FLORIDA BUILDING COMMISSION

ATTACHMENT TO THE AUGUST 11 - 14, 2002 MINUTES

FACILITATOR'S REPORT OF THE AUGUST 11 - 14, 2002 COMMISSION MEETING

Orlando, Florida

Meeting Design & Facilitation By



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FLORIDA BUILDING COMMISSION Attachment to the August 11 - 14, 2002 Minutes

I. OVERVIEW OF COMMISSION'S KEY DECISIONS

WEDNESDAY, AUGUST 14, 2002

COMMISSION PLENARY SESSION

Agenda Review and Approval

The Commission voted unanimously, 15 - 0 in favor, to approve the agenda as presented.

Review and Approval of July 2, 2002 Meeting Minutes

Commission voted unanimously, 15 - 0 in favor, to approve the minutes as presented for the July 14, 2002 Commission meeting.

Review and Approval of Commission's Updated Workplan

The Commission voted unanimously, 17 - 0 in favor, to approve the Commission's updated workplan as presented. (Attachment 2)

Commissioner Browdy requested accelerating the schedule for Workplan Task EE (Code Commentaries).

Chair's Discussion Issues and Recommendations

Acting chair D'Andrea reported that Chairman Rodriguez made the following TAC/POC appointments:

Herminio Gonzalez to Product Approval POC

Ken Gregory to Plumbing TAC

Review of Privatization Forms

The Commission reviewed a Notice to Building Official for Use of Private Provider form and a Plan Compliance Affidavit form jointly developed by staff and BOAF. *Commission Actions:*

Motion — The Commission voted unanimously, by a vote of 17 – 0 in favor, to approve the forms as amended below and to initiate rulemaking beginning with a rule development workshop at the September 2002 Commission meeting.

Amendment to Form:

Private Provider form should clarify that a notary signature is not required for architects and engineers.

Consideration of Accessibility Waiver Applications

The Commission reviewed and decided on the Waiver applications submitted for their consideration.

COMMITTEE REPORTS AND RECOMMENDATIONS

Special Occupancy TAC Committee Report and Recommendations

Commissioner Thorne presented the committee's report and recommendations for Commission consideration. The Commission unanimously accepted the Committee's report by a vote of 17 - 0 in favor. (See Commission Minutes for Committee report)

Fire TAC Committee Report and Recommendations

Commissioner D'Andrea presented the committee's report and recommendations for Commission consideration. The Commission unanimously accepted the Committee's report by a vote of 17 - 0 in favor. (See Commission Minutes for Committee report)

Code Administration TAC Committee Report and Recommendations

Commissioner Thorne presented the committee's report and recommendations for Commission consideration. The Commission unanimously accepted the Committee's report by a vote of 17 - 0 in favor. (See Commission Minutes for Committee report)

Electrical TAC Committee Report and Recommendations

Commissioner McCombs presented the committee's report and recommendations for Commission consideration. The Commission unanimously accepted the Committee's report by a vote of 17 - 0 in favor. (See Commission Minutes for Committee report)

Commission Actions:

Motion — The Commission voted unanimously, by a vote of 14 – 0 in favor, to reconsider the report.

Motion — The Commission voted unanimously, by a vote of 14 – 0 in favor, to reconsider the report in order to include the entire report.

Motion — The Commission voted unanimously, by a vote of 15 – 0 in favor, to accept the report as amended.

Mechanical TAC Committee Report and Recommendations

Commissioner D'Andrea presented the committee's report and recommendations for Commission consideration. The Commission unanimously accepted the Committee's report by a vote of 17 - 0 in favor. (See Commission Minutes for Committee report)

Plumbing TAC Committee Report and Recommendations

Commissioner Shaw presented the committee's report and recommendations for Commission consideration. The Commission unanimously accepted the Committee's report by a vote of 17 - 0 in favor. (See Commission Minutes for Committee report)

Structural TAC Committee Report and Recommendations

Commissioner Parrino presented the committee's report and recommendations for Commission consideration. The Commission unanimously accepted the Committee's report by a vote of 17 - 0 in favor. (See Commission Minutes for Committee report)

