

FLORIDA BUILDING COMMISSION

ATTACHMENT TO THE APRIL 8, 2003 MINUTES

FACILITATOR'S REPORT OF THE APRIL 8, 2003 COMMISSION MEETING

Orlando, Florida

Meeting Design & Facilitation By



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FLORIDA BUILDING COMMISSION

Attachment to the April 8, 2003 Minutes

OVERVIEW OF COMMISSION'S KEY DECISIONS

TUESDAY, APRIL 8, 2003

COMMISSION PLENARY SESSION

Agenda Review and Approval

The Commission voted unanimously, 163 - 0 in favor, to approve the agenda as presented.

Review and Approval of February 25, 2003 Meeting Minutes

The Commission voted unanimously, 16 - 0 in favor, to approve the minutes as presented for the February 25, 2003 Commission meeting.

Review and Approval of Commission's Updated Workplan

The Commission voted unanimously, 13 - 0 in favor, to approve the updated workplan as presented.

(Attachment 1 – Workplan)

Consideration of Accessibility Waiver Applications

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

State Facility Licensing Agencies' and Local Jurisdiction's Enforcement of Facility Licensing Standards Sections of the Code

The Commission was asked to review two options on state facility licensing developed as a result of discussions between staff and state agency representatives. Discussions took place at the Commission's direction.

Commission Actions:

Motion – The Commission voted 12 - 3 in support, to approve option 2 as follows. Establish in law that the state agency has the sole authority to enforce the special facility licensing requirements of FBC Chapter 4. This approach would establish the agency as the authority having jurisdiction for those special provisions of the Code, and thereby its authority to be the sole enforcement entity which interprets, waives, and determines the use of alternate methods and materials.

Rule Adoption Hearing for Rule Chapter 9B-72, Product Approval

After the hearing was opened, Commissioner Carson reported that the Product Approval POC had reviewed and refined proposed changes to the rule, and had reached unanimity on the package of recommendations. Rick Dixon, reviewed the proposed changes to the rule by using an overhead projection of the draft. Following the presentation and answering of questions, Chairman Rodriguez offered an opportunity for the public to comment on the proposed changes.

At the conclusion of the hearing the Commission took the following action on the proposed amendments.

Commission Actions:

Motion – The Commission voted 14 - 1 in support, to adopt the draft as presented and publish a Notice of Proposed Change (NOPC) for Rule 9B-72 with a subsequent hearing to be held at the Commission’s July 2003 meeting.

Chair’s Discussion Issues and Recommendations

Changes To The Amendment Proposal Section Of The Building Code Information System (BCIS)

Commission Action:

Motion – The Commission voted unanimously, 15 - 0 in favor, to modify the electronic code amendment form by requiring a rationale section; and to initiating rule making to amend the Commission’s rules of procedure by conducting a rule development workshop at the May Commission meeting.

Clarification/Discussion of Accessibility Code Commentary

Staff provided a recommendation that the Commission limit referrals of accessibility code commentary to those documents endorsed by the Department of Justice (DOJ).

Following motions to provide an exception for the commentary being developed by the Accessibility TAC, and referring all others to the DOJ, the following action was taken.

Commission Action:

Motion – The Commission voted unanimously, 15 - 0 in favor, to table action on the issue pending further research and discussion.

Review of Commission and TAC Roles

Chairman Rodriguez reminded the Commission that they are an appointed representative body whose function is develop consensus on policy issues related to the Code and its programs. These policy decisions provide guidance on how the Commission addresses the various issues before them. The policy decisions are translated into tasks and included in the Commission’s workplan which is reviewed and approved at each meeting. The workplan tasks are then assigned to the TAC/POCs whose job is to provide technical recommendations to the Commission for implementing policy decisions. The Chair further indicated that if policy issues arise at TAC/POC meeting, they should be brought before the Commission for consideration and not debated by the TAC/POCs.

Meeting Preparation

Chairman Rodriguez suggested, that in order to deal effectively with the quantity and complexity if issues before the Commission at each meeting, staff should be regarded and utilized as a resource to address questions and provide the technical assistance necessary to be well informed on upcoming agenda issues. The Chair expressed appreciation for the fact that members are volunteers and that it would be to the benefit

of all if discussions at Commission meetings were informed by the benefit of this pre-meeting utilization of staff resources.

