the 4 hour core as is to provide system overview-programmatic
- □ Training on technical differences should be separate courses-CEU based
- □ Technical core alternative for programmatic core
- □ Leave core and provide technical core in conjunction with core training
- □ TAC recommendation in curricula development for transition training

Education

Decide on three levels of training

- I Core (4 hours - CEU)
- II Transition technical core (Alternative to Level I - 4 hours)
- III Advanced Module

Motion:

Support conceptual direction - 9-0 in support

Tier I-A, 1B, IIA, IIB

IA-Core

IB-Transition includes elements of core (Alternative)

IIA-Code fundamentals

IIB-Advanced modules

Need feedback by November 17th on the plan

Presentation

Entry Level Training - Kathleen Habel, Florida Community College

- □ Designing a new curricula for trades
58 students in the program
- □ Based on modules - individual pace; test out on job training opportunities
- □ Tuition and books are provided
- □ Competency-based training with stipends
- □ Aimed at high school graduate
- □ Developing marketing strategy to schools
- □ NCR curricula (apprentice) - refining for workers
- □ Training goal - certified technician

Comments:

- □ Include information in program
- □ Expedite the program to other community colleges

Building Code Training Program— Draft Implementation Recommendations

Program Overview

Program Goal

To make available affordable and quality training on the Florida Building Code without expanding DCA staff.

Availability of Training

To licensees (i.e., design professionals and contractors);
To superintendents and journeyman; and,
To entry-level workers in collaboration with OBCTPA

Affordability

Through partnering with the private sector and government

Quality

Through a quality assurance system for:
Curriculum; and
Delivery of training

Administration

Contract with outside entity to administer program with oversight from the Commission

Program Courses

An affordable and quality curricula for licensees and non-licensed workers on:
Technical core (i.e., building code); and,
Advanced/specialized modules (i.e., connector selection for wind resistance)

Funding

User fees for the technical core; and,
Accreditation fees for providers of advanced/specialized modules
State assistance to develop core curricula and to administer the program pending self-sufficiency

| Level II—A | Level II—B |
|--|--|
| Technical/Fundamentals (Core) Courses on the Code | Advanced/Specialized Modules |
| General, basic, fundamentals of code | Int./Adv. specialized topics |
| Uniform course content developed by state | Varied curricula developed by provider |
| Provided by single entity—Administrator | Provided by specialized entities |
| State provides trainers | Industry/specialists provide training |
| State subsidizes administrator as needed | Provider funds |
| Administrator charges user fee for courses | Accreditation fees |

| | |
|----------------------------|--|
| QA: curricula and delivery | QA: administrator accredits and monitors |
|----------------------------|--|

Draft Recommendations

A. Administration

The Florida Building Commission will oversee the program and contract the administration of the program to an outside entity through an ITN. The FBC will adopt the criteria that the administrative entity will use to administer the program. The entity shall make regular reports to the Commission.

- ☐ FBC oversees program
- ☐ Contract administration through ITN
- ☐ FBC approves criteria for program administration
- ☐ Require regular reporting
- ☐ Approves core content and delivery process
- ☐ Approves accreditation process recommendations for advanced modules

B. Funding

Administration

- ☐ State provided initially in order to assist administrator in developing technical core curricula.
- ☐ The goal is to have a self-supporting administrator for the long-term; but to evaluate program viability on an annual basis relative to economic feasibility, and to make any needed funding recommendations/requests to the Legislature.
- ☐ State provided financial support/subsidy options:
 - ☐ Permit surcharge: either as a portion of current fee or as an additional 1 cent charge
 - ☐ Licensure fees in collaboration with DBPR
 - ☐ CAT funds for related code topics
 - ☐ Pursue grants for development

Courses

- ☐ User fees for technical core
- ☐ User fees are collected for courses provided over the internet
- ☐ User fees are collected for classroom courses with all or a portion of fees going to administrator when its course materials are used
- ☐ Accreditation fees for providers of advanced/specialized modules

C. Quality Assurance

- ☐ FBC approval of administrator
- ☐ Administrator develops and delivers curricula approved by FBC for core
- ☐ Administrator evaluates trainers and monitors courses for advanced/specialized modules using an established CEU accreditation process reviewed and approved by the FBC

D. Technical Core Courses

- ☐ General, basic, fundamentals of the code on limited/targeted topics
- ☐ Uniform course content developed by administrator and approved by FBC
- ☐ Can be provided on-line
- ☐ Can be coordinated by a single state funded entity such as a university center or community college
- ☐ Provider must use FBC developed/approved curricula
- ☐ State trains and supports trainers who deliver training utilizing existing venues such as building departments, and professional/trade associations

E. Advanced/Specialized Modules

- ☐ Intermediate/advanced in depth on specialized subjects and technologies
- ☐ Curricula developed by private industry or specialists on topic
- ☐ Administrator establishes accreditation criteria using approved/recognized CEU protocols
- ☐ FBC approves administrator's recommendations
- ☐ Administrator evaluates trainers and monitors courses

Education Program Development Ad Hoc

Meeting Evaluation Results

November 13, 2000
West Palm Beach, Florida

How Well Did the Commission Achieve the Meeting Objectives?

| | <i>Circle One</i> | | | | | |
|--|-------------------|---|---|-------------|---|-------------|
| | <u>Good</u> | | | <u>Poor</u> | | |
| Review Code Comparison Contracts and Transition Training Provider Ranking Exercise | 5 | 4 | 3 | 2 | 1 | 4.75 |
| Discussion and Decision on Transition Training Recommendations | 5 | 4 | 3 | 2 | 1 | 4.50 |
| Review and Discussion of Draft of Program (BCTP) Recommendations | 5 | 4 | 3 | 2 | 1 | 4.50 |
| Identification of Additional Issues and Needed Information | 5 | 4 | 3 | 2 | 1 | 4.63 |
| Presentation and Discussion on Construction Workforce Training | 5 | 4 | 3 | 2 | 1 | 3.50 |
| Agree on Needed Next Steps and Assignments | 5 | 4 | 3 | 2 | 1 | 4.50 |

Rate the Following Aspects of the Meeting?

| | | | | | | |
|---|---|---|---|---|---|-------------|
| Clarity of the meeting purpose and plan | 5 | 4 | 3 | 2 | 1 | 4.63 |
| Background information was helpful | 5 | 4 | 3 | 2 | 1 | 4.25 |
| Agenda packet was helpful | 5 | 4 | 3 | 2 | 1 | 4.13 |
| Balance of structure and flexibility | 5 | 4 | 3 | 2 | 1 | 3.75 |
| Group involvement and productivity | 5 | 4 | 3 | 2 | 1 | 4.38 |
| Facilitation | 5 | 4 | 3 | 2 | 1 | 4.38 |
| Facility | 5 | 4 | 3 | 2 | 1 | 3.25 |

Comments:

PA system.

