

# **Florida Building Commission**

**Attachment to the December 6-7, 1999 Minutes**

**Facilitators' Report of the December 6-7, 1999  
Commission Meeting**

*Orlando, Florida*

**Meeting Design & Facilitation By:**



# **Florida Building Commission**

## **Attachment to the December 6-7, 1999 Minutes**

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

#### **Sunday, December 5, 1999**

##### **Ad Hoc Committee on Insurance Premium Credits**

The Ad Hoc met and proposed recommendations to report back to the Commission on Tuesday morning. (Attachment 1)

##### **South Florida Integration Ad Hoc on Product Approval**

The Ad Hoc met and proposed recommendations to report back to the Commission on Monday afternoon. (Attachment 2)

#### **Monday, December 6, 1999**

##### **Workplan**

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

##### **Facilitated Public Hearing Report**

The Commission reviewed and moved to unanimously adopt the Report on the Facilitated Public Hearings on Draft II of the Florida Building Code. (Attachment 3)

##### **Glitch/Ad Hoc Process**

The Commission unanimously adopted the glitch amendment and Ad Hoc review process for proposing amendments to the adopted Draft III of the Florida Building Code. (Attachment 4)

After initial adoption, the Commission reconsidered the document and unanimously moved to amend the deadline for submittal from the originally proposed December 23, 1999 deadline to 11:59 PM on January 9, 2000.

##### **Process and Timelines for Adopting the Components of the Report to the Legislature**

The commission reviewed the process and unanimously agreed to adopt the process and guidelines as presented. (Attachment 5)

##### **Review and Decide on Commission Members' Proposed Amendments to Amendatory Text of Draft III**

Over the course of Monday and Tuesday, the Commission reviewed and decided on their written amendments to Draft III. The results are included as Section II of this report.

**South Florida Integration Ad Hoc Committee on Product Approval  
Recommendations on Integration Issues for the Product Approval System**

Commissioner Mehlretter presented The Committee's report and concluded with the recommendation that the Ad Hoc would meet again on January 8, 2000 and would continue to refine their recommendations for an amendatory text of the state product approval system as well as recommendations for integrating South Florida into the system. In addition, the committee expressed their support for the consensus-building efforts undertaken by the stakeholder's group and encouraged them to continue their efforts and to report any recommendations back to the South Florida Integration Ad Hoc on Product Approval at their next scheduled meeting on January 8, 2000. The Commission agreed with the committee and indicated their support for the Ad Hoc's direction and recommendations.

**Special Occupancy TAC Recommendations on Which Provisions of Chapter 4 Should Stay in the Main Code and Which Should Appear in the Special Occupancy Volume And,**

**Staff/SBCCI Recommendations on State Agency Regulations Reviewed for Building Code Issues versus Programmatic Issues**

Commissioner Thorne presented the Ad Hoc's recommendation that Chapter 4 be in the main body of the code, in volume IA, and not in a separate volume. In addition, the committee recommended that since Chapter 4 has been streamlined and mainstreamed into Chapter IA and as a result of the recommendations from the State Agency Review Ad Hoc, that no further programmatic deletions from Chapter 4 were appropriate at this juncture in the code development process. The Commission unanimously agreed to adopt the TAC's recommendations.

**State Agency Review Ad Hoc Committee Recommendations on State Agencies for Standards Development and Enforcement Functions**

Commissioner Shaw presented the committee's recommendations for authority on standards development and enforcement functions for state agencies. By an 18 – 0 in support vote, the Commission unanimously agreed to adopt the committee's recommendations and approved the recommendations as an amendatory text which will be adopted as amended at the February, 2000 Commission meeting. After initial adoption, the Commission reconsidered the document and unanimously moved to amend several clarifications to the intent of the committee's recommendation. The attached recommendations reflect all of the clarifications and final committee recommendations. (Attachment 6)

**Recommendations on Modifications to Draft II Deferred by Commission for Review Ad Hoc**

The commission reviewed the following modifications to Draft II. The results of their deliberations are indicated below:

c2S09 Issue: Language change. Action: Approved -AHCA other agencies -DEP, DBPR,DACS,DOH,DCA or other agencies that use licensure, change language to "may be".

**Summary:**

**Adopted 18 – 0 in support of the proposed modification.**

c2SO18 Issue: Section 306 Educational Occupancy apply to State university -combined with DOE.

**Summary:**

**Add: 305.1.5 Business Occupancy: State University Systems. Section 420(1) and (2) are applicable to State University Systems.**

**Adopted 18 – 0 in support of the proposed modification.**

c2SO24 Issue: Enforcement Section 102 Educational Occupancy Clarification.

**Summary:**

**Adopted 18 – 0 in support of the proposed modification.**

c2SO25 Issue: Permits Section 104 Educational Occupancy. Add exception 104.1.1.

**Summary:**

**Voted 5 – 13 to deny the proposed modification**

c2SO27 Issue: Enforcement to Section 51, Chapter 98 -287 law change required, "certification will expire 2002" motion accepted as amended.

**Summary:**

**No Uniform Certification status will be valid after 2002.**

**Adopted 19 – 0 in support of the proposed modification.**

### **Appoint Ad Hoc Committee to Review and Make Recommendations on the Manufactured Building Program and Prototype Buildings**

The Commission agreed with Commissioner Kopczynski that both of these programs should be reviewed by the Commission and unanimously agreed to form an Ad Hoc committee to present amendatory recommendations for inclusion in the Report to the Legislature to the Commission at the January 2000 meeting. Chairman Rodriguez appointed the following Commission members to serve on the Ad Hoc: Med Kopczynski (Chair), Suzanne Marshall, Karl Thorne, John Calpini, and Craig Parrino.

### **Overview and Status of Building Code Information System**

#### **Conceptual Design**

William Lindner presented the Commission with an overview of the system and a status update on the development of the system.

### **Discussion of Restructuring the Permit Surcharge System**

#### **(Funding the Implementation of the Code)**

Rick Dixon discussed and answered Commissioner's questions on the permit surcharge system used for funding the implementation of the code. The Commission unanimously approved forming an Ad Hoc to review and present recommendations to the Commission at the January, 2000 meeting. Chairman Rodriguez appointed the following Commission members to serve on the Ad Hoc: Harold Covey (Chair), Dick Browdy, and George Wiggins.

**Tuesday, December 7, 1999**

**Ad Hoc Report and Recommendations on Insurance Credits for Enhanced Code Protections Resulting from Adoption of ASCE 7-98**

Chairman Rodriguez summarized the charge he made to the Ad Hoc Committee on Insurance Credits and asked Commissioner Wiggins, chair of the Ad Hoc Committee on Insurance Credits to present the Committee's report and recommendation to support the Department's and Industry's effort to pass legislation to expand mitigation credits. Following the presentation Commissioner Wiggins made the following motion which was seconded by Commissioner Bassett:

The Commission supports the effort by the Department of Insurance and the insurance industry to expand mitigation credits and will include the language, as amended by the Ad Hoc Committee and the Commission in its amendatory text to be adopted in January, 2000. Below the underlined language was agreed to be added through this motion:

**Section\_ Subsection (1) of section 627.0629, Florida Statutes are amended to read:**

**627.0629 Residential property insurance; rate filings.—**

**(1) Effective \_\_\_\_\_, a rating manual for residential property insurance must include appropriate discounts, credits or other rate differentials, or appropriate reductions in deductibles, for properties on which fixtures or construction techniques actuarially demonstrated to reduce the amount of loss in a windstorm have been installed or implemented. At a minimum, the fixtures or construction techniques shall include, but not limited to, fixtures or techniques which enhance roof strength, and roof covering performance, roof to wall strength, wall to floor to foundation strength, and window, door and skylight strength and opening protection, as a minimum in accordance with the Florida Building Code. All insurance companies will make a rate filing within two years of the enactment of this statutory language.**

**Motion: Wiggins, 2<sup>nd</sup> Bassett**

<b><u>YES</u></b>	<b><u>NO</u></b>	<b><u>ADOPTED?</u></b>
<b>14</b>	<b>3</b>	<b>Adopted.</b>

A complete text with comments is included as attachment 7. (Attachment 7)

**Presentation on Potential Additional Cost of Adopting ASCE 7-98**

Rich Dixon presented cost information to the Commission.