Non-binding Advisory Opinions

Chairman Rodriguez reported that non-binding advisory opinions may in some instances contradict language in the code on the basis that language was not actually the intent of the code. He indicated that this dilemma demonstrates the need to develop a policy to deal with errors and unintended consequences as well as related advisory opinions on the Code.

Commission Action:

Motion – The Commission voted, 8 - 6 in favor, to support staff's recommendations to seek authority to stay provisions of the Code that contain errors and/or unintended consequences. **Motion failed to achieve the 75% required for approval.**

Motion – The Commission voted, 14 - 1 in favor, to reconsider the previous issue.

Motion – The Commission voted, 13 - 2 in favor, to seek statutory authority to stay provisions of the Code that contain errors and/or unintended consequences utilizing the following procedural requirements prior to issuing any stay.

The Chair must first review and approve consideration of any proposed stay of Code provisions by the Commission. Prior to considering a proposed stay the Commission must first vote to consider the stay with a 75% favorable vote in support of consideration. Approval of proposed code provision stays will require a 100% unanimous vote of the Commission. The duration of approved code provision stays shall not exceed the next code amendment cycle.

Discussion/Decision on a Procedural Guide for the 2004 FBC Update

Rick Dixon presented a staff proposal for a procedural guide for the 2004 Florida Building Code update. In addition, the Commission was asked to modify several aspects of their adopted policy on the 2004 update.

Motion – The Commission voted unanimously, 14 - 0 in favor, to approve the procedural guide and all of the proposed modifications to current policy, for the 2004 FBC update.

Modifications approved to Commission policy on 2004 FBC update:

- ✓ Update commercial buildings part of FBC's Energy chapter.
- ✓ Adoption of new code for existing buildings to replace chapter 34 of the FBC..
- ✓ Update the FBC to correlate with the Florida Fire Prevention Code.
- ✓ Update the Building chapters of the FBC by considering differences between the 2001 FBC and the 2003 IBC for adoption via the FBC procedure. Consideration of chapters of the IBC for adoption into the FBC via the FBC update procedure.

(Attachment 2 – Procedural Guide and Modifications for 2004 FBC Update)

Review and Discussion of Legislative Issues Impacting the Commission

Chairman Rodriguez indicated that since the Commission has requested to be kept informed on an ongoing basis of any legislation affecting them, the Code, and related programs, Jim Richmond would review and answer questions on the various issues currently under consideration by the Legislature. Following questions, Jeff Blair would use a consensus scale to get a sense of the Commission on each of the proposed

provisions of SB 518. Legal requested that, due to the fluid nature of proposed legislation, the Commission refrain from adopting any formal motions that would lock them into untenable positions and prevent staff from negotiating on behalf of the Commission's interests and preferences.

It was suggested that the Commission review the pending legislation, offer their preferences on the various issues, and then authorize staff to negotiate on behalf of the Commission’s expressed preferences after a review and approval of negotiations by the Chair.

Commission Action:

Commissioner Greiner proposed that the Commission authorize the Chair to represent the Commission’s interests on proposed legislation affecting the Commission, including the review and approval of staff negotiations as they proceed. Following a second on the motion, Commissioner Parrino proposed a substitute motion to adopt a resolution “respectively requesting that the Florida State Legislature reject any and all proposed legislation that would undo, revise, alter, amend, or otherwise modify the requirements of the Florida Building Code and/or the Product Approval System that the Commission has developed and approved.” The substitute motion was seconded, and a discussion ensued regarding the pros and cons of both motions. Efforts were made to combine the motions and when there appeared to be general agreement on how to most effectively do so, Commissioner Parrino withdrew his substitute motion in favor of a motion intended to articulate that the Commission’s overall preference is as indicated in the resolution, but they do not want to lock into any formal positions on the various Bill topics, in order to allow staff the flexibility to negotiate, with the Chair’s approval, on their behalf using the guidance provided by their preferences on the issues pending in legislation. The Commission’s preferences would be determined by a consensus testing of comfort level on each issue.

Motion – The Commission voted unanimously, 14 - 0 in favor, to authorize the Chair to represent the Commission’s interests on the proposed legislation affecting the Commission, including the review and approval of staff negotiations as they proceed. The Commission’s overall preference is represented by the Resolution; however, in order to provide flexibility and avoid formal positions on specific issues, the Commission articulated their preference on each of the issues currently pending in legislation. The Commission’s preferences will provide guidance for negotiations by staff and the Chair.