What Did You Like Best About the Meeting?

Strong interaction and participation on committee and others.
 Group was engaged. Good meeting- flexibility of group- good.

How Could the Meeting Have Been Improved?

Strongly impress on members the limited time frame on this issue.

Attachment 3

Product Approval Ad Hoc Committee Report

PRODUCT APPROVAL AD HOC

NOVEMBER 13, 2000

PRODUCT APPROVAL AD HOC REPORT

NOVEMBER 13, 2000

Members in attendance: George Wiggins, Steve Bassett, Craig Parrino, Dick Browdy, Raul Rodriguez, Med Kopczynsky, Steven Corn, Jim Mehlretter, Nick D'Andrea.

Discussion

Direction from HB 219

Evaluation- private third-party entities effective government oversight

Governor's Direction

-No additional resources for DCA to administer the system.

Issues to address

Definitions, accreditation, certification, which products, Miami-Dade County process as the fourth method, checklist for approval process, validation criteria, oversight method, rules for system operation - procedures for evaluation reports questions.

Public Comments

-4.3.1 (BOAF proposal) should apply to all evaluation reports by all evaluation entities

-Assure no conflict of interest for PE's

-Rational Analysis

-Reciprocity with Dade County approved products throughout state and vice/versa.

-Get copy of chart prepared by FB that was presented at meeting.

Issue Discussion

-Terms needing definition - add 1 to page 2 -4 on 11/10/00 draft.

-Peer review

-Rational Analysis

Comments on existing definitions

-Accreditation- accepted (unchanged from BOAF proposal)

-Accreditation Entity (Body)- accepted

-Approved Certification Agency - accepted

-Approved Product Evaluation entity- accepted (Continue to use Z-34.1, 1993 Standard)

-Approved Testing Lab- accepted

-Approved Quality Assurance Entity-

-unless they tell us what they do it should not have this definition in.

-Correlation needed

-How will entity interact with system

-Possible discrepancy in text with "agency" vs "entities"

- Committee approved using the word “entity” throughout, not “agency”, in regard to Quality Assurance.
 - Certificate of Accreditation- accepted
 - Certification - accepted
 - Certification Marking or Listing- accepted
 - Conformity Assessment- accepted
 - Evaluation- accepted
 - Evaluation Entity- accepted
 - Evaluation Report- accepted as modified
 - Based on testing only or also rational analysis (sub (1))
 - Need to assure rational analysis added in
 - Change “testing” to “proven to be”
 - Inspection- accepted
 - Labeled- accepted
 - This could present problems
 - make sure “label” in text
 - How does this differ from “Certification Marking”?
 - Listed- accepted
 - Product- accepted
 - “method of construction” - conflict of building code vs manufacturer’s recommendations
 - Change to “system” of construction
 - System, method go together
 - Rational Analysis- (proposed)- accepted in concept, more word smithing to be done.
 - A method by which a Florida registered architect or engineer licensed in the state may, by the use of mathematical or scientific analysis, demonstrate the product evaluated conforms with the applicable code standards for which the evaluation report is issued.
 - Standards- accepted
 - Scope of Accreditation- accepted
 - Test- accepted
 - Product Approval- accepted with modification
 - after “building official” put “or designee”
 - Validation- accepted
 - Peer review- proposed (Tabled to allow committee engineers to clarify)
 - A written review by an second professional on the work performed by the architect or engineer.
- Comments on peer review
- Not a level playing field - why only a peer review of engineers and architects

Issues identified for refinement to the BOAF/Industry proposal

1. Address the consistency of definitions

- Adopted pending definitions of peer review

2. Address the issue of accreditation

- have commission take advantage of recognized accreditation programs in the field.
- someone wanting accreditation would submit a document.
- department doesn’t have staff to review an application
- Miami-Dade County product approval is an important entity that has been left off.
- Miami-Dade is included as an approved agency.

- 6.2.1.4- should this be left out?
- clarification on definition as before.
- need to be careful before deleting 6.2.1.4

3. Address the HUD certification requirements, 9-0 approved

- HUD requirements need to be incorporated, review to see if code requirements are more strict.

4. Address and clarify which products fall under the product approval system,.

- current proposed requirements all products
- change the word “covered” to “and required”
- not cleared that this is a statewide approval system
- change “used in construction” to “identified” by the Florida Building Code, Section 4.0, Step 1.

Comment:

- Dade County doesn't use referenced system.
- Use the six product (products recommended by the Task Group) as a minimum.
- incorporate HUD standards and there criteria for certification. Motion; 9-0 approved.

5. Incorporate the Miami-Dade process as a 4th method of evaluation. 9-0 approved.

- Motion withdrawn, Miami-Dade left as an evaluation entity.
- 4.3.1. and 4.3.2 and all subsections included in any evaluation.
- See revised BOAF document for numbering change.
- 4.4 “all reports required in method 2 and 3 shall contain the following information”
- use 4.3.1.1 through 4.3.1.8.

6. The Florida Building Commission establishes validation criteria.

- adequately covered in code.

7. The Florida Building Commission provides a method for oversight of all entities.

- adequately covered in code.

8. Establish a checklist for the application of products.

- covered on page 12, checklist.
- list needs to be expanded, the list is very generalized.
- the list is not meant to be product specific.
- supported conceptually- in December suggestions will be brought

9. The Florida Building Commission establishes the rules for the system operation

a. Establish procedures to handle questionable evaluation reports.