**ASCE 7-98 Committee Member Presentation on the Rationale for Selecting the 120 mph Requirement for Requiring Protection**

Peter Vickery presented the ASCE 7-98 wind design committee's rationale.

### **Letter from the Governor**

Before taking public comment, Chairman Rodriguez read the Commission a letter from the Governor. The Governor indicated his support of the consensus-building efforts relative to product approval and encouraged the Commission to continue to explore consensus-building options for the coastal counties relative to wind design. The Governor concluded by validating that, "The Commission provides the best forum to achieve full consensus."

### **Public Comment**

Chairman Rodriguez encouraged members of the public to provide the Commission with their views prior to the Commission completing their review and decision on amendments to Draft III and, adoption of Draft III as amended.

### **Continue Review and Resolution of Commission Amendments**

The Commission reviewed and decided on the wind design amendments as well as several other amendments deferred from Monday's meeting. The results of these and all of the proposed amendments are included in this report as Section II.

### **Adopt Florida Building Code Draft III as Amended**

By a 14 – 2 in support vote, the Commission reached consensus and adopted Draft III as amended of the Florida Building Code. They agreed that the Ad Hoc issues and glitch amendments would be reviewed and decided on at the January meeting and, they would move to proceed with the rule development process after the amendment review was complete.

### **DCA Legal Staff Recommendations on Seeking Legislative Approval to Interpret Codes Separate from Chapter 120 Provisions (P. # 5)**

Suzanne Schmith, staff attorney for the Commission, issued the opinion that the Commission should not seek a Legislative exemption from Chapter 120. Instead, it was recommended that the Commission seek elimination of its authority to issue declaratory statements interpreting local government's interpretations of the code(# 2 below). This will ensure that all interpretations of the code coming before the Commission have first been heard by a local appeals board (if applicable). In addition, it is recommended that the Commission seek to have its authority in number 1 and 2 (below) and the last clause of number 4 (below) eliminated.

#### Commission has authority to issue declaratory statements concerning the following issues:

1. New technologies, techniques and materials which have been tested where necessary and found to meet the objectives of the Florida Building Code.
2. The interpretation, enforcement, administration, or modification by local governments of the Florida Building Code.
3. Relating, generally, to part VII of ch. 553, which will be titled, "Florida Building Code."
4. A state agency's interpretation and enforcement of the specific provisions of the Florida Building Code or relating to the conformity of new technologies, techniques and materials to the objectives of the Florida Building Code.

The Commission moved and unanimously adopted the recommendation as presented.

**Approve Contract with SBCCI**

Rick Dixon reviewed and asked the Commission to approve amending the contract with SBCCI. The Commission moved and unanimously adopted approval of the contract as presented.

**Declaratory Statement Regarding Certificate for Wind Load Compliance**

Jim Richmond, staff attorney for the Commission, presented a recommendation to the Commission on a declaratory statement which was unanimously approved by the Commission.

**Threshold Inspector Committee Report**

Commissioner Mehlretter presented The Committee's report and recommendations which the Commission unanimously approved.

**Appoint Roofing TAC Members**

Chairman Rodriguez appointed the following members to serve on the Roofing Ad Hoc: Commissioner Frank Quintana (Chair), Chuck Goldsmith, Roger Sanders, Karen Gross, Dan Lavrich, Lorraine Ross, Mike Silvers, and Frank Zuloaga.

## II. AMENDMENTS TO DRAFT III

Chair Am. RR 1	<u>YES</u>	<u>NO</u>	<u>ADOPTED?</u>
	16	0	Adopted

<u>ACCESSIBILITY</u>	<u>YES</u>	<u>NO</u>	<u>ADOPTED?</u>
C3AC1	18	0	Adopted

<u>ADMIN/ENF.</u>	<u>YES</u>	<u>NO</u>	<u>ADOPTED?</u>
C3AE1**	17	1	Adopted as Am.
C2AE2	-----	-----	Withdrawn
C2AE3			
C2AE4	-----	-----	Withdrawn

**\*\*C3AE1 Amended to read:**

**105.12 B Shoring.** On threshold buildings, shoring and associated formwork or falsework shall be designed and inspected by Florida licensed professional engineer, employed by permit holder or subcontractor, prior to any required mandatory inspections by the Threshold Building Inspector.

<u>BLDG./FIRE</u>	<u>YES</u>	<u>NO</u>	<u>ADOPTED?</u>
C3BF1	18	0	Adopted
C3BF2	19	0	Adopted
C3BF 3	19	0	Adopted
C3BF 4	19	0	Adopted
C3BF 5	19	0	Adopted
C3BF 6	18	0	Adopted
C3BF 7	18	0	Adopted
C3BF 8	18	0	Adopted
C3BF 9	18	0	Adopted
C3BF 10**	18	0	Adopted as Am.

**\*\*C3BF10 FBC1005.4.3 Maximum height from the floor.** ~~The emergency escape and rescue opening shall have a sill height of not more than 44 inches (1118 mm) above the floor.~~ Emergency escape and rescue openings shall have the bottom of the clear opening not greater than 44 inches (1118) measured from the floor.

<u>BLDG./STRUCT.</u>	<u>YES</u>	<u>NO</u>	<u>ADOPTED?</u>
C3BS1**	16	0	Adopted As Am.
C3BS2	6	10	Not Adopted
C3BS3	6	10	Not Adopted
C3BS4	-----	-----	Withdrawn
C3BS3rl	4	12	Not Adopted
C3BS5	15	1	Adopted
C3BS6	11	8	Not Adopted



C3BS7	15	0	Adopted
C3BS8	19	0	Adopted
C3BS9/ renumbered BF11	19	0	Adopted
C3BS10	15	0	Adopted
C3BS11	19	0	Adopted
C3BS12	19	0	Adopted
C3BS13	11	8	Not Adopted
C3BS14	11	8	Not Adopted
C3BS15	16	0	Adopted

**\*\*C3BS1 as amended.**

Amended to read: "Wind borne debris region requirements shall not apply landward of the designated contour line in the figure 1606. A geographic boundary that coincides with the contour line shall be established."

**C3BS2 Motion to Reconsider, and Motion to Table Amendment for Review at the January Meeting**

	<u>YES</u>	<u>NO</u>	<u>ADOPTED?</u>
<b>Reconsider</b> c3EA3	13	3	Adopted
	<u>YES</u>	<u>NO</u>	<u>ADOPTED?</u>
<b>Table</b> c3BS2	16	0	Adopted

NOTE: The motion to table was offered with the understanding that the stakeholders would be encouraged to work further on the wind design issue and that the Ad Hoc Committee on Wind Design would review the issue and any presentation by stakeholders at its January 9, 2000 meeting.

<b>ELECTRICAL</b>	<u>YES</u>	<u>NO</u>	<u>ADOPTED?</u>
C3EA1	4	15	Not Adopted
c3EA2	0	19	Not Adopted
c3EA3 **	6	13	Not Adopted

\*\*Motion to reconsider- Wiggins/ Bassett 2<sup>nd</sup> Yes-16, No 0

<b>Reconsider</b>	<u>YES</u>	<u>NO</u>	<u>ADOPTED?</u>
C3EA3	15	1	Adopted

<b>ENERGY</b>	<u>YES</u>	<u>NO</u>	<u>ADOPTED?</u>
C3EN 1	1	18	Not Adopted
C3EN 051**	17	0	Adopted as Am .
C3EN 052**	18	0	Adopted as Am.

**\*\* C3EN 051 as amended**

610l.A.1 Airtight Duct Credit Houses for which Airtight Duct Credit is claimed in accordance with the criteria of section 610 A.2 shall have demonstrated a total duct ~~and air handler~~ system leakage equal to or less than 5% of the rated fan flow rate of the air handler by means of a test report prepared by an ~~otherwise~~ State certified

approved performance tester certifying total system performance testing results at 25 Kpascals (.10 inches w.c.) of test pressure.