Consensus-testing results indicating Commission’s preferences on issues in SB 518

Scale: 3 = Comfortable, 2 = Minor Reservations, 1 = Major Reservations

ISSUE	3	2	1
Hospice facilities per SB 518	15	0	0
Staff review of amendments: Consensus-tested on FBC’s preference and not provisions of SB 518 due to reservations on the Bill’s provisions. Commission prefers to provide 30 days to complete proposal and/or appeal to Chair.	15	0	0

Binding Interpretation per SB 518	1	0	14
Truss Placement. Consensus-tested on FBC's preference and not provisions of SB 518 The Commission sense is this is not a FBC issue.	14	1	0
Alternate Plan Review per SB 518	15	0	0
Use of Permit Fees by Local Government per SB5 18	6	3	6
Expedited Implementation of Rehab Code per SB 518	15	0	0
Repeal of local amendments that predate FBC per SB 518	15	0	0
FBC Code Update Process per SB 518	15	0	0
Outsourcing of admin/technical functions of Commission Consensus-tested on FBC's preference and not provisions of SB 518 due to reservations on the Bill's provisions. The Commission's preference is per their letter to the Governor.	15	0	0
Product Approval System Consensus-tested on FBC's preference and not provisions of SB 518 due to reservations on the Bill's provisions. Commission preferred the current rule as amended. Minor reservations on Commission's preference were related to potential cost savings in the Bill's provisions.	12	2	0

Letter to Governor regarding proposed initiatives to privatize the administration of the Commission

At the April 2003 meeting, the Commission voted unanimously to authorize the Chair to draft a letter to the Governor outlining their concerns and recommendations on the proposed outsourcing of the Commission's administrative and technical functions. The Chair presented the draft which was amended to include the recommendation that outsourcing timing should be correlated with the three year code update cycle in order to minimize disruptions.

Commission Action:

Motion – The Commission voted unanimously, 15 - 0 in favor, to approve and send the draft letter to the Governor with the addition of the three year code update cycle recommendation.

(Attachment 3 – Letter to the Governor)

Legal Staff Recommendations for Commission Action

Jim Richmond updated the Commission on the appeal status of final order of the FPSA Challenge of Pool Alarm Standards.

Commission Actions:

Motion – The Commission voted unanimously, 15 – 0 in favor, to refer the proposed recommended order on the local amendments challenge on the Daytona and Port Orange from the ALJ to the Code Administration TAC when the order is received.

PETITIONS FOR DECLARATORY STATEMENTS

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

SECOND HEARINGS

DCA02-DEC-370 by Michael Huey, Florida AIA

Motion – The Commission voted unanimously, by a vote of 11 – 0 in favor, to approve their previous action on the petition.

DCA03-DEC-007 by William Paul Myrick, Myrick Properties

Dismissed by the TAC.

DCA03-DEC-008 by Juliana Salas, Miami Dade County

Motion – The Commission voted unanimously, by a vote of 11 – 0 in favor, to approve their previous action on the petition.

DCA03-DEC-025 by Robert R. Bullard, Absolute Engineering Group

Motion – The Commission voted unanimously, by a vote of 13 – 0 in favor, to approve their previous action on the petition.

DCA03-DEC-028 by Andy Brill, MI Home Products

Motion – The Commission voted unanimously, by a vote of 13 – 0 in favor, to approve their previous action on the petition.

DCA03-DEC-032 by Cathy Spafford, Town of Indialantic

Motion – The Commission voted unanimously, by a vote of 13 – 0 in favor, to approve their previous action on the petition.

FIRST HEARINGS

DCA03-DEC-040 by Steven Felices, Sunrise Pools & Spas

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

DCA03-DEC-047 by Anne Mason, Mason Law

Motion – The Commission voted unanimously, by a vote of 13 – 0 in favor, to defer action due to the Commission not having authority on this issue.

DCA03-DEC-063 by Wendell Haney, Commonwealth Engineering Corp.

Motion – The Commission voted unanimously, by a vote of 14 – 0 in favor, to approve the TAC/staff recommendation on the petition as presented.

DCA03-DEC-073 by Joseph Hetzel, DASMA

Motion – The Commission voted unanimously, by a vote of 14 – 0 in favor, to approve the TAC/staff recommendation on the petition as presented.