- would like some specifics
- add, 12.4 and title it “Questionable Evaluation Reports. (Parrino)
- needs something referring to revocation of questionable reports
- Section 11.04 (does this cover revocation?)
- may be covered under 12.1.3
- add “report recalls” to 12.0. Will read: Product/System/Reports Recalls
- 12.1 - need to add “/report recalls” after system. Approved 9-0

10. Approval by Rational Analysis

- covered

11. When to use Quality Assurance

-covered

-situations for quality assurance evaluation report certification

12. Notification process for products sold incorrectly.

-addressed in 12.3.1, replace “revocation” with “recall”

-4.4.1.4 - proof of “independent”. 7-1 approved

-add to 12.3.1 after “consuming public” add “and building departments”. 9-0 approved.

Re-discussion: Use “revocation” instead of “recall”.

13. Uniform criteria for approval of a product

-covered

14. Oversight determination for approval of a product.

-by Florida Building Commission

15. Oversight determination for system reliability.

-covered

16. Develop method for Florida Building Commission to issue a statewide approval

-Commission to recognize building jurisdictions that apply to the Commission to become validators of product validations which local jurisdictions will present to the Commission for consideration of statewide approval.

-change to “allow manufacturer to present to...” rather than local jurisdiction

-suggest - establish a registry under BOAF.

Motion: accept this as a concept and bring specific language back - procedure to allow statewide approval. 9-0 approved.

Motion: Approve BOAF proposal as amended, 9-0 approved

Issues approved by the Product Approval Ad Hoc Committee for further development:

Confirm the proposed system is equivalent to HUD certification requirements and criteria for certification.

Develop a method to facilitate statewide product approval by utilizing a registry maintained by Building Officials Association of Florida (BOAF).

Product Approval Ad Hoc Recommendations for the Statewide Product Approval System

Florida Product Evaluation and Approval System

The Florida Building Code establishes minimum standards for design, construction, operation and use of buildings and structures and their service and support systems in the State of Florida. The Florida Product Approval system established by statute is a “Conformity Assessment” system for determining building product compliance with the standards of the Florida Building Code.

The Florida Building Commission establishes this uniform procedure for demonstrating compliance with the Florida Building Code and the standards contained therein to the local building official in the normal permitting process. This system also ensures compliance of those products, construction methods, or building systems considered to be alternates to those products/systems specifically prescribed in the Florida Building Code as allowed by Section 103.7.

The Florida Product Evaluation and Approval System is an enhancement over the current practice in the State by establishing two levels of government oversight. The evaluation process is regulated by the Florida Building Commission through the recognition of third party private and public sector organizations such as testing laboratories, certification agencies, product evaluation entities and quality assurance agencies. The product approval step is executed by the local building official who ensures that the evaluation step was properly performed and that the product/system is acceptable for the building for which the permit is sought. The normal inspection process performed by the local building code official ensures that the product/system is installed in accordance with its conditions of acceptance.

1.0 Introduction

The Florida Building Commission shall:

- 1.1 Establish a statewide product evaluation and approval system.
- 1.2 Establish minimum criteria for testing organizations, certification agencies, product evaluation entities, and quality assurance agencies.
- 1.3 Set necessary fees to recover the costs of the Florida Building Commission associated with processing applications for approval of testing organizations, certification agencies, product evaluation entities, and quality assurance agencies.
- 1.4 Approve testing organizations, certification agencies, product evaluation entities, and quality assurance agencies and make a list of them available.
- 1.5 Develop a checklist to be available to the local building official to assist in validation of product compliance.
- 1.6 ESTABLISH A LIST OF GRANDFATHERED TESTING ORGANIZATIONS, CERTIFICATION AGENCIES, PRODUCT EVALUATION ENTITIES, AND QUALITY ASSURANCE AGENCIES.
- 1.7 PROCESS APPEALS, REVOCATIONS, RECALL.
- 1.8 IN COOPERATION WITH BOAF, ESTABLISH A TRAINING PROGRAM FOR BUILDING CODE OFFICIALS REGARDING THE PROPER UTILIZATION OF THE PRODUCT EVALUATION AND APPROVAL SYSTEM.

2.0 DEFINITIONS:

Accreditation (ISO Guide 2) means a procedure by which an authoritative body gives formal recognition that a body or person is competent to carry out specific tasks.

Accreditation Body means an approved, third party organization, which initially accredits and subsequently monitors, on a continuing basis, the competency and performance of a grading or inspection agency related to carrying out specific tasks.

Approved Certification Agency means an organization that meets the requirements of *ISO/IEC Guide 65 General Requirements for Bodies Operating Product Certification Systems* or *ANSI Standard Z-34.1-1993, "American National Standards for Certification - Third-Party Certification Programs for Products, Processes, and Services"* and has been accredited by the American National Standards Institute (ANSI) or any other authoritative body accepted by the Florida Building Commission.

Approved Product Evaluation Entity means an organization approved by the Florida Building Commission to evaluate testing reports and other technical documentation about a product, system or method, for compliance with the requirements of the Florida Building Code or the standards referenced therein resulting in the issuance of an Evaluation Report.

Approved Testing Laboratory means a laboratory that meets the requirements of *ISO/IEC Guide 17025 General Requirements for the Competence of Calibration and Testing Laboratories* and has been accredited by American National Standards Institute (ANSI), the National Voluntary Laboratory Accreditation Program (NVLAP) or any other accreditation body accepted by the Florida Building Commission. Approval shall be limited to specific test methods as shown in the scope of accreditation for a testing laboratory.

Approved Quality Assurance Entity means an entity that meets the quality assurance requirements of *ISO/IEC Guide 65: General Requirements for Bodies Operating Product Certification Systems* or equivalent as determined by the Florida Building Commission and provides oversight to determine that the product or system is being manufactured, assembled, and/or being installed per the submitted description, test results, or calculations to establish continual product performance.

Certificate of Accreditation means a document issued to a testing laboratory or certification agency or organization indicating conformance with a specific standard.