**\*\*C3EN052 as amended**

Factory-sealed air handling unit. A factory sealed air handling unit.. ..... when present, are sealed to reflect an air pressure 1 inch water gauge with no grader a 20%

Delete the section 610.1.A.3.5.3 Factory-Sealed Air Handling Units. ...

610.2.A.3 Factory-Sealed Air Handling Unit Credit. A Factory-sealed Air Handling Unit Credit Multiplier of .95 may be used, if the unit (a) meets the criteria of section 610.1.A.3.5.3. and (b) has been tested and certified by the manufacturer to have achieved a 2 percent or less leakage rate at 1.0 inch water gauge. ~~And (c) is located outside conditioned space.~~

~~If during field testing, any amount of test smoke is drawn into or driven away from seams, joints, or other openings in the air barrier of the air handler unit, by the action of its fan or that of an external fan operating up to 1 inch water gauge, the air handler shall be considered unsealed, and the default multipliers shall be issued in the Code calculation.~~

<i>MECHANICAL</i>	<b><u>YES</u></b>	<b><u>NO</u></b>	<b><u>ADOPTED?</u></b>
92r1	-----	-----	Withdrawn
93r1	18	0	Adopted
94r1	18	0	Adopted
95r1	19	0	Adopted
96r1	19	0	Adopted
97r1	-----	-----	Withdrawn
98r1	19	0	Adopted
99r1	-----	-----	Withdrawn

<i>PLUMB/GAS</i>	<b><u>YES</u></b>	<b><u>NO</u></b>	<b><u>ADOPTED?</u></b>
C3PG1	-----	-----	Withdrawn

<b>SPEC. OCCUP</b>	<b><u>YES</u></b>	<b><u>NO</u></b>	<b><u>ADOPTED?</u></b>
C3SO1	14	5	Not Adopted
C3SO2	1	18	Not Adopted
C3SO3	1	18	Not Adopted
C3SO20r1	---	---	Withdrawn

**Amendments that may be referred to ad hoc committees appointed by the Chair (between 51%-74%support):**

*Special Occupancy*

C3SO1	14	5	Not Adopted
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**Ad Hoc on Staircase Amendment: George Wiggins , Dick Browdy, Leonard Lipka**

*Building Structural*

C3BS6	11	8	Not Adopted
C3BS13	11	8	Not Adopted
CSBS14	11	8	Not Adopted

**Ad Hoc on Masonry/Bracing Alternative: Med Kopszczinski, John Calpini, Leonard Lipka**

**MOTION TO ADOPT DRAFT III AS AMENDED**

	<u><b>YES</b></u>	<u><b>NO</b></u>	<u><b>ADOPTED?</b></u>
	14	2	Adopted

**Meeting Evaluation Summary**  
**Florida Building Commission**  
**December 6 - 7, 1999**  
**Orlando, Florida**

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

	<i>Circle One</i>					<b>Avg</b>
	<b>Good</b>	<b>Poor</b>				
• Insurance Credits for Enhanced Code Protections Presentation	5	4	3	2	1	3.71
• Presentations on ASCE 7-98 Costs and Rationale	5	4	3	2	1	4.71
• Commission Member Proposed Amendments Process	5	4	3	2	1	3.85
• Adoption of Conceptual Design of Product Approval System	5	4	3	2	1	3.82
• Adoption of Amendatory Text of Recommendations for State Agencies on Standards Development and Enforcement Functions	5	4	3	2	1	4.08
• Presentation on the Building Code Information System	5	4	3	2	1	4.31
• Adoption of Special Occupancy TAC Recommendations	5	4	3	2	1	4.38
• Adoption of Staff/SBCCI State Agency Recommendations	5	4	3	2	1	4.15
• Adoption of the Building Code Rule (Draft III)	5	4	3	2	1	4.15
• To Review Assignments for Next Month	5	4	3	2	1	4.08

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

Clarity of the meeting purpose and plan	5	4	3	2	1	4.64
Balance of structure and flexibility	5	4	3	2	1	4.57
Group involvement and productivity	5	4	3	2	1	4.79
Facilitation	5	4	3	2	1	4.64
Facility	5	4	3	2	1	4.33

**Comments:**

Facilities were very good.

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

Better acoustics.

Nice facility.

Opportunity for open, candid conversation.

Willingness to cooperate.

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

The first day, the audio equipment was poor. It was corrected the second day.

Arrange for "quick lunch" in hotel; cross reference handouts given at meeting to the agenda item involved.

# Attachment 1

## **MEETING SUMMARY** **AD HOC COMMITTEE ON INSURANCE CREDITS FOR ENHANCED CODE PROTECTIONS** **12- 5-99**

**Members:** Chair, George Wiggins, John Calpini, Dick Browdy, Harold Covey, and Steve Bassett.

*CHARGE: Committee to meet with the Insurance Commissioner and his staff to discuss proposals to review the possibility of credit back to consumers to apply to purchase price or appraised value but not to exceed the cost of enhancing protections such as wind borne debris protection. Appointed by the Chair at the November, 1999 meeting.*

The Committee heard a presentation by Pete Mitchell from the Department of Insurance which covered an overview of homeowners market and ratemaking, existing rule for shutter credits, existing shutter and BCEGS credits for Top 10 companies, FRPCJUA and FWUA, examples of shutter credits, examples of proposed FWUA minimum mitigation discounts, and proposed FWUA mitigation credits. The Department also presented statutory language for expanded mitigation credits that was introduced in the 1999 Legislative session and supported by the industry.

Following questions and discussion of the Department's presentation and some language offered by Commissioner Wiggins, Commissioner The following motion was made by Commissioner Bassett, seconded by Commissioner Covey, added to through a friendly amendment and adopted by the Committee by a 4-1 vote:

**The Florida Building Commission should support the legislative enactment of language expanding mitigation credits that was proposed in the 1999 legislature and supported by the Department and Industry with the following additions (noted in underline)**

**Section\_ Subsection (1) of section 627.0629, Florida Statutes are amended to read:**

**627.0629 Residential property insurance; rate filings.—**

**(1) Effective \_\_\_\_\_, a rating manual for residential property insurance must include appropriate discounts, credits or other rate differentials, or appropriate reductions in deductibles, for properties on which fixtures or construction techniques actuarially demonstrated to reduce the amount of loss in a windstorm have been installed or implemented. At a minimum, the fixtures or construction techniques shall include, but not limited to, fixtures or techniques which enhance roof strength, and roof covering performance, roof to wall strength, wall to floor to foundation strength, and window, door and skylight strength and opening protection. All insurance companies will make a rate filing within two years of the enactment of this statutory language.**

## Attachment 2

### Florida Building Commission South Florida Integration Ad Hoc on Product Approval *Meeting Summary*

Sunday, December 5, 1999  
Orlando, Florida

**Members Present:** Raul Rodriguez, Chair, Nick D'Andrea, Dick Browdy, Med Kopczynski, Jim Mehlretter, George Wiggins, Craig Parrino, Frank Quintana

#### I. Opening and Agenda Review

The Chair welcomed Commissioners and members of the public and affirmed that the objective for the Committee was to seek agreement on a conceptual proposal to present back to the Commission on Monday. The Commission's schedule for consideration of the product approval system was presented which included the December meeting for conceptual agreement, the January meeting for an amendatory text with a refined concept and in February, a final report that would be included in the report to the legislature and the subject of rulemaking. The Commission moved and adopted the proposed agenda.