DCA03-DEC-078 by Vince LaPorta, County of Charlotte

Motion – The Commission voted unanimously, by a vote of 14 – 0 in favor, to defer the petition back to the TAC.

DCA03-DEC-079 by Dean Heminger

Commission action deferred, no action by the TAC.

DCA03-DEC-083 by Joseph Hetzel, DASMA

Motion – The Commission voted unanimously, by a vote of 14 – 0 in favor, to approve the TAC/staff recommendation on the petition as presented.

COMMITTEE REPORTS AND RECOMMENDATIONS

The Commission agreed that unless a TAC/POC required specific Commission action, the balance of the reports would be submitted into the record and approved as a part of May’s meeting minutes approval.

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 14 – 0 in favor.

(See Commission Minutes for Committee report)

Commission Actions:

Motion – The Commission voted unanimously, by a vote of 14 – 0 in favor, that upon completion of current rule making on Rule 9B-72, they would initiate rulemaking to amend Rule 9B-72 to establish 101/I.S. 2/NAFS-02 as equivalent to ANSI/AAMA/NWWDA 101/I.S.2-97.

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 13 – 0 in favor.

(See Commission Minutes for Committee report)

Commission Actions:

Motion – The Commission voted unanimously, by a vote of 13 – 0 in favor, to put the FBC course accreditation application on the BCIS and to assemble qualified accreditors.

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 13 - 0 in favor. (See Commission Minutes for Committee report)

Commission Actions:

Action on Applications for Approval for Product Approval Entities

Motion – The Commission voted unanimously, by a vote of 13 - 0 in favor, to approve Farabaugh Engineering and Testing, Inc. as a product validation entity.

Motion – The Commission voted unanimously, by a vote of 13 - 0 in favor, to approve Construction Consulting Laboratory International as a product testing laboratory.

Motion – The Commission voted unanimously, by a vote of 13 - 0 in favor, to approve Hurricane Engineering & Testing, Inc. as a product testing laboratory.

Motion – The Commission voted unanimously, by a vote of 13 - 0 in favor, to approve PFS Corporation as a product testing laboratory.

Motion – The Commission voted unanimously, by a vote of 13 - 0 in favor, to conditionally approve PSI/Pittsburgh Testing Laboratory as a product testing laboratory, pending verification of accreditation body.

Public Comment

Chairman Rodriguez invited members of the public to address the Commission. Four members of the public addressed the Commission.

Committee Assignments

Staff will schedule as needed.

Staff Assignments

None noted during plenary session.

Adjourn

Motion – The Commission voted unanimously, by a vote of 13 - 0 in favor, to adjourn the plenary session.

ATTACHMENT 1

COMMISSION'S UPDATED WORKPLAN

2003 Glitch Amendments:

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 consider TAC recommendations/rule workshop	10/28/02
Rule hearing on amendments	12/10/02
Notice of Proposed Changes to noticed rule changes published	1/10/03
Consider comments on notice of changes to amendments	2/25/03
Effective date of amendments	6/30/03

2004 Update of the Florida Building Code:

Amendment submittal cutoff (independent submittals)	4/18/03
Post on website (independent/base code updates/local amends)	4/23/03
TAC's consider	6/16-18/03
Post TAC recommendations on website	7/3/03
Commission considers	8/25-27/03
Rule development workshop	10/14/03
Rule adoption hearing	11/18/03
Effective date of first update	7/01/04

Adopt Revised Chapter 34 for Existing Buildings

Schedule:

Residential and Commercial building rehab committees established	Mar 2002
Draft code amendments completed	Dec 2002
Draft revisions to law completed	Dec 2002
Report to the Legislature completed <i>(recommended expedited adoption)</i>	Dec 2002
Rule development workshop <i>(contingent of Legislature's approval to expedite adoption)</i>	May 2003
Rule adoption hearing <i>(contingent of Legislature's approval to expedite adoption)</i>	Jul 2003
Standards adopted and effective	Sep 2003
<i>Contingency: Propose adoption through 2004 update process</i>	<i>4/18/03</i>
<i>Effective date</i>	<i>7/01/04</i>

Develop Code Commentaries:

Plan:

Identify commentary documents to reference from website and do not adopt by rule. Amend rules of procedure to require submittal of "rationale" for proposed amendments.

Capture rationales for proposed amendments, declaratory statements and advisory opinions in BCIS to provide “commentary”.