Certification (NIST IR 6014) means the process of providing assurance that a product conforms to a standard or specification. First party certification is the process by which a manufacturer or supplier declares the product meets one or more standards based on (1) confidence in their quality control system, or (2) the results of testing or inspection done by the manufacturer or others acting on the manufacturer's behalf. Second party certification means the buyer requires and certifies that the products they purchase meet one or more standards. Third party certification means the manufacturer's claim of conformity is validated by a technically and otherwise competent third party. Third party certification programs may use one or more of the following methods: Type testing/ Initial Inspection, Surveillance of the Supplier's Process, Audit Testing, Field Investigations, Batch-testing, 100% testing. Certification programs may use certification marks on products.

Certification Mark or Listing (ISO Guide 2) means a protected mark, applied or issued under the rules of a certification system, indicating that confidence is provided that the relevant product, process or service is in conformance with a specific standard or other normative document.

Conformity Assessment (ISO Guide 2, Standardization and Related Activities- General Vocabulary) means any activity concerned with determining directly or indirectly that relevant requirements are fulfilled. Conformity Assessment activities (NIST IR 6014) include Inspection, Testing, Laboratory Accreditation, Certification Programs, Certification Program Accreditation and Recognition of accreditation program competence.

Evaluation (NIST IR 6014) means a comparison of product conformance by comparing against standards by testing or inspection.

Evaluation Entity means an organization which compares products to standards. Entities may be first party (the manufacturer), second party (the buyer) or third party (an independent entity). Independent entities may include the public sector through local, state or Federal government or the private sector.

Evaluation Report (F.S. 553.842 (5)(a)) means a report from an approved evaluation entity or Florida registered engineer or architect that indicates: (1) The product, method or system of construction was proven to be in compliance, through testing or rational analysis, with the Florida Building Code or with the intent of the code; and (2) the product, method or system of construction is, for the purpose intended, at least equivalent to that required by the code.

Inspection (ISO Guide 2) means conformity evaluation by observation and judgement accompanied as appropriate by measurement, testing or gauging.

Labeled: An identification applied on a product, package or container by the manufacturer that contains the name of the manufacturer, the function and performance characteristics of the product or material, and the name and identification of an approved testing laboratory, approved certification agency or an approved quality assurance entity and that indicates that the representative sample of the product or material has been tested and evaluated by an approved testing laboratory, approved certification agency or an approved quality assurance entity.

Listed: Products or services included in a list published by an approved testing laboratory, approved certification agency or approved quality assurance entity that maintains periodic inspection of production of listed products, or periodic evaluation of services and whose listing states either that the product or service meets identified standards or has been tested and found suitable for a specified purpose.

Peer Review means a documented review by a Florida Registered Architect or Florida Licensed Professional Engineer of the work performed by another Florida Registered Architect or Florida Licensed Professional Engineer.

Product (F.S. 553.8) means any product, system or method of construction.

Product Approval: The acceptance of the product on a specific project after review, performed by the Building Official or designee, of the method used to demonstrate that the product or material complies with the Florida Building Code, including the use of approved product evaluation entities, testing laboratories, quality assurance entities and certification agencies, verification that the information addresses the requirements of the code and the product or material is suitable for use in the location and project where it is proposed. The issuance of a signed permit denotes approval of any product shown on the approved construction documents on which the permit is based.

Rational Analysis means the method by which a Florida Registered Architect or Florida Licensed Professional Engineer uses mathematical or scientific analysis to demonstrate that the product evaluated conforms with the applicable code standards for which the evaluation report is issued.

Standards: (National Standards Policy Committee) means a prescribed set of rules, conditions, or requirements concerning definitions of terms; classification of components; specifications of materials, performance, or operations; delineation of procedures, or measurement of quantity or quality in describing materials, products, systems, services, or practices that include standards for products/systems referenced in Chapter 35 of the Florida Building Code, Chapter ___ of the Plumbing Code, Chapter __ of the Mechanical Code, Chapter ___ of the Fuel Gas Code and Chapter ___ of the Electrical Code.

Scope of Accreditation means a document issued by an accrediting organization outlining the test standards, calibration services or other functions for which the organization is accredited.

Test (ISO Guide 2) means a technical operation that consists of the determination of one or more characteristics of a given product, process or service according to a specified procedure.

Validation (NIST IR 6014) means the process of verifying that the manufacturer's claim of conformity with standards is valid.

3.0 Statewide Product Evaluation and Approval System is a two step process:

Step 1 – Product Evaluation

Step 2 – Product Approval

4.0 Step 1 – Product Evaluation

All products identified by the Florida Building Code, shall comply with the provisions or standards contained therein or with the intent of the Florida Building Code on the basis that the product or method or system of construction is, for the purpose intended, at least equivalent to that required by the Florida Building Code. Compliance can be demonstrated through one of the following methods:

4.1 Method 1

Products, which are specifically addressed in the code through prescriptive provisions, shall be approved for use through the design, plan review, and inspection process.

4.2 Method 2

Products and materials specifically addressed through reference standards shall demonstrate compliance with the Florida Building Code through one of the methods below.

- 4.2.1☐ Certification Mark or Listing from an Approved Certification Agency on the product.
- 4.2.2☐ Batch tickets or bill of lading provided by the manufacturer or supplier
- 4.2.3☐ A test report from an Approved Testing Laboratory, which shows conformance to a referenced standard and clearly identifies which products are covered by the test report.
- 4.2.4☐ An Evaluation Report from an Approved Product Evaluation Entity that clearly covers the subject product.
 - 4.2.4.1☐ A report from a Florida Registered Architect or a Florida Professional Engineer that clearly covers the subject product. A report from a Florida Registered Architect or a Florida Professional Engineer (based on rational analysis or a test report from an approved testing laboratory).

4.3 Method 3

Manufacturers of alternate or innovative products not specifically addressed in the Florida Building Code, that meet the intent of the Florida Building Code, as required by Section 103.7 shall submit a completed Checklist shown in Appendix C, have a third party quality assurance program implemented on the product by an approved quality assurance agency and shall demonstrate compliance with the Florida Building Code through one of the methods below:

- 4.3.1☐ An Evaluation Report from an Approved Product Evaluation Entity
- 4.3.2☐ A report from a Florida Registered Architect or a Florida Professional Engineer (based on rational analysis or a test report from an approved testing laboratory).