#### II. REPORT FROM STAKEHOLDER'S WORKGROUP ON PROPOSED REFINEMENTS TO OPTION D

*(D.)Miami-Dade County Product Control is accredited by the Commission as one of the Approved Product Evaluation Agencies for all covered products (those requiring statewide approval). In addition, Miami-Dade is contracted to provide quality assurance auditing for the state product approval system. **Rank: 3***

Lorraine Ross and Raul Rodriguez jointly presented a conceptual report of an informal stakeholder workgroup that had met since the November meeting.. The proposal was presented as a concept (and not consensus) building on the Commission's Option D an over the course of two meetings d was developed by representatives of Miami-Dade and the building products industry as a result of two meetings. Standards in the code will become the baseline for the testing approaches. Raul Rodriguez of Miami-Dade presented the concept for an integrated product approval system as one that will take ingenuity, engineering and oversight. Under the concept the FBC will approve certificates. There would be a state office of product approval at DCA, The accreditation/quality control agency would be organized as a not-for-profit governmental entity to administer product control program with enforcement power.

#### Member Q &A Comments

- Can a private accreditation entity be as effective and as competitive as Miami-Dade? When would competition be expected and how would Miami-Dade view this?

- Miami-Dade is presently the only entity capable of this. Government should not relinquish the oversight function.
- Do you see regional offices?
- Enforcement power with Miami-Dade? Product testing enforcement power? Miami-Dade would approve entities.
- Task group worked on entire Florida building code process. Manufacturer must test products and continue to test to make sure products continue to meet the criteria. Manufacturer needs to have tests down by a list of approved laboratories. Miami-Dade become the laboratory accreditation agency. Many evaluation entities will be on the list or you can use a Florida P.E.
- “Check the checkers”—accrediting body.
- Miami-Dade is seeking to have the accreditation process remain in the public sector.
- What is the problem being solved with the approval process proposed beyond the current law. Law is specific on what a “an approved evaluation entity is to be accredited.” There is no current accreditation entity for evaluating products in compliance with the Florida Building Code.
- Suggestion is to use national standards for recognizing entities.
- Committee recommended ISO 25, and a new international standard ISO 65 for accreditation of evaluation entities.
- Product Approval TAC recognized the need for a governmental entity to do this function. This proposal is consistent with the TAC report.
- Private sector accreditation bodies, e.g. ICBO, exist. The policy for the Commission is whether the private sector can check the private sector?
- Who does site inspections of manufacturing facilities in Miami-Dade? Staff does this. Qualifications: PE, general contractors. Not currently required to be a certified inspector. Miami-Dade would not be adverse to have this as part of the system.
- Concern re qualifications of third party agencies that these people are actually qualified inspectors. Referring to completed systems vs. components. Need to look at this.
- This only deals with few items set out in code discussions to date. What about the other building code components? This system exists for those seeking statewide approval for the components of the envelope system that would be listed in the code. What is the difference? What is the justification for two systems? One for covered and one for non-covered products. Creating only a market for covered products. Should the list go away.
- Validation is not accreditation.

### **III. CRAIG PARRINO’S VALIDATION ENTITY OPTION**

Commissioner Parrino presented his proposal titled, Florida Evaluation and Product Approval system 9-30-99. He indicated, unlike the conceptual option above, his was a specific one that started with the TAC report and tried to respond to public comment and the Commission’s discussion. He suggested it is similar to the Miami-Dade proposal except that it identifies a product evaluation entity which could be Miami-Dade and/or other entities. This option opens the door for any entity. This would take the DCA office and substitute private sector. Validation firms would do the oversight. With regards to local product approval, the proposal took the Building Officials of Florida position into account.

## Q & A and Comments

- Need for a public “check the checker”? No proposal calls for the private sector to check the private sector with oversight by the FBC.. The checker is the validation entity and FBC accredits.
- Analogy is similar to the Engineering Board, private entity.
- Under the Miami-Dade. Under this concept this validation role would be privatized.
- Agree on need for accreditation of labs. FBC gives the job to: DCA staff, Dade-Miami or private contractors.
- Government is not the only “watch dog” agency for this purpose.
- Concerns re privatization regarding record keeping, qualifications
- Lose the check and balance if it is a private entity.
- If FBC establishes criteria for the accreditation group. FBC could demand the same criteria met by the entity.
- Problem with sending the “disciplinary” functions to the private sectors?
- Would there be 1<sup>st</sup> party evaluation of product (manufacturers evaluate with outside testers. 3<sup>rd</sup> party testing. Mfg. Get evaluation entities to do the testing. Submits to validation entity which validates that the testing met the FBC criteria.
- Issues dealing with the building envelope should be done in a way that there is an accrediting layer that is public.

## IV. AD HOC COMMITTEE MOTIONS

### *Straw Polls of Conceptual Support for the Miami-Dade/Industry Concept*

#### **Motion #1 (D’Andrea)**

**Move to take a straw poll of Committee support for the direction of the Miami-Dade/Industry concept related to the product approval system and the certification of laboratories and evaluation entities and the quality control inspections on laboratories and manufacturers.**

#### **Straw Poll**

Y	N
6	3=

#### **Comments:**

- This proposal is consistent with the Commission Product Approval TAC’s conceptual design.
- Much detail remains to be worked through by Ad Hoc and stakeholders groups.

#### **Motion #2 (Bassett)**

**Same as motion #1 with the addition of:**

1. Dade County not the sole group. This is open to all public and private entities wanting to apply and meeting the FBC criteria
2. If no one else applies in 1<sup>st</sup> instance, the FBC would readdress within 4 years of January 1, 2001

## **WITHDRAWN BY SPONSOR**



### **Motion #3- D'Andrea**

Accept proposal presented by Miami-Dade and the industry conceptually.  
Allow the task group to move ahead and finish their work and present to Ad Hoc/  
Commission in January, 2000.

<u>Y</u>	<u>N</u>
7	2

### **Member comments**

- Commission needs to address and agree the criteria and policy of public vs. private
- Stakeholders will agreed to try an provide information to those attending the ad hoc on their meeting schedule.
- The Ad Hoc Committee will meet January 9, 2000.
- The Committee was very supportive of the significant efforts undertaken by Miami-Dade and the industry to build better understanding and consensus.

### **V. PUBLIC POST ITS- COMMENTS**

- The product approval process as currently outlined, creates two systems and fails to protect the public. Are we creating a restraint of trade by requiring some entities to be approved by the state and others not? (Dom Sims)
- It would make sense to eliminate the covered product list and require all products referenced in the code, require evaluation. Allow Dade to check the checkers in the B chapters only, because that is where the standards differ from national standards (Dom Sims)
- Where a manufacturer utilizes an independent 3<sup>rd</sup> party QA program—would the system require an additional QA program provided by Miami Dade (Pete Billing)
- Why can't the current5 product approval process be utilized for all products? Many of the products (6) listed have evaluations, quality assurance programs, and listings through interdependent, third party entities and are currently being approved by local building officials. If an evaluation entity is not accredited by Miami-Dade would the lack of accreditation preclude their acceptance by local jurisdictions? (Pete Billings)
- What could happen to the currently accepted quality assurance and listing entities that certify products that comply with standards that are referenced in the code? I.e. AAMA; WOMA; UL; SBCCI; NES; BOCA; ICBO, NES, etc. (Pete Billings)
- We don't need to reinvent the product approval system. The existing one (SBCCI, AAMA, AFPA, BOCA ICBO, etc.) works fine. In order to determine others who can compete in this activity we need a procedure which first determines the applicable criteria that these entities meet and then make sure that any new players at least meet these same standards. That's what the Product Approval Task Group report does. (Charles Every)
- On accrediting bodies. Use existing accreditors of testing and certification agencies for building products- these would include CABO, (ICC) SBCCI, ICBO, BOCA, ANSI, AZLA On use of the term "state wide approval". In reality it is the "authority having jurisdiction" who "approves" products. Approval is based on compliance with the code requirement which is usually based on performance to a particular standard. Thus the product can be "certified" by a third-party agency and then approved for a particular application by the AHJ.