Schedule:

Initiate rule amendment to require submittal of rationale	Apr 2003
Revise BCIS to include provision for providing rationale	Apr 2003

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

Plan:

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

Schedule:

Initiate project at BOAF board meeting	Aug 2002
Select contractor (deferred to FBC/BOAF committee and DCA)	Mar 2003
First draft of standards for public review completed	Jul 2003
Public comment and finalize draft	Aug-Dec 2003
Standards finalized	Jan 2004

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

Schedule:

Assign to Code Administration TAC for review	Sep 2002
Develop any necessary Code amendments and/or changes to law	Sep-Dec 2002
Submit for 2003 Code amendment cycle	Apr 2003
Effective date	Jul 2004

ISO Ratings Program for Building Departments [s.553.77(1)(n),F.S.]

Ongoing: Addressed by establishment of policy on updating the FBC. ISO ratings dependent upon building codes being kept current with national standards.

Building Code Training Program

Core Curricula:

Develop administrative core curricula

Ed TAC develops recommendations Apr-Jul 2003

Develop technical core curricula

Ed TAC meets with licensing board representatives to develop recommendations Apr-Jul 2003

Revise Building Code Training Program Rule 9B-70 to reflect core curricula and advanced code course criteria

Rule development workshop (after legislative session) Oct 2003

Rule adoption hearing Nov 2003

Rule effective Dec 2003

Report to Legislature

Jan 2004

Coordinate with licensing boards on establishing building code specific CE hour requirements

Ed TAC meets with board representatives to develop recommendations	Jan-Nov 2003
Boards approve	Dec 2003
Report to Legislature	Jan 2004

Develop and implement voluntary accreditation program for building code courses (Depends on program authorization by Legislature)

Finalize recommendation to 2003 Legislature	Dec 2002
System concept development	Feb-Apr 2003
Rule development workshop (after legislative session)	May 2003
Rule adoption hearing	Jul 2003
Rule effective	Sep2003
Report to 2004 Legislature	

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	Dec 2002
Rule development workshop	May 2003
Rule hearing	Jul 2003
Rule effective	Sep 2003

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:

Consider timing of study and determine whether to recommend additional time and/or authorize RFP	<i>Delay of report recommended to Leg</i>	Dec 2002
Review and approve RFP to hire contractor		Jan 2003
Select contractor and initiate study	<i>(Note: dates change if report delay is authorized)</i>	Jun 2003
Complete study and begin TAC review		Oct 2003
Commission reviews draft support		Nov 2003
Complete report to the Legislature		Jan 2004

Establish standards and criteria for foundation permits and other “specialty permits”:
(CS/CS/SB 336 & 180, 2001)

Schedule:

Assign to Code Administration TAC	Sep 2002
Recommendations for criteria	Feb 2003
Submit for 2004 FBC edition amendment	Apr 2003
Effective (2004 edition of FBC)	Jul 2004

Amend Product Approval Rule

Schedule:

TAC workshop 1	Nov 2002
TAC workshop 2	Dec 2002
Rule development workshop	Jan 2003
Rule adoption hearing	Apr 2003
Rule effective	May 2003
System mandatory as required by law	Oct 1, 2003

<p>FEBRUARY 2003</p> <p>TACs review model commentaries</p> <p>Rule wrkshp on advi opinion</p>	<p>MARCH</p>	<p>APRIL</p> <p>2004 amends due</p> <p>Rule wrkshp on mod code commentaries</p> <p>Rule hearing on advi opinion</p>	<p>MAY</p> <p>Rule wrkshp on Reha code</p> <p>Rule hearing on mod code commentaries</p> <p>Advisory opinion rul effective</p>
<p>JUNE</p> <p>TACs consider 2004 amends</p> <p>Model code commen effective</p> <p>Select contractor and begin rvw of private inspections system</p>	<p>JULY</p> <p>Rule hearing on Reha code</p> <p>TACs work on FL sp commentaries</p>	<p>AUGUST</p> <p>Cmsn considers 2004 amends</p> <p>Rehab code filed for adoption</p> <p>TACs work on FL sp commentaries</p>	<p>SEPTEMBER</p> <p>Rehab code effective</p>
<p>OCTOBER</p> <p>Rule wrkshp on 2004 amends</p> <p>TACs work on FL sp commentaries</p> <p>Code Admin TAC be review of draft repor private inspections sy</p>	<p>NOVEMBER</p> <p>Rule adoption hearin 2004 amends</p> <p>TACs work on FL sp commentaries</p> <p>Commission reviews report on private inspections and appr for its report to the L</p>	<p>DECEMBER</p> <p>2004 Code filed for adoption</p>	<p>JANUARY 2004</p> <p>Reporting on private inspections system approved</p> <p>2004 report approved</p>