4.4 Evaluation Report Requirements

All evaluation reports required in Method 2 and Method 3 shall contain the following information:

- 4.4.1□ Name, address and phone number of the applicant/supplier.
- 4.4.2□ Statement of compliance with the appropriate section of the Florida Building Code.
- 4.4.3□ Proof of Peer review.
- 4.4.4□ Proof of a continuing independent quality assurance program for the product, construction method or building system under evaluation. (Note: A legislative change is required for the preceding section)
- 4.4.5□ Description of the product, construction method or building system.
- 4.4.6□ Technical documentation supporting the compliance statement.
- 4.4.7□ Installation requirements.
- 4.4.8□ Limitations and conditions of use.

5.0 Step 2 – Product Approval

5.1□ Validation and Approval of proof of compliance with the Florida Building Code shall be performed by the local building code official through the following steps:

- 5.1.1□ The Building Official shall validate the method of compliance for products during the permit application review process using the Product Approval Checklist.
- 5.1.2□ The Building Official shall verify that the product is appropriate for use in the project for which a permit has been filed.
- 5.1.3□ The Building Official shall ensure that the product being installed is the product, which was validated through one of the compliance methods as part of the normal inspection process and that the product is installed in accordance with its limitations of use.

6.0 Criteria for product evaluation entities, testing laboratories, certification agencies, and quality assurance agencies.

6.1□ Approved Product Evaluation Entity Criteria

- 6.1.1□ The Florida Building Commission recognizes the following organizations as approved product evaluation entities: BOCA ESI, ICBO ES, Miami-Dade County Product Control Division, NES and SBCCI PST ESI.
- 6.1.2□ Product evaluation entities shall apply to the Florida Building Commission for consideration as an approved product evaluation entity by filing an application in accordance with Section 9.

6.2 Approved Testing Laboratory Criteria

- 6.2.1 The following are recognized by the Florida Building Commission as Approved Testing Laboratories for those procedures listed on the Certificate of Accreditation issued by the accreditation program or equivalent:
 - 6.2.1.1 Testing laboratories accredited by A2LA
 - 6.2.1.2 Testing laboratories accredited by NVLAP
 - 6.2.1.3 Testing laboratories accredited by Approved Product Evaluation Entities
 - 6.2.1.4 Testing laboratories that meet the requirements of *ISO/IEC Guide 17025: General Requirements for the Competence of Calibration and Testing Laboratories*
- 6.2.2 Testing laboratories shall apply to the Florida Building Commission for consideration as an approved testing laboratory by filing an application in accordance with Section 9.

6.3 Approved Certification Agency Criteria

- 6.3.1 The following are recognized by the Florida Building Commission as Approved Certification Agencies based on the Certificate of Accreditation issued by the accreditation program or equivalent:
 - 6.3.1.1 Certification Agencies accredited by Approved Product Evaluation Entities
 - 6.3.1.2 Certification Agencies that meet the requirements of *ISO/IEC Guide 65: General Requirements for Bodies Operating Product Certification Systems* or *ANSI Standard Z-34.1-1993, "American National Standards for Certification - Third-Party Certification Programs for Products, Processes, and Services"*
- 6.3.2 Certification Agencies shall apply to the Florida Building Commission for consideration as an approved certification agency by filing an application in accordance with Section 9.

6.4 Approved Quality Assurance Agency Criteria

- 6.4.1 The following are recognized by the Florida Building Commission as Approved Quality Assurance Agencies based on the Certificate of Accreditation issued by the accreditation program or equivalent:
 - 6.4.1.1 Quality Assurance Agencies accredited by Approved Product Evaluation Entities
 - 6.4.1.1 Quality Assurance Agencies that meet the requirements of *ISO/IEC Guide 65: General Requirements for Bodies Operating Product Certification Systems*
 - 6.4.1.2 Quality Assurance Agencies shall apply to the Florida Building Commission for consideration as an approved Quality Assurance Agencies by filing an application in accordance with Section 9.

7.0 Previously approved product evaluation entities, testing laboratories, certification agencies, and quality assurance agencies.

The Florida Building Commission designates the list of testing laboratories, product evaluation entities, certification agencies and quality assurance agencies shown in Appendix B as deemed to be approved on the effective date of the Florida Building Code.

8.0 List of Approved Product evaluation entities, testing laboratories, certification agencies, and quality assurance agencies.

The Florida Building Commission shall make available a current list of approved product evaluation entities, testing laboratories, certification agencies, and quality assurance agencies on the Department of Community Affairs website.

9.0 Application Procedure for product evaluation entities, testing laboratories, certification agencies, and quality assurance agencies.

10.0 Appeal Process F.S. 120

11.0 Revocation of Approval of product evaluation entities, testing laboratories, certification agencies, and quality assurance agencies. F.S. 120

11.1□ Revocation or Modification with Right to Hearing

11.1.1□ Any agency approval may be revoked or modified (including but not limited to imposition of further or revised conditions) for any of the following reasons:

12.0 Product/System/Report Recalls

12.1□ Anyone may file a request with the Florida Building Commission for investigation of a product/system/report based on the following findings:

12.1.1□ Failure of the material, method of construction or equipment to conform with the specifications upon which the approval was based, or;

12.1.2□ Failure of the material, method of construction or equipment to perform properly although meeting the specifications upon which the approval was originally based, or;

12.1.3□ Failure to comply with any condition to the issuance of the approval, or;

12.1.4□ Any intentional misstatement, in the submittal or any data submitted in support thereof, or;

12.1.5□ Failure to comply with new, existing or revised requirements of the Florida Building Code or the standards referenced therein adopted by The Florida Building Commission following public hearing; or

12.1.6□ Failure to maintain a current quality assurance program.

12.1.7□ Failure to perform an applicable test, or furnish any material or data, required by the local building official.

12.2□ Investigation – The Florida Building Commission shall undertake an investigation in accordance with Chapter ____, F.S.