Why does Florida need a different method for product approval of these products that is different than the method used for such items as fire resistant construction, electrical products or other structural materials? Shouldn't products that need certification for life safety be certified the same way as the building envelope components (Rick Curkeet, Interstate Testing Services)

- How do we handle a situation where a manufacturer wants to obtain statewide approval for a product that is not in the list of mandated products that must obtain statements approval. (Ralph Hughes)
- Approval of product evaluation entities by Dade County (or a state Dept of Dade County employees) is clearly redundant in cases where organizations are already ANSI accredited for specified building products (i.e. UL, AAMA, WOMA, FM, APA, TECO, PTL, etc.). State product evaluation entity approval should focus on organization not accredited by ANSI only. (Rick Walker AAMA)
- The terms "labeled" and "listed" are both defined in the FBC. Each definition contains the phrase "nationally recognized testing laboratory" This phrase now has a special meaning through the occupational safety and health administration under the U.S. Dept. of Labor. This is limited to 37 products under the provisions of the General Housing Standards. Keeping this phrase will cause confusion. Both the Uniform Building Code and the IBC have removed references to the "nationally regulated testing log" and added "approved agency or "approved testing lab" (Ernie Schmidt )

## **Attachment 3**

### **Overview Of Facilitated Public Hearings on Draft II Of the Florida Building Code**

#### **Panama City Beach**

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 responded 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.

#### **Miami**

On September 22, 1999 the Florida Building Commission convened the second of five public hearings on Draft II in Miami. There were over 200 registered attendees who participated in the four hour facilitated hearing process. Although the hearing was designed to allow a public comment period and three facilitated question and answer sessions, there were approximately fifty people signed up to address the eight Commission members who were in attendance. As a result, the comment session took up the entire four hours of time scheduled for the public hearing. For four hours citizens, elected officials, building officials, and industry and business interests expressed their views and concerns to the Commission. The hearing ended with Commission member Charles Danger resigning his position on the Commission. Commission Chair Raul Rodriguez expressed his appreciation for Commissioner Danger's contribution to the process and spoke for the entire Commission in expressing that he would be missed. In light of not having any time for Commission members to address written questions, participants were promised that their questions would be included in the report that would be issued at the conclusion of the five facilitated public hearings.

## **Orlando**

On October 11, 1999 the Florida Building Commission convened the third of five public hearings on Draft II in Orlando. There were over 150 registered attendees, most of whom were comprised of state agency and industry and association representatives and professionals, who participated in the four hour facilitated hearing process. The hearing began with an opportunity for public comments in which 33 members of the public offered testimony on Draft II in front of 12 members of the Florida Building Commission. Following over three hours of public comments, the Insurance Industry presented the Commission with their perspective on windload design protection issues and assessed what effect stronger standards would have on insurance rate premium costs. The industry's indication was that stronger standards equals lower costs. Following the presentation Commission members were provided with an opportunity to ask questions of the insurance industry representatives. 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..

## **Gainesville**

On October 27, 1999 the Florida Building Commission convened the fourth of five public hearings on Draft II in Gainesville. 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 12 members of the public offered testimony on Draft II in front of members of the Florida Building Commission. Following the public comments, there was a facilitated session 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 responded 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.

## **Naples**

On November 8, 1999 the Florida Building Commission convened the fifth of five public hearings on Draft II in Naples. There were over 75 registered attendees. The hearing offered an opportunity for public comments in which 17 members of the public offered testimony on Draft II to the Florida Building Commission. Following the hour and a half of public comments, the chair closed the hearing by thanking the participants for their comments and suggested the Commission consider these comments while it proceeded to debate and adopt its amendatory Draft III of the code on Tuesday.

## **Attachment 4**

### **Approved and Adopted Glitch/Ad Hoc Process**

#### **DRAFT III FLORIDA BUILDING CODE**

##### **Member Amendments to Draft III- November-December**

- An amendatory Draft III text will be adopted at the November, 1999 meeting of the Florida Building Commission.
- The November Meeting Summary will be mailed to members on November 16 with amendment forms.
- Deadline for Member Written Amendments—close of business November 24, 1999.
- The Chair will work with staff to organize amendments as editorial and substantive and will move at the December meeting the adoption of the editorial amendments as a consent packet. As necessary, the Commission will review and vote separately on any editorial amendment believed to be substantive by any member.
- At the December meeting, the Amendment sponsor(s) may accept “friendly” language to their amendments. Amendment sponsors, at the chairs discretion, may be recognized for brief clarifying comments on the meaning and intent of the amendment. Members or the Chair may request straw polls on amendments.
- Commission members in the room will express consensus or vote on amendments, sections and the overall Draft III as amended (no abstentions).
- Consensus reflecting support by 75% or more of the members will be required for inclusion of the amendments, for sections as amended and for the overall Draft as amended.
- No amendments will be accepted by members from the floor. The Chair may offer amendatory language to seek consensus.

##### **Ad Hoc Committee and “Glitch” Amendment Process—December - January, 2000**

- Adopt Draft III as amended at December’s meeting. The Commission will review and adopt guidelines for the ad hoc committee and “glitch” amendment process which will be included in the Commission’s Adopted Consensus-Building and Decision-Making Procedures.
- The Chair will propose that the existing ad hoc committees (wind design, product approval, insurance) and any new committees be noticed, reconvened and charged to review any amendment receiving between a 51% and 74% vote in the December meeting to seek to draft committee amendments that are designed to build greater consensus on Draft III.
- As appropriate, the Chair may appoint new Commission members to these ad hoc committees as an additional opportunity to help to shape Draft III as a consensus product.

- Following the December meeting staff will distribute a summary of the decisions on amendments made at that meeting for use by the Ad Hoc Committees and members proposing “glitch amendments.”
- The Chair will also propose an additional “glitch amendment” process whereby members may submit written “glitch” amendments which:
  - Clarify or propose a solution to new and compelling information not considered by the Commission during the code development process; or
  - Clarify intent or address and resolve unintended or unexpected consequences, that may result from adoption of Draft III as amended in December; or
  - Suggest an alternative provision that can build greater consensus among members on a controversial recommendation adopted in Draft III as amended in December; or
  - Respond to public comment that suggest serious concerns from key stakeholders on an issue(s) not directly addressed by the Commission in the Code development process to date.
- Deadline for Ad Hoc Committee Written Amendments or member written “glitch” amendments—11:59 PM, January 9, 2000.
- Each glitch amendment should include a statement of how it meets an adopted criterion or criteria and will be reviewed by Commission chair to determine whether or not the proposed amendment meets the criterion or criteria in order to be reviewed by the Commission at the January, 2000 meeting.
- Commission member may appeal the Chair’s determination on a proposed “glitch” amendment by making a motion to appeal at January’s meeting. A Motion requires a second and a 51% favorable vote from the Commission in order to move amendment onto the Commission discussion agenda.
- The Chair will work with staff to organize both Ad Hoc Committee and Glitch Amendments as editorial and substantive and will move at the January meeting the adoption of the editorial amendments as a consent packet. As necessary, the Commission will review and vote separately on any editorial amendment believed to be substantive by any member.
- The Amendment sponsor(s) may accept “friendly” language to their amendments. Amendment sponsors, at the chairs discretion, may be recognized for brief clarifying comments on the meaning and intent of the amendment.
- Commission members in the room will express consensus or vote on ad hoc committee and “glitch” amendments and on the overall Draft III as amended at the conclusion of the January meeting. The Commission will then move to submit Draft III for notice of proposed rulemaking (no abstentions).
- Consensus reflecting support by 75% or more of the members will be required for inclusion of the amendments, for sections as amended and for the overall Draft as amended.
- No amendments will be accepted by members from the floor. The Chair may offer amendatory language to seek consensus.
- The Commission will move to proceed with rule development on Draft III as amended (if any glitch amendments) for the Building Code Rule at January’s meeting.

## **Attachment 5**

### **Legislative Report/Key Components Development Process**

#### **Timelines for Key Elements**

##### **Product Approval System:**

Adopt conceptual design of the State Product Approval System at December's meeting.  
Adopt amendatory text of system at the January 2000 meeting.

Deadline for Commission members to submit written amendments: January 28, 2000.

Review and decide on Commissioner's amendments and adopt Product Approval System as amended and move to proceed with the rule development process at February 2000 meeting.

Public hearing on proposed rule: April 10, 2000.