Energy TAC Committee Report and Recommendations

Commissioner Bassett presented the committee's report and recommendations for Commission consideration. The Commission unanimously accepted the Committee's report by a vote of 15 - 0 in favor. (See Commission Minutes for Committee report)

Accessibility TAC Committee Report and Recommendations

Commissioner Richardson presented the committee's report and recommendations for Commission consideration. The Commission unanimously accepted the Committee's report by a vote of 19 - 0 in favor. (See Commission Minutes for Committee report)

Product Approval/Prototype Buildings/Manufactured Buildings Program Oversight Committee

Commissioner Carson presented the committee's report and recommendations for Commission consideration. The Commission unanimously accepted the Committee's report by a vote of 17 - 0 in favor. (See Commission Minutes for Committee report) *Commission Actions:*

Motion — The Commission voted unanimously, by a vote of 17 – 0 in favor, to conduct a rule amendment workshop for rule 9B-74 at the September 2002 Commission meeting.

Action on Applications for Approval for Product Approval Entities

Motion — The Commission voted unanimously, by a vote of 17 – 0 in favor, to approve American Association for Laboratory Accreditation as an accreditation body.

Motion — The Commission voted unanimously, by a vote of 17 – 0 in favor, to approve Intertek Testing Services as a testing laboratory.

Motion — The Commission voted unanimously, by a vote of 17 – 0 in favor, to approve Hurricane Test Laboratory as a testing laboratory on the condition that the accreditation body verify accreditation of the applicant.

Education Program Oversight Committee and Education TAC Committee Report and Recommendations

Commissioner Browdy presented the committee's report and recommendations for Commission consideration. The Commission unanimously accepted the Committee's report by a vote of 17 - 0 in favor. (See Commission Minutes for Committee report) *Commission Actions:*

Motion — The Commission voted unanimously, by a vote of 17 – 0 in favor, to approve the TAC/POC recommendations on the BCTP in concept, and to direct DCA legal staff to begin negotiations for the transition of specified Building Code Training Program functions from the Florida Building Commission (FBC) to the Department of Business and Professional Regulation (DBPR) as outlined in the TAC/POC recommendation.

Commission Action on TAC Recommendations for Proposed Code Amendments

Motion — The Commission voted unanimously, by a vote of 17 – 0 in favor, to approve publication, on the Building Code Information System (BCIS), of the TAC recommendations on proposed code amendments which will allow 45 days for public review and comment. The Commission will consider the proposed amendments and any comments at the October 2002 Commission meeting in Miami.

Commission/BOAF Project to Develop Non-binding Code Interpretation Process

BOAF president Ronnie Spooner presented a projector presentation of the web based request for non-binding interpretation process.

PETITIONS FOR DECLARATORY STATEMENTS

Following are the actions taken by the Commission on petitions for declaratory statements.

OTHER

DCA02-DEC-128 by Richard Johnston

The request was deferred to the September 2002 meeting at the request of the petitioner.

SECOND HEARINGS

Structural

DCA02-DEC-169 by Florida Extruders International Inc.

Motion — The Commission voted unanimously, by a vote of 15 – 0 in favor, to approve their previous action on the petition.

DCA02-DEC-170 by International Engineering Associations Inc.

Motion — The Commission voted unanimously, by a vote of 15 – 0 in favor, to approve their previous action on the petition.

DCA02-DEC-182 by Bliss & Nytray, Inc.

Motion — The Commission voted unanimously, by a vote of 16 – 0 in favor, to approve their previous action on the petition.

DCA02-DEC-183 by Master Consulting Engineering Inc.

Motion — The Commission voted unanimously, by a vote of 16 – 0 in favor, to approve their previous action on the petition.

Fire:

DCA02-DEC-138 by Bellsouth Telecommunications

Motion — The Commission voted unanimously, by a vote of 15 – 0 in favor, to approve draft of order to deny.

Mechanical:

DCA02-DEC-176 by Larry Banks

Motion — The Commission voted 12 – 3 in favor, to approve their previous action on the petition.

DCA02-DEC-177 by Larry Banks

Motion — The Commission voted unanimously, by a vote of 15 – 0 in favor, to approve their previous action on the petition.