12.3□ Notification

12.3.1□ In addition to the minimum requirements of Chapter 120, F.S., the Commission shall take reasonable steps to notify the consuming public and local building departments of said recall. The Florida Building Commission shall publish on its web site notification of all products for which approval is no longer valid This shall in no way diminish or

supplant any duty, which may exist on the part of a manufacturer, supplier or other party.

APPENDIX A

Application for Product Evaluation Entities, Testing Laboratories, Quality Assurance Agencies, Certification Agencies

APPENDIX B

List of Grandfathered Product Evaluation Entities, Testing Laboratories, Quality Assurance Agencies, Certification Agencies

APPENDIX C

Florida Building Code
Product Approval Checklist

Guidelines:

- Is the method of demonstrating compliance from an entity approved by the FBC?
- Is the method of demonstrating compliance current and has not been suspended, recalled or revoked?
- Has the product been recalled or revoked?
- Is the product appropriate for use in the project for which the permit has been filed?
- Does the method of demonstrating compliance addresses the requirements and standards of the FBC?
- Does the method of demonstrating compliance contain any limitations that would restrict or prohibit use of the product, as intended?
- Verify manufacture installation instructions are provided, if required.
-

Specific Guidelines for demonstration of compliance based on a report from a design professional

- Verify and validate the submission of a standardized form.
- Verify submission of the statement of no conflict of interest
- Confirm that an FBC approved quality assurance program is in place.
-

Attachment 4

Updated Commission Workplan

Workplan—By Tasks

(Reviewed and Prioritized June 2000; Adopted Unanimously July 2000)
(Amended Unanimously November 2000)

I. HB 219 — Tasks Mandated by Statute

1. Finalize the Code

A. Establish Criteria for Fiscal Impact Statement of Proposed Amendments and for Reviewing Previously Adopted Modifications to the Base Code That Receive Public Comment Prior to May 19, 2000 [553.73 (7)(a)(b)]

Tasks Schedule

May 2000: Chair elects to address issue at Commission level.

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

August 2000: **Rulemaking hearing on adopting criteria for fiscal impact statements.**

September 2000: **Commission approves changes and proceeds with NOPC to the Rule.**

October/November 2000: Administrative rule adopted.

B. Plans Review Criteria and Minimum Standards [553.73 (4)(a)]

Tasks Schedule

(Including 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 adopts and includes as part of proposed changes to the Building Code Rule.**

C. Integrate Standards for State Regulated Facilities Identified in HB 219 [Section 40; 553.73 (1)(2)]

Tasks Schedule

June 2000: Legal reviews and recommends course of action.

Fall 2000: Proceed with rule adoption after Building Code Rule process finalized.

🍏 D. Projects Relating to the Building Construction Industry or Continuing Education Programs [HB 219 Section 40 – 489.109 (3)]

Tasks Schedule

Fall 2000/Winter 2001: Establish liaison with CILB

Spring 2001: Chair appoints Building Construction Issues Ad Hoc and schedules organizational meeting for Ad Hoc.

🍏 Indicates change in delivery schedule from previous month

2. Recommendations Mandated by HB 219 for 2001 Legislative Review

E. Product Approval System

(553.842—Recommendations on a statewide system for product evaluation and approval) Tasks Schedule

June, 1999: TG presents preliminary recommendation to Commission.

October 1999: Commission appoints Ad Hoc to make final recommendations

September-December 1999: Commission receives public comment on recommendation.

December 1999: Ad Hoc convenes and develops recommendations

Commission adopts conceptual design of system.

Commission approved products for approval under the system. [Leg. 7]

January 2000: Commission reviews Ad Hoc's preliminary recommendations.

February 2000: **Commission approves continuing to develop system until July meeting and to report status to the Legislature**

May 2000: Legislature directs Commission to make recommendations and eliminates Commission's rule making authority for the system.

June 2000: Commission reviews Legislative direction and establishes new timelines.

July - November 2000: Ad Hoc develops recommendations, reviews Commission and public comments, and reports to the Commission.

November 2000: **Commission adopts amendatory product approval system recommendations.**

December 2000: Commission decides on amendments and adopts final recommendations to present to the Legislature.

F. Examine Applicability of FBC to Storage Sheds and Lawn Storage Buildings [HB 219 – Section 112] Report to 2001 Legislature

Tasks Schedule

July 2000: Referred to Manufactured Building Ad Hoc

November 2000: Commission reviews recommendations from Ad Hoc.

December 2000: Ad Hoc proposes final recommendations.

Commission approves recommendations, receives public comment, and adopts final recommendations.

G. Make Recommendations for Exceptions to Buildings Exempt from the Code [553.73 (7)]; [553.79 (3)(5)(7)(10)(12)(14)(16)]; [HB 219 – Section 112]

Tasks Schedule

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

July 2000: Task assigned to Manufactured Building Ad Hoc (M)

February 2001: Ad Hoc identifies key issues and forms workplan.

II. Education System

H. Information and Communication Support for the Building Code System

Tasks Schedule

September 1999: Center for Professional Development (at FSU) begins assessment phase for system conceptual design

December 1999: Report on assessment phase including system conceptual design

March 2000: Report and status update.

December 2000: System on line and operational

● **I. Refinement and Further Development/ Implementation of the Education/Training Programs for the Florida Building Code [HB 4181; HB 219—Section 42; Section 89; Section 120] and Transition Training—BCTP**

Tasks Schedule

April 2000: Commission reviews and approves workplan for 2000 – 2001.

June 2000: Commission discusses transition training requirements.

September 2000: Commission Identifies key issues for system development; and, chair appoints Ad Hoc to develop implementation recommendations for the BCTP.

October 2000: Ad Hoc reviews previous project findings and recommendations, and BCTP as outlined in Statute; and, develops implementation strategy.

November 2000: Ad Hoc develops preliminary “Program” implementation recommendations for Commission consideration.

December 2000: Ad Hoc approves BCTP recommendations.

Commission reviews public comment, refines as needed, and adopts final recommendations to include in the annual Report to the Legislature.

January 2001: “Building Code Training Program” implementation recommendations submitted to Legislature for review.

February 2001: Commission moves to proceed with rule adoption for “Building Code Training Program” implementation.