##### **State Agency Authority for Standards Development and Enforcement Functions:**

Adopt amendatory text of recommendations at December's meeting.

Deadline for Commission members to submit written amendments: January 28, 2000.

Review and decide on Commissioner's amendments and adopt recommendations as amended at the February 2000 meeting.

##### **Other Components of the Report to the Legislature:**

Adopt amendatory text of report components at the January 2000 meeting.

Deadline for Commission members to submit written amendments: January 28, 2000.

Review and decide on Commissioner's amendments and adopt Product Approval System as amended and move to proceed with the rule development process at February 2000 meeting.

Member Amendments to Components to Legislative Report

#### **Amendment Process**

- An amendatory text will be adopted at the January, 2000 meeting of the Florida Building Commission.
- The January Meeting Summary will be mailed to members on January 18, 2000 with amendment forms.
- Deadline for Member Written Amendments—close of business January 28, 2000.
- The Chair will work with staff to organize amendments as editorial and substantive and will move at the February 2000 meeting the adoption of the editorial amendments as a consent packet. As necessary, the Commission will review and vote separately on any editorial amendment believed to be substantive by any member.
- At the February 2000 meeting, the Amendment sponsor(s) may accept "friendly" language to their amendments. Amendment sponsors, at the chair's discretion, may be recognized for brief clarifying comments on the meaning and intent of the amendment. Members or the Chair may request straw polls on amendments.
- Commission members in the room will express consensus or vote on amendments, sections and the overall system or component as amended (no abstentions).
- Consensus reflecting support by 75% or more of the members will be required for inclusion of the amendments, for sections as amended and for the overall Report as amended.
- No amendments will be accepted by members from the floor. The Chair may offer amendatory language to seek consensus.

## Attachment 6

### Adopted Amendatory Text of Recommendations on State Agency Standards Development and Enforcement Functions

#### Overview of Adopted Recommendations:

*By an 18 – 0 in support vote, the Commission unanimously adopted the following amendatory text of recommendations to be included in the Report to the Legislature . The Commission reviewed and took a straw poll on each recommendation before moving to adopt the package of recommendations.*

#### 1. True Building Code Programs

##### DOE (420)

**Summary:**

**Standards Development:** *Florida Building Commission*

**Enforcement Functions:** *Local School Boards, Community College Boards, and State Universities.*

Straw Poll Results:

18 – 0 in support of the proposed recommendation.

##### DCA

For the Energy Code (Ch. 13), Accessibility Code(Ch. 11), Radon Code App. B), and Flood Plain Management Standards (NFIP program (Section 3109)):

**Summary:**

**Standards Development:** *Florida Building Commission*

**Enforcement Functions:** *Local Building Departments*

Straw Poll Results:

18 – 0 in support of the proposed recommendation.

##### Manufactured Buildings (441)

**Summary:**

**Standards Development:** *Florida Building Commission*

**Enforcement Functions:** *Agency*

**Seek Legislative authority for DCA to retain enforcement authority.**

***Commission should convene a working group to review the program and make recommendations to the Commission. Statutory changes should be delivered by January 2000 and review of program effectiveness by June 2000.***

Straw Poll Results:

18 – 0 in support of the proposed recommendation.



## **Manufactured Buildings Foundation & Siting**

### **Summary:**

**Standards Development:** *Florida Building Commission*

**Enforcement Functions:** *Local Building Departments*

Straw Poll Results:

18- 0 in support of the proposed recommendation.

## **DMS**

### **Summary:**

**Standards Development:** *Florida Building Commission*

**Enforcement Functions:** *Local Building Departments*

Straw Poll Results:

18 - 0 in support of the proposed recommendation.

### **Prototype Building Recommendations:**

**Definition of prototype buildings in the code should be expanded to include private as well as public prototype buildings.**

**Statutory changes should be delivered by January 2000. In addition, committee should make recommendations on which agency should be responsible for conducting plans review and how they would be conducted for both public and private prototype buildings.**

## **DOC & DJJ**

Note: Recommendations apply only to Correctional facilities and include DJJ facilities and Section 444 Boot Camps.

### **Summary:**

**Standards Development:** *Florida Building Commission*

**Enforcement Functions:** *Agency*

**Seek Legislative authority for DMS to retain enforcement authority on state owned property for DOC and DJJ.**

Straw Poll Results:

17 - 1 in support of the proposed recommendation.

## **DOT**

Note: Recommendations do not apply to bridges and streets; however, they do apply to structures such as bridge operator and toll house buildings.

### **Summary:**

**Standards Development:** *Florida Building Commission*

**Enforcement Functions:** *Local Building Departments*

Straw Poll Results:

18 - 0 in support of the proposed recommendation.

## **BOR**

### **Summary:**

**Standards Development:** *Florida Building Commission*

**Enforcement Functions:** *State Universities*

Straw Poll Results:

18 – 0 in support of the proposed recommendation.

## **DMV (447)**

### **Mobile Homes**

### **Summary:**

**Standards Development:** *Agency (Preempted by Federal law)*

**Enforcement Functions:** *Agency*

Straw Poll Results:

18 – 0 in support of the proposed recommendation.

### **Foundation and Siting for Mobile Homes**

### **Summary:**

**Standards Development:** *Florida Building Commission*

**Enforcement Functions:** *Local Building Departments*

**Seek Legislative authority for all foundation, siting, and building attachments to go to the FBC for standards development and to local building departments for enforcement functions.**

Straw Poll Results:

18 – 0 in support of the proposed recommendations.

## **DBF**

### **Mausoleums & Columbaria**

### **Summary:**

**Standards Development:** *Florida Building Commission*

**Enforcement Functions:** *Local Building Departments*

**Include program in the Building Code.**

Straw Poll Results:

18 – 0 in support of the proposed recommendation.

## **2. Facility/Business Licensing Programs**

### **DBPR**

#### **Elevators**

### **Summary:**

**Standards Development for Construction Standards:** *Florida Building Commission (i.e., shaft construction and electrical code requirements)*

**Enforcement Functions for Construction Standards:** *Local Building Departments*

**Standards Development for Elevator Code:** **FBC**  
**Enforcement Functions for elevator equipment:** **Agency**  
**Seek Legislative authority for DBPR to enforce elevator equipment standards for licensure.**

Straw Poll Results:  
18 – 0 in support of the proposed recommendation.

### **Restaurants (434)**

Proposed Modification: (Typical for similar programs)  
Standards development transfers to the FBC for building code and to the agency for the food code.  
Enforcement functions should remain with agency for food code issues and building code installation functions would transfer to local authority.  
Ongoing maintenance and licensing functions remain with the agency.

**Summary:**  
**Standards Development for Construction/Building Code Standards:** **FBC**  
**Enforcement Functions for Building Code Issues:** **Local B. D.**  
**Standards Development for Food Code Requirements:** **Agency**  
**Enforcement Functions for Food Code Requirements and Licensure:** **Agency**  
**Seek Legislative authority for DBPR to enforce certain Building Code standards for licensure.**

Straw Poll Results:  
18 – 0 in support of the proposed recommendation.

### **Hotels & Motels (433)**

**Summary:**  
**Standards Development for Construction/Building Code Standards:** **FBC**  
**Enforcement Functions for Building Code Issues:** **Local B. D.**  
**Standards Development for post CO and Licensure:** **Agency**  
**Enforcement Functions for post CO and Licensure:** **Agency**  
**Seek Legislative authority for DBPR to enforce certain Building Code standards for licensure.**

Straw Poll Results:  
18 – 0 in support of the proposed recommendation.

### **AHCA**

#### **Hospitals (418), Nursing Homes(419), & Ambulatory Care(432)**

Proposed Modification:  
Standards writing for building design and construction transfers to FBC—except where preempted by Federal authority. Standards writing for non-construction related specialty standards would remain with the agency.  
The base Building Code functions would be enforced by local building departments and non-construction related specialty standards and building code standards for state licensure may be enforced by the agency.