DCA02-DEC-178 by Larry Banks

Motion — The Commission voted 14 – 1 in favor, to direct legal staff to draft a statement based on their previous action on the petition.

DCA02-DEC-179 by Larry Banks

Motion — The Commission voted unanimously, by a vote of 15 – 0 in favor, to direct legal staff to draft a statement based on their previous action on the petition and to include a reference to ASHRA 62.

DCA02-DEC-131 by Pinellas County

Motion — The Commission voted 14 – 1 in favor to refer the petition back to the Mechanical and Plumbing TACs for their recommendations, and that legal should prepare a statement for Commission consideration at the September 2002 Commission meeting.

Energy:

DCA02-DEC-173 by Florida Power and Light

Motion — The Commission voted unanimously, by a vote of 15 – 0 in favor, to approve their previous action on the petition.

DCA02-DEC-174 by Florida Power and Light

Petition withdrawn by petitioner.

DCA02-DEC-175 by Florida Power and Light

Motion — The Commission voted unanimously, by a vote of 15 – 0 in favor, to approve their previous action on the petition.

Product Approval:

DCA02-DEC-142 by DASMA Inc.

Motion — The Commission voted 14 – 1 in favor, to approve their previous action on the petition with the following friendly amendment:

Amendment:

will not is not that which

DCA02-DEC-166 by Florida Building Materials Association

Motion — The Commission voted unanimously, by a vote of 15 – 0 in favor, to direct legal staff to draft a response based on the TAC recommendations from the July 2002 meeting.

DCA02-DEC-167 by Florida Building Materials Association

Motion — The Commission voted unanimously, by a vote of 15 – 0 in favor, to approve their previous action on the petition.

DCA02-DEC-180 by Florida Portable Building Manufacturers Association

Motion — The Commission voted 13 – 1 in favor, to approve their previous action on the petition with the following amendment:

Amendment:

Add paragraph 12 language as submitted in the amended petition.

DISMISSED AT FIRST HEARING

- ❖ DCA02-DEC-062 by Airtemp
- ❖ DCA02-DEC-124 by Miami-Dade Water and Sewer Department

WITHDRAWN BY APPLICANT

- **❖** DCA02-DEC-162 by Florida Extruders International Inc.
- ❖ DCA02-DEC-171 by Leon County Community Dev. Dept. of Growth & Environment
- ❖ DCA02-DEC-174 by Florida Power and Light
- ❖ DCA02-DEC-188 by Mid-Florida Air Conditioning

FIRST HEARINGS

Structural:

DCA02-DEC-191 by Custom Craft, Inc.

Petition withdrawn by petitioner.

DCA02-DEC-203 by Charles A. Purvis, AIA, Architect

Petition withdrawn by petitioner.

DCA02-DEC-207 by Hartford South LLC

Petition withdrawn by petitioner.

DCA02-DEC-208 by City of New Port Richey

Petition deferred to TAC for additional information.

DCA02-DEC-213 by Kevin Connelly

Petition deferred to TAC for additional information.

Fire:

DCA02-DEC-190 by Allied Universal Corporation

Motion — The Commission voted unanimously, by a vote of 12 – 0 in favor, to approve the TAC/staff recommendation on the petition.

DCA02-DEC-206 by Philip J. Childs

Petition deferred to TAC for additional information.

DCA02-DEC-204 by Mouriz/Salazar & Associates

Petition withdrawn by petitioner.

Plumbing:

DCA02-DEC-205 by Herrell Plumbing Inc.

Motion — The Commission voted unanimously, by a vote of 13 – 0 in favor, to approve the TAC/staff recommendation on the petition.

DCA02-DEC-215 by T-Drill Industries Inc.

Motion — The Commission voted unanimously, by a vote of 13 – 0 in favor, to approve the TAC/staff recommendation on the petition.

Public Comment

There were 8 members of the public who addressed the Commission on a variety of issues under FBC purview.