III. Ongoing Review and Response to Legislative Mandates

J. Develop Recommendations to the Legislature for Changes to Existing Laws and Conforming Amendments to Laws [553.77 (1)(a)(b)]

Tasks Schedule

June – December 2000: Commission develops recommendations as part of their annual review process and approves recommendations to be included in its report to the 2001 Legislature.

K. Respond to Legislative Mandates

Tasks Schedule

June – December 2000: Commission develops recommendations as part of their annual review process and approves recommendations to be included in its report to the 2001 Legislature.

L. Annual Report to Legislature

Tasks Schedule

June – December 2000: Commission develops recommendations as part of their annual review process and approves recommendations to be included in report to the Legislature.

M. Administrative Support for the Commission and Code Maintenance (Changes/Updates/Format/Glitches)

Tasks Schedule

Ongoing: Commission identifies tasks for staff review and recommendations.

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

IV. Commission Prioritized Tasks

N. Review Effectiveness of the Manufactured Buildings Regulation and Code Enforcement—s. 553.77(1)(b) [HB 4181 Task] [553.35 – 553.42]

Tasks Schedule

January 2000: Commission adopts amendatory text of recommended changes to law and additional preliminary program recommendations.

February 2000: Commission adopts final recommendations on changes to law and additional preliminary program recommendations.

March - July 2000: Ad Hoc develops recommendations, reviews Commission and public comments, and reports to the Commission.

August 2000: Ad Hoc delivers final recommendations to Commission on effectiveness of manufactured buildings regulation and code enforcement.

Commission receives public comment and approves recommendations to be included in its report to the 2001 Legislature.

O. Code Dissemination Review Royalty and Copyright Agreements and Make Recommendations

Tasks Schedule:

May 2000: Chair appoints Ad Hoc to develop recommendations.

June 2000: Ad Hoc reports preliminary recommendations to the Commission.

July 2000: Ad Hoc reports and develops recommendations for the Commission.

August 2000: Commission approves Chair negotiating for Commission.

Sept – Nov: Chair and staff negotiate with key stakeholders.

November 20, 2000: Commission decides on recommendations during conference call.

P. Establish System for Plans Review and Approval of Prototype Buildings [HB – 4181 Task] [553.77 (6)]

Tasks Schedule:

October 2000: Ad Hoc identifies key issues and forms workplan.

November 2000 – March 2001: Ad Hoc develops recommendations.

April 2000: Commission adopts final recommendations.

Q. Establish Commission Rules of Procedure [Procedural Task]

Tasks Schedule

Develop and adopt recommendations for Commission operational and decision-making procedures and adopt by administrative rule.

October 2000: Commission reviews statutes, identifies key issues, and approves code amendment process. Chair appoints Ad Hoc to develop final recommendations.

December 2000: Ad Hoc develops recommendations.

January 2001: Commission reviews preliminary recommendations and receives public comment.

February 2001: Commission adopts final recommendations.

R. Board of Appeals Process [Procedural Task]

October 2000: Task assigned to Rules of Procedure Ad Hoc

Early 2001: Ad Hoc develops recommendations for Commission consideration.

S. Technical Support for the Code [Procedural Task]

Tasks Schedule

Recommendations to Commission for ongoing review and support for technical review of the code.

October 2000: Commission assigns to administrative agency (DCA) to develop recommendation:

T. Role of State in Collaborating with Building Inspection Departments

Tasks Schedule

February 2000: Commission assigns task to Partnership for Building Department Effectiveness Task Group.

February 2001: Ad Hoc identifies key issues and forms workplan.

June 2001: Commission approves preliminary recommendations and receives public comment.

July 2001: Commission adopts final recommendations.

U. Develop Procedure and Process for Commission Commentary [Procedural Task]

Tasks Schedule

Review and adopt recommendations for Legislative consideration.

October 2000: Task assigned to Rules of Procedure Ad Hoc

Early 2001: Ad Hoc develops recommendations for Commission consideration.

**V. Voluntary Standards for Building Departments [HB 4181 Task] [553.76 (5)]
ISO Ratings Program for Building Departments [HB 4181] [553.77 (1)(n)]**

Tasks Schedule

February 2000: Commission assigns the task of developing recommendations for voluntary professional standards for operation of building departments and personnel development to Ad Hoc: Partnership for Building Department Effectiveness Task Group.

March 2000: Ad Hoc identifies key issues and forms workplan.

May 2000: Ad Hoc develops recommendations and receives presentations from representatives of Miami-Dade and Broward counties, state building officials association (BOAF), the insurance industry, federal emergency management agency (FEMA) and other vested groups.

June 2000: Ad Hoc reports to Commission.

December 2000 – February 2001: Ad Hoc develops recommendations, reviews Commission and public comments, and delivers completed recommendations to the Commission.

March 2001: Commission receives public comment and approves recommendations to be included in its report to the 2002 Legislature.

W. Develop Funding Recommendations for Code Enforcement

Note: Part of ongoing review for Commission's annual report to the Legislature.

Tasks Schedule

October 1999: Deferred to DCA Administrative Support Agency and Governor's office to address and make recommendations to the Legislature.

February – December 2000: Staff reviews as needed or requested by the Commission.

July 2000: Task referred to Partnership for Building Department Effectiveness Task Group

February 2001: Ad Hoc identifies key issues and forms workplan.

X. Review Commission and Staff Roles Relative to Public Information and Involvement & Review and Clarify Mutual Roles of DCA and Commission.

Task Schedule:

On Going: Commission and staff hold discussions as needed or requested on mutual roles in providing for public information and involvement in the code process.

Y. Guidelines for Local Government Privatization of Inspection Functions [HB 4181 Task] [553.77 (1)(o)]

Tasks Schedule

Jan. 2000: Commission assigns task to Ad Hoc committee

May 2000: Task referred to Partnership for Building Departments Ad Hoc.

February 2001: Ad Hoc identifies key issues and forms workplan.

Z. Review Creating a Rating System for Structural Integrity Under Storm Conditions

Task Schedule:

February 2001: Commission reviews task, identifies key issues, and forms workplan.

AA. Make Recommendations on FBC Policy for Transition to International Building Code

Task Schedule:

February 2001: Commission reviews task, identifies key issues, and forms workplan.