**Summary:**

**Standards Development for Construction/Building Code Standards:** FBC  
**Enforcement Functions for Building Code Issues:** Local B. D.  
**Enforcement for Building Code Issues within Specialty Standards:** Local B. D.  
**Standards Development for Non-Construction Specialty and Licensure Req.'s:** Agency  
**Enforcement Functions for Non-Construction Specialty and Licensure Req.'s:** Agency  
**Seek Legislative authority for AHCA to enforce certain Building Code standards for licensure.**

**Straw Poll Results:**

18 – 0 in support of the proposed recommendation.

**Assisted Living Facilities(436), Adult Family Homes(439), & Adult Day Care(438)**

**Remove section 436, 439, 438 from the code. Code change required.**  
**Committee recommended that Commission ask for Legislative authority to include these programs under their authority for inclusion in the building code.**

**Proposed Modification:**

Standards writing for building design and construction transfers to FBC—except where preempted by Federal authority. Standards writing for non-construction related specialty standards would remain with the agency.  
The base Building Code functions would be enforced by local building departments and non-construction related specialty standards and building code standards for state licensure may be enforced by the agency.

**Summary:**

**Standards Development for Construction/Building Code Standards:** FBC  
**Enforcement Functions for Building Code Issues:** Local Building Depts.  
**Enforcement for Building Code Issues within Specialty Standards:** Local Building Depts.

**Standards Development for Non-Construction Specialty and Licensure Req.'s:**  
Agency

**Enforcement Functions for Non-Construction Specialty and Licensure Req.'s:**  
Agency

**Seek Legislative authority for AHCA to enforce certain Building Code standards for licensure..**

**Straw Poll Results:**

18 – 0 in support of the proposed recommendation.

## **DOH**

**Institutional Food Service (425)**

**Summary:**

**Standards Development for Construction/Building Code Standards:** FBC  
**Enforcement Functions for Building Code Issues:** Local B. D.  
**Standards Development for Food Code Requirements:** Agency  
**Enforcement Functions for Food Code Requirements and Licensure:** Agency  
**Seek Legislative authority for DOH to enforce certain Building Code standards for licensure.**

**Straw Poll Results:**

18 – 0 in support of the proposed recommendation.

## DACS

### Food Service Establishments (434)

**Summary:**

**Standards Development for Construction/Building Code Standards:** FBC  
**Enforcement Functions for Building Code Issues:** Local B. D.  
**Standards Development for Food Code Requirements:** Agency  
**Enforcement Functions for Food Code Requirements and Licensure:** Agency  
**Seek Legislative authority for DACS to enforce certain Building Code standards for licensure.**

**Straw Poll Results:**

18 – 0 in support of the proposed recommendation.

### 3. Environmental/Health Programs

#### DEP/DOH

##### Water Wells (443)

Note: Recommendations apply to private wells only.

**Summary:**

**Remove section 443 from Chapter 4. Code change required.**  
**Plumbing code will contain code requirements from the suction point to the building.**  
**Standards Development:** Florida Building Commission  
**Enforcement Functions:** Local Building Departments  
**For environmental and health standards and enforcement functions:** Agency  
**Seek Legislative authority for FBC to regulate pump and storage tank hardware (standards other than environmental/health).**

**Straw Poll Results:**

18 – 0 in support of the proposed recommendation.

##### AC Return Wells (446)

**Summary:**

**Remove section 446 from the code. Code change required.**  
**Do not seek Legislative authority to include program in the building code.**

**Straw Poll Results:**

18 – 0 in support of the proposed recommendation.

##### Well Heads (442)

**Summary:**

**Remove section 442 from the code. Code change required.**  
**Do not seek Legislative authority to include program in the building code.**

**Straw Poll Results:**

18 – 0 in support of the proposed recommendation.

## Storage Tanks (445)

### Summary:

**Remove section 445 from the code. Code change required.**  
**(Building code and fire prevention code already include storage tank requirements.)**  
**Do not seek Legislative authority to include program in the building code.**

### Straw Poll Results:

18 – 0 in support of the proposed recommendation.

## Coastal Construction

### Proposed Modification:

Standards writing authority to remain with agency for the environmental components and building code components be developed by the FBC.  
Enforcement of environmental functions to remain with the agency and enforcement of building code functions remains with local building departments.

### Summary:

<b>Standards Development for Construction/Building Code Standards:</b>	<b>FBC</b>
<b>Enforcement Functions for Building Code Issues:</b>	<b>Local B. D.</b>
<b>Standards Development for Environmental Standards:</b>	<b>Agency</b>
<b>Enforcement Functions for Environmental Standards:</b>	<b>Agency</b>

### Straw Poll Results:

18 – 0 in support of the proposed recommendation.

## Turtle Protection

### Summary::

**Include language (consistent with approved mod. # c2S07m (c2S07 as modified)) in Chapter 31 referencing DEP environmental regulations. SBCCI to format exact location and reference.**

**“The environmental permit may condition the nature, timing, and sequence of construction of permitted activities to provide protection to nesting sea turtles and hatchlings and their habitat, including the review, submittal, and approval of lighting plans.”**

### Straw Poll Results:

18 – 0 in support of the proposed recommendation

## DOH

### Septic Tanks

### Summary:

**Commission deleted all references in the code (plumbing modification # 166) Administrative Chapter to require that building departments not issue a building permit until the health department issues a septic permit. Code change required.**

### Straw Poll Results:

18 – 0 in support of the proposed recommendation.

## **Public Swimming Pools (429)**

### **Summary:**

**Commission combined private(429.1) and public swimming pools into Chapter 4 and deleted Chapter 36. Code change required.**

**Plumbing code requirements for public pools should be duplicated and included in the plumbing code.**

**Note: Plumbing requirements for Public Swimming Pools are different from those of Private Pools.**

**SBCCI should remove all non-construction related sections from the code.**

**Operational aspects of the program to remain with the agency.**

**Straw Poll Results:**

**18 – 0 in support of the proposed recommendation.**

## **Migrant Camps (424)**

### **Summary:**

**Remove section 424 from the code. Code change required.**

**Do not seek Legislative authority to include program in the building code.**

**Straw Poll Results:**

**18 – 0 in support of the proposed recommendation.**

## **Mobile Home Parks (423)**

### **Summary:**

**Remove section 423 from the code. Code change required.**

**Do not seek Legislative authority to include program in the building code.**

**Straw Poll Results:**

**17 – 1 in support of the proposed recommendation.**

## **Community-Based Residential Facilities (426)**

### **Summary:**

**Remove section 426 from the code. Code change required.**

**Do not seek Legislative authority to include program in the building code.**

**Straw Poll Results:**

**18 – 0 in support of the proposed recommendation.**

## **Sanitation Facilities/Public Employment (428)**

### **Summary:**

**Delete section 428 from the code. Code change required.**

**Clarify authority of the FBC to write sanitation standards for buildings serving the public and places of employment. (Authority for temporary outdoor events remains with DOH.)**

**Seek Legislative authority for DOH to continue to enforce the standards for licensing and ongoing maintenance inspections.**

**Straw Poll Results:**

**18 – 0 in support of the proposed recommendation.**

## Drinking Water Systems (430)

### Summary:

**Remove section 430 from the code. Code change required.**  
**Do not seek Legislative authority to include program in the building code.**

Straw Poll Results:

18 – 0 in support of the proposed recommendation.

## Control Radiation Hazards (431)

**Remove section 431 from the code. Code change required.**

Committee Modifications:

Put any construction related issues in the FBC for standards development and enforcement by local building departments.

Environmental, health, and safety functions should remain with the agency.

### Summary:

<b>Standards Development for Construction/Building Code Standards:</b>	<b>FBC</b>
<b>Enforcement Functions for Building Code Issues:</b>	<b>Local B. D.</b>
<b>Standards Development for Environmental/Health/Safety Standards:</b>	<b>Agency</b>
<b>Enforcement for Environmental/Health/Safety Standards:</b>	<b>Agency</b>

**Seek Legislative authority to include the program in the building code.**

Straw Poll Results:

18 – 0 in support of the proposed recommendation.