Additional Commission Actions

Motion — The Commission voted unanimously, by a vote of 13 – 0 in favor, to direct legal staff to draft a letter notifying the local building official that there is a declaratory statement pending before the Commission and requesting that the local official consider extending the TCO pending Commission action on the petition and subject to there not being any life threatening conditions in the building resulting from the requested extension of the TCO.

Committee Assignments

The following committee's indicated a need to meet at the August 2002 Commission meeting:

- ❖ Education Program Oversight (POC) Committee (if needed)
- Product Approval/Prototype Buildings/Manufactured Buildings POC

- ❖ Accessibility TAC
- ❖ Code Administration TAC and Rehab subcommittees
- ***** Education (if needed)
- **❖** Electrical
- Energy
- Fire
- Mechanical
- Plumbing TAC
- ❖ Structural TAC
- Special Occupancy TAC
- ❖ Accessibility Advisory Council and Waiver applications

Note:

The Fire TAC and Code Administration TACs will need to meet prior to the next Commission meeting. The TACs will meet in Orlando approximately two weeks prior to the September 2002 Commission meeting.

Staff Assignments

Present proposed Commission meeting schedule for January - June 2003.

ATTACHMENT 1 FLORIDA BUILDING COMMISSION MEETING EVALUATION RESULTS AUGUST 2002

HOW WELL DID THE COMMISSION ACHIEVE THE MEETING OBJECTIVES?

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Chair's Discussion Issues/RecommendationsAccessibility Waiver Applications	11 3 11 3	
 Legal Staff's Discussion Issues and Recommendations Requests for Declaratory Statements TAC Reports/Rec's — Accessibility, Code Administration, Plumbing, Mechanical, Energy, Electrical, Special Occupancy, Fire, and Structural 	10 2	0 0 0 4.57
POC Reports/Rec's – Education, Product Approval, Prototype Buildings, and Manufactured Buildings	11 3	0 0 0 4.79
 Building Code Training Program Discussion Commission/BOAF Code Interpretation Process Public Comment Assignments and Issues for Next Meeting 		0 0 0 1.00
 RATE THE FOLLOWING ASPECTS OF THE MEETING? Clarity of the meeting purpose and plan Background information was helpful Agenda packet was helpful Balance of structure and flexibility Group involvement and productivity Facilitation Facility 	10 4 10 4	0 0 0 4.79

COMMENTS:

- Good hotel
- Terrible acoustics in the meeting room
- There seems to be some misunderstanding with what the commission instructs the legal staff to provide. Does the Commission not instruct legal staff to draft according to Commission action.

WHAT DID YOU LIKE BEST ABOUT THE MEETING?

- Good commission participation
- This facility is much nicer than the plaza facility

HOW COULD THE MEETING HAVE BEEN IMPROVED?

- Sound at plenary session was poor
- A little better summary on the DEC statements at the 2nd hearing
- Sound system
- Better attention to the sound equipment

ATTACHMENT 2

UPDATED COMMISSION WORKPLAN

PRIORITIZATION OF WORKPLAN TASKS- FEBRUARY 2002

Tasks Ranked at 2/02 Commission Meeting:

- AA (AA) 2002 Glitch Amendments and Update to New Editions of Model Building Code Score: 140
- BB (EE) Develop Policy for Transition to International Building and Residential Codes Score: 129
- CC (DD) Collaborative Initiatives on Technical Support of the Code Score: 118
- DD (II) Joint Project with SFM to Develop Fire Prevention Code for Historic Buildings Score: 110
- EE (CC) Develop Commentaries for the Code and Each Subcode Score: 96
- FF (FF) Voluntary Standards for Building Departments [HB 4181/s.553.76(5), F.S.] Score: 78
- GG (HH) Create a Rating System for Structural Integrity Under Storm Conditions Score: 77
- HH (BB) Appeals Procedures [98-287, LOF/ss.553.73 & .77 & 2000-141, LOF/s.120.80,FS] Score: 71
- II (GG) ISO Ratings Program for Building Departments [98-287, LOF/s.553.77(1)n.] Score: 45

Additional Tasks from Programs Implementation and 2001 Report to Legislature and Assignments by 2002 Legislature:

1. Revise Rules of Procedure to list needs specific to Florida which justify Code amendment

- 2. Revise Building Code Training Program rule for "advanced courses" and course approval criteria.
- 3. Develop building code provisions to be added to the Florida Building Code to facilitate the rehabilitation and use of existing structures. [Section 2, CS/HB 1307]
- 4. Establish procedures for advisory opinions and adopt by rule. [s.553.77(7), F.S.; CS/HB 1307]
- 5. Develop forms for use with private inspections:
 - a. Notification of selection of private inspections submitted with permit application. [s.553.891(4), F.S.; CS/HB 1307]
 - b. Affidavit to be submitted by private plans reviewer indicating the individual reviewed the plans and the plans comply with the Code. [s.553.891(5), F.S.; CS/HB 1307]

Note: there are two additional forms identified by law which are left to the building official's discretion. It is proposed that BOAF develop models for these forms.

6. Review the implementation of s.553.891, F.S., Alternative Plans Review and Inspections, and report to the Legislature on or before January 1, 2004. [s.553.891(19), F.S.; CS/HB 1307]

WORKPLAN BY TASK

AA 2002 Glitch Amendments and Update to New Editions of Model Building Code

Schedule for 2003 Glitch Amendments:

Amendment submittal cutoff	6/14/02
Post on website	6/26/02
TAC's consider	8/12/02
Post TAC recommendations on website	8/26/02
Commission considers	10/28/02
Rule hearing	12/10/02
Effective date of amendments	3/10/03

Schedule for 2004 Base Codes Update:

Amendment submittal cutoff (independent submittals)	2/01/03
Post on website (independent/base code updates/local amends)	3/01/03
TAC's consider	5/03
Post TAC recommendations on website	6/01/03
Commission considers	7/03
Rule hearing	8/03
Effective date of first update	3/04

BB Develop Policy for Transition to International Building and Residential Codes

Schedule:

Public workshops		May-Jul 2003
Proposed transition	olan completed	Sep Aug 2003

Public hearing and final decision on proposed plan	Oct-Sep 2003
Staff begin organizing amendments to implement plan	Oct 2003
Transition amendments posted to website and revision cycle begins	Mar 2003
(See schedule for 2004 base codes update)	
Effective date	Mar 2004

CCCollaborative Initiatives on Technical Support of the Code

Initiatives:

- 1. Industry outreach via initiatives of industry associations Apr 2002 1st contract Sep 2002 2nd contract Contract with BASF
- 2. Establish informal code interpretation joint venture with BOAF See additional project 3.
- 3. Develop forms for use with privatized plans review and inspections See additional project 4.
- 4. Voluntary Standards for Building Departments [HB 4181/s.553.76(5), F.S.] See FF

DD Joint Project with SFM to Develop Fire Prevention Code for Historic Buildings **Schedule:**

Organizational and planning meeting of joint FBC Fire TAC

and SFM Fire Code Advisory Council	Mar 2002
Building Code standards complete	Oct 2002
Submitted for 2003 code amendment cycle	Feb 2003
Standards adopted and effective	Mar 2004

\mathbf{EE} Develop Commentaries for the Code and Each Subcode

Plan:

Phase IObtain permission from SBCCI to use 1997 SBC

interpretation document and commentary Staff/SBCCI revise for FBC consistency and dec statements

Staff develop supplemental commentaries for Florida specifics Phase II

FF Voluntary Standards for Building Departments [HB 4181/s.553.76(5), F.S.]

Establish a joint project with the state building officials association, BOAF, with BOAF as lead.

Schedule:

Initial discussions on potential project and organization May 2002 Finalize memoranda of understanding & appoint commissioners AugJul 2002 Initiate project

Aug 2002

Draft standards for public review completed July May 2003 Standards finalized Jan 2004

GG Create a Rating System for Structural Integrity Under Storm Conditions Plan:

Assess feasibility and industry/consumer interest in a rating system Contract for development of draft system then carry through consensus development workshops.