BB: ISO Ratings Program for Building Departments [HB 4181] [553.77 (1)(n)]

Task Schedule:

February 2001: Commission reviews task, identifies key issues, and forms workplan.

Attachment 5

Prototype Building Ad Hoc & Lawn Storage FLORIDA BUILDING COMMISSION

November 12, 2000

Lawn storage issues

Applicability of FBC to lawn storage buildings
Cost of compliance
Risk reduction for compliance
Long term viability
Recommendations to Legislature 2001

Issues addressed at the November meeting:

- *Size limitation for any deviation from code requirements -(recommendation #1)
- *Impact test standards (recommendation #1)
Wind load requirements -industry agrees with FBC, no issue, no action
Type of buildings, type VI etc.- all types to be considered, no action
- * Rule authority from Legislature- (recommendation #2)

Issues to be discussed at the December meeting in Orlando

Consistency of application for regulation
Anchoring requirements to be integrated in Florida Building Code
Enforcement/Insignia -DCA meeting with industry

November Ad hoc recommendations to the Commission on lawn storage buildings:

- 1) Allow exemption /exception to mandatory impact standards for non-habitable storage buildings of not exceeding 720 sq. ft.
- 2) To seek rule making authority from the Legislature authorizing the FBC to allow exemptions from the code

Prototype public and private buildings, main issues to be discussed, developed and resolved by the Ad hoc

Compliance

Enforcement

Public comment (two written comments received, comment period remains open)

Plans review/inspection FBC

*Decide on system direction -public or private administration (recommendation #2)

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*Program structure (recommendation #1)

*Time line for development/implementation of the program (recommendation #3)

*Fee making authority (see recommendation # 5)

Authority to contract, note legal to research this issue

Conformance of the prototype system consistent with the Florida Building Code Chapter 1, Administration

Ad hoc to address and respond to the following questions and concerns:

Recommendations to Legislature 2001 (See Legislative recommendation #4)

What should the system include

Potential conflicts with uniform fire safety standards

Potential conflicts between law and program (i.e., the siting issue)

Siting issues relative to pre-approval of building

Single entity responsible -utilizing consistent criteria for review and approval - (for example, Code/ADA/Fire-life safety)

*Record retention (see general recommendation # 6&7, also legislative recommendation # 3)

Minimum criteria (note, addressed no action)

Conformance to architects/engineers requirement operations (note, addressed no action)

Compliance to 468 & 633 FS (note, addressed no action)

Interpretation differences resolution between the local and State government.

Public comments raised by the Ad hoc in the November 2000 meeting. The Ad hoc to report recommendations to the Commission as issues are resolved

Jurisdictional authority: Who will be the building official (BO) or authority having jurisdiction (AHJ)

Plan changes: What is the procedure for plan changes

Enforcement: Who will enforce code violations/penalties

Contracts: What is the policy or procedure for contracts -management or reviewer

Threshold buildings: How will threshold building requirements be met

Plans: How will plans be identified

Tracking system: Who will design the Internet tracking system

Plan shelf life: How do you resolve the “shelf life” of plans issue

Document ownership: Resolve the ownership of documents issue

Prototype/site design: Is the designer of the prototype also the site designer

System abuse: How will there be safe guards built into the system against abuses.

Plan review: What is the plans review process and requirements

*Fee structure: How is the fee structure developed (see recommendation #5)

*How will fees be determined (see recommendation #5)

Review time frame: How will the maximum time frame for review be determined

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Alternate plan review: What are alternates for plans review, i.e local building departments

Approval process: What are the guidelines for the approval process

Permits: How will the permit review be determined

Additions: What is the process for additions to prototype plans

Change in use: What will be the guidelines for change in use

*Public Records: What is the process for exemption to the Public Records Act relative to safety.

Architectural control: How will these issues be addressed

Alternate materials: How will alternate materials and methods be integrated in the Prototype program

November Ad hoc recommendations to the Commission on Prototype buildings:

1) Program structure: Ad hoc to develop system structure/design of the Prototype program

- 2) Program administration: Public/private prototype program administration by outside entity.
- 3) Program Time line: Recommend FBC to extend task P, Prototype system development Time line and delivery date to March/April 2001.
- * 4) Legislative language: Recommendation to refine intent language in 553.77- note: Legal will meet with Fire Marshal and draft language for Ad hoc review/discussion for the December meeting.
- 5) Program mechanics (see #1 legislative recommendation): FBC contracts to administrative entity to coordinate a system which would include funding for administration, monitoring, & record storage as a % of fees paid by client /user to plans reviewer -established by the market, approved by FBC.
- 6) Program exemptions (recommendations 6&7 apply): Recommend to Legislature exemptions to public record /sunshine law for safety /security reasons. Exemption for some classes of plans from public review, essential facilities as referenced in building code.
- 7) Program exemptions: Recommend exemptions to public record for essential facilities such as hazardous buildings as listed in FBC.
- 8) Program format: Electronic standardized format to access plans and records and to use microfiche to store/archive records.

Legislative recommendations:

- 1) Fees- note see recommendation #5
- 2) Exemptions:
 _____ from public record
 Possible exemptions to local fire amendments
- 3) Record retention and Internet access
 553.77 clarify legislative intent
 Exemption from further plan review
 Exemption from local amendments
- 4) Refine language in 553.77
 11prorep

Rule 9B-1 work shop update

DCA legal staff Jim Richmond reported on the Rule 9B-1 work shop held in Tallahassee November from 10am -noon, testimony was received and is being considered as changes to the draft as handed out during this work shop. The members of the Ad hoc Commission, and interested parties are encouraged to further comment on the draft rule by November 17, 2000. Comments should be e-mailed to DCA staff.

December propped agenda: Projected time needed for meeting 6 hours

- 1) December Prototype Ad hoc to continue dialogue in developing the prototype program.
- 2) Legal to report research issues on Prototype buildings program
- 3) Final recommendations on Lawn storage to the Commission
- 4) Update on 9B-1 /drafted language for Ad hoc review/discussion on Fire/ Life Safety issues.

* denotes issues with recommendations, issues carried over for discussion or issues withdrawn