## Water Management Districts

### Water Well Construction

### Summary:

**Delete reference from code. Code change required.**  
**Removed from code as a result of removing sections 442, 443, and 446.**  
**Do not seek Legislative authority to include program in the building code.**

Straw Poll Results:

18 – 0 in support of the proposed recommendation.

## 4. Other State Programs

### DOS

#### Historic Buildings

Committee Recommendations:

Florida Building Commission would develop and maintain standards with DOS technical support.

Enforcement remains with local building departments.

### Summary:

**Standards Development: Florida Building Commission**

**Enforcement Functions: Local Building Departments.**

**Chapter 34 Historical Preservation, add guidelines from the Department of Interior as an Appendix to the FBC as adopted by the Commission. Code change required.**



Straw Poll Results:  
18 – 0 in support of the proposed recommendation.

## **5. Additional Programs Reviewed by Committee**

### **Birthing Centers (421)**

#### **Proposed Modification:**

Standards writing for building design and construction transfers to FBC—except where preempted by Federal authority. Standards writing for non-construction related specialty standards would remain with the agency.

The base Building Code functions would be enforced by local building departments and non-construction related specialty standards and building code standards for state licensure may be enforced by the agency.

#### **Summary:**

**Standards Development for Construction/Building Code Standards:** FBC  
**Enforcement Functions for Building Code Issues:** Local B. D.  
**Enforcement for Building Code Issues within Specialty Standards:** Local B. D.  
**Standards Development for Non-Construction Specialty and Licensure Req's:**

Agency

**Enforcement Functions for Non-Construction Specialty and Licensure Req's:**

Agency

**Seek Legislative authority for AHCA to enforce certain Building Code standards for licensure.**

#### **Straw Poll Results:**

18 – 0 in support of the proposed recommendation.

### **Child Care Standards (422)**

#### **Summary:**

**Remove section 422 from the code.** Code change required.  
**Do not seek Legislative authority to include program in the building code.**

#### **Straw Poll Results:**

18 – 0 in support of the proposed recommendation.

### **School Sanitation Standards (425)**

#### **Summary:**

**Remove section 425 from the code.** Code change required.  
**Do not seek Legislative authority to include program in the building code.**

#### **Straw Poll Results:**

18 – 0 in support of the proposed recommendation.

## **Intermediate Care Facilities for the Developmentally Disabled (435)**

### **Summary:**

**Remove section 435 from the code. Code change required.**  
**Do not seek Legislative authority to include program in the building code.**

Straw Poll Results:

18 – 0 in support of the proposed recommendation.

## **Camps (424)**

**Remove section 424 from the code. Code change required.**

**Already covered by other recommendations.**

Straw Poll Results:

18 – 0 in support of the proposed recommendation.

## **Residential Facilities (437)**

### **Summary:**

**Remove section 437 from the code. Code change required.**  
**Do not seek Legislative authority to include program in the building code.**

Straw Poll Results:

18 – 0 in support of the proposed recommendation.

## **Crisis Stabilization Units (440)**

### **Proposed Modification:**

Standards writing for building design and construction transfers to FBC—except where preempted by Federal authority. Standards writing for non-construction related specialty standards would remain with the agency. The base Building Code functions would be enforced by local building departments and non-construction related specialty standards and building code standards for state licensure may be enforced by the agency.

### **Summary:**

**Remove section 440 from the code. Code change required.**

**Standards Development for Construction/Building Code Standards: FBC**

**Enforcement Functions for Building Code Issues: Local Building  
Departments**

**Enforcement for Building Code Issues within Specialty Standards: Local Building  
Depts.**

**Standards Development for Non-Construction Specialty and Licensure Req's:  
Agency**

**Enforcement Functions for Non-Construction Specialty and Licensure Req's:  
Agency**

**Seek Legislative authority to include program in the building code.**

Straw Poll Results:

18 – 0 in support of the proposed recommendation.

# Attachment 7

## INSURANCE CREDITS FOR ENHANCED CODE PROTECTIONS

Chairman Rodriguez summarized the charge he made to the ad hoc committee on insurance credits and asked Commissioner Wiggins, chair of the Ad Hoc Committee on Insurance Credits to present the Committee's report and recommendation to support the Department's and Industry's effort to pass legislation to expand mitigation credits. Following the presentation Commissioner Wiggins made the following motion which was seconded by Commissioner Bassett:

The Commission supports the effort by the Department of Insurance and the insurance industry to expand mitigation credits and will include the language, as amended by the Ad Hoc Committee and the Commission in its amendatory text to be adopted in January, 2000. Below the underlined language was agreed to be added through this motion:

**Section\_ Subsection (1) of section 627.0629, Florida Statutes are amended to read:**

**627.0629 Residential property insurance; rate filings.—**

**(1) Effective \_\_\_\_\_, a rating manual for residential property insurance must include appropriate discounts, credits or other rate differentials, or appropriate reductions in deductibles, for properties on which fixtures or construction techniques actuarially demonstrated to reduce the amount of loss in a windstorm have been installed or implemented. At a minimum, the fixtures or construction techniques shall include, but not limited to, fixtures or techniques which enhance roof strength, and roof covering performance, roof to wall strength, wall to floor to foundation strength, and window, door and skylight strength and opening protection, as a minimum in accordance with the Florida Building Code. All insurance companies will make a rate filing within two years of the enactment of this statutory language.**

**Motion: Wiggins, 2<sup>nd</sup> Bassett**

<b><u>YES</u></b>	<b><u>NO</u></b>	<b><u>ADOPTED?</u></b>
<b>14</b>	<b>3</b>	<b>Adopted.</b>

### **Commission Comments on the Motion**

- Consider deleting "appropriate discounts" and adding "cost recovery formula as a friendly amendment (Browdy) (not accepted by the 2<sup>nd</sup> Bassett)
- Add "at a minimum in accordance with the Florida Building Code" following "opening protection".(Wiggins)
- What system will the insurance industry/ Department of Insurance create make sure that homeowners are able to quickly receive the credit when the changes are made.
- How will existing homes receive this credit?
- Make clear that it is the Commission's intent is that they are looking for a rate structure vs. simply a recovery discount.

**Attachment 8**  
**Amendment Voting Record**

## **Attachment 9**

### **January, 2000 Workplan**

Commission reviews and decides on glitch amendments and special issues Ad Hocs and approves proceeding with rule development process for the Building Code Rule.

Commission reviews and adopts amendatory recommendations on a statewide Product Approval system.

Commission reviews and adopts the amendatory draft report to the Legislature.

Commission approves proceeding with rule development process for the Education/Training Rule.

Adoption of information guidebook on roles and responsibilities of licensees.

Adoption of entry level workers training program.

Review of Components for Inclusion in the Draft Report of Recommendations to the Legislature.

South Florida Integration Ad Hoc delivers recommendations on Product Approval option.

Commission reviews and decides on recommended changes to statutes [Leg. 2].

Commission reviews Manufactured and Prototype Buildings Review Ad Hoc Committee's recommendations for statutory and programmatic changes to the manufactured buildings and prototype buildings program [Leg. 17 & 19].

Commission reviews and decides on Ad Hoc's recommendations for funding the implementation of the code.

Ad Hocs deliver recommendations on amendments receiving between 51% and 74% support (masonry bracing & stair handrails)

DCA legal staff presents update on status of copyright and royalty agreements (P. # 24).

Education TG presents recommendations on information guidebook on roles and responsibilities of construction industry licensees [Leg. 11].

Education TG presents recommendations on entry level workers training program [Leg. 4]

Accessibility TAC presents recommendations on parking waivers (P. # 21).

Threshold Inspector Certification Committee presents recommendations to Commission for revising laws and rules defining the threshold inspection system. [Leg. 12]

Commission appoints Ad Hoc to Make Recommendations on Privatization and the Role of the State with Overseeing Building Departments [Leg. 10 & DD].

Commission appoints Ad Hoc to Determine Which Buildings Will Be Exempt from the Code [Leg. 16].