Seek authority from the Legislature to establish a voluntary/market oriented rating program similar to the energy efficiency rating program

Schedule:

Assess feasibility (contractor)	Aug-Sep 2002
Develop draft rating system if decision is to pursue (contractor)	Oct 02- Mar 03
Seek authority for program	Mar-Apr 2003
Consensus development rule workshops	Apr- Jun 2003
Initiate rule adoption	Jul 2003
Rule effective and program initiated	Jan 2004

Note: Still trying to locate funds for project. Project is contingent on funding availability.

HH Appeals Procedures [98-287, LOF/ss.553.73 & .77 & 2000-141, LOF/s.120.80,FS] **Schedule:**

Legal staff develops draft procedures	Apr-May 2002
Legal start develops draft procedures	<u> </u>
Consensus development workshops	May An
Conscisus de velopinent workshops	Iviay-71u

Aug 2002
Sep 2002
Nov 2002
Aug 2002
Aug-Dec 2002
Feb 2003
Mar 2004

II ISO Ratings Program for Building Departments

Plan

Assist local governments with obtaining best ratings by establishing policies to transition to the International codes as quickly as possible and to keep the base codes updated with few amendments in the minimum time possible.

Note: The ISO Building Code Effectiveness Grading System program (BCEGS) is a private sector grading program used by insurance companies to judge building code effectiveness in communities and establish property insurance rates accordingly. The program is nationwide and staff advise the best approach to assisting Florida communities obtain the best ratings are to update and maintain the FBC in a responsible manner and to pursue efforts to assist building departments improve their physical and personnel resources.

Additional task #1 Revise Rules of Procedure to list needs specific to Florida which justify Code amendment (from 2001 Report to Legislature)

Schedule:

Hold workshop to assess necessity and interest in rules reaction to p	<mark>lanned limitations</mark>
on state and local amendments	<u>р <mark>Мау</mark> 2002</u>
Draft rule amendment to implement definition of "specific needs"	Jul 2002
Notice proposed rule amendment	Jul 2002
Rule hearing	Aug 2002
Rule effective	Oct 2002

Additional task #2 Revise Building Code Training Program rule for "advanced courses" and course approval criteria.

Schedule:

Workshops on draft rule amendment	Jul-Aug 2002
Notice proposed rule amendment Recommendatio	on to Commmission Aug 2002
Rule hearing Report on discussion with licensing l	<u>boards</u> Sep 2002
Rule effective Finalize recommendations to Legis	slature Nov 2002

Additional task #3 Develop building code provisions to be added to the Florida Building Code to facilitate the rehabilitation and use of existing structures.

Schedule:

Residential and Commercial building rehab committees established	Mar 2002
Draft code amendments completed	Oct 2002
Draft revisions to law completed	Oct 2002
Report to the Legislature completed	Dec 2002
Submitted for 2003 code amendment cycle	Feb 2003
Standards adopted and effective	Mar 2004

Additional task #4 Establish procedures for advisory opinions and adopt by rule.

Schedule:

Consider partnership with BOAF	May 2002
BOAF/Staff develop proposed procedures	May-Jun 2002
Approve procedures	July 2002
Procedure goes into effect (law allows effective before rule)	Aug 2002
RFP issued and contractor hired	Aug-Sep 2002
Rule adoption	Aug-Oct 2002

Additional task #5 Develop forms for use with private inspections:

- a. Notification of selection of private inspections submitted with permit application s.553.891(4), F.S.
- b. Affidavit to be submitted by private plans reviewer indicating the individual reviewed the plans and the plans comply with the Code s.553.891(5), F.S.

Note: there are two additional forms identified by law which are left to the building official's discretion. It is proposed that BOAF develop models for these forms.

Schedule:

Consider partnership with BOAF	Jul 2002
BOAF/Commission Staff develop draft forms	Jul-Aug 2002
Rule development workshop on draft forms	<u>Sep Aug</u> 2002
Rule hearing	Oct Sep 2002

Additional task #6 Review the implementation of s.553.891, F.S., Alternative Plans Review and Inspections, and report to the Legislature on or before January 1, 2004.

Schedule:

Review and approve RFP to hire contractor	Jan 2003
Select contractor and initiate study	Mar 2003
Complete study and begin Commission review	Oct 2003
Complete report to the Legislature	Dec 2003