Code Amendment Schedule for 2004 Edition of the Florida Building Code

	April 18, 2003	Deadline for submittal of proposed amendments
	April 25, 2003	Proposals posted to web
45 days (min) ¹		
	Week of June 15-20, 2003	TACs consider proposals
	July 3, 2003	TAC recommendations posted to web
45 days (min) ¹		
	August 25-27, 2003	Commission considers proposals
	October 14, 2003	Commission conducts Rule Development Workshop
	November 18, 2003	Commission conducts Rule Adoption Hearing ² and votes to file the rule for adoption
	December 26, 2003	File Rule with DOS for adoption
3 months (min) ¹		
	July 1, 2004	Code revision implemented

¹ Minimum waiting period required by the Commission's rules of procedure

ATTACHMENT 2

ADOPTED PROCEDURAL GUIDE FOR 2004 FBC UPDATE

STATUTE DEFINED PROCEDURES:

- 1. Initial Development and Adoption (s. 553.73(3), F.S.)**
 - Select available national or international model code
 - Modify selected model code and standards for Florida specifics using 45 day/45 day TAC/Commission procedure
 - Modify and adopt pursuant to chapter 120, F.S.

- 2. FBC 3 year Update Procedure (s. 553.73(6), F.S.)**
 - Consider changes to model codes incorporated into FBC.
 - “Further consider” Commission interpretations, declaratory statements, appellate decisions and approved statewide and local technical amendments
 - Adopt new edition or successor of the model code or any part of such code
 - “Modify” pursuant to s. 553.73(7), F.S.
 - “Update” the FBC by rule adopted pursuant to Chapter 120, F.S.

- 3. Annual Technical Amendments Approval Procedure (s. 553.73(7), F.S.)**
 - Fiscal impact statement required with proposal
 - No new proposals after cutoff date
 - 45 day/45 day posting prior to TAC and Commission review
 - 4 findings required for approval

- 4. Accessibility Code Amendment Procedure (Part V, Chapter 553, F.S., & s. 553.73((1)(b), F.S.)**
 - Amend Rule 9B-7, FAC, by chapter 120, F.S.,
 - FBC is automatically updated upon amendment of rule 9B-7, FAC

COMMISSION POLICY ON 2004 FBC UPDATE, VOTED DEC 2002:

The Commission decided after six months of public workshops, establishing a draft policy, conducting a public workshop on that draft and voting on a final policy that the 2004 FBC update would be conducted as follows.

- (1) The Plumbing, Mechanical and Fuel Gas Codes chapters of the Florida Building Code will be updated by:
 - (a) Adoption of all or parts of the 2003 editions of the International Plumbing Code, International Mechanical Code and International Fuel Gas Code respectively. (s.553.73(6), F.S., triennial update procedure authorizing adoption of part of a new edition of a model code *)
 - (b) Consideration of the chapters of the International Residential Code for adoption in the Florida Building Code. (s.553.73(6), F.S., triennial update procedure authorizing adoption of part of a successor model code *)
- (2) The Building chapters of the Florida Building Code will be updated by:
 - (a) Consideration of the differences between the 2001 Florida Building Code and the 2003 International Building Code for adoption into the Florida Building Code (?), and
 - (b) Consideration of the chapters of the International Residential Code for adoption in the Florida Building Code. (s.553.73(6), F.S., triennial update procedure authorizing adoption of part of a successor model code *)

*** Section 553.73(6), F.S., provides for “modification” of the new edition or successor model code according to the “technical amendments” procedure of s.553.73(7), F.S., which references s.553.73(3), F.S.**

MODIFICATIONS POLICY ON 2004 FBC UPDATE, VOTED APRIL 2003:

1. Update the commercial buildings part of the Florida Building Code’s Energy chapter by:
 - Adoption of all or parts of ASHRAE 90.1-2000 (s.553.73(6), F.S., triennial update procedure authorizing adoption of part of a successor model code)
2. As a backup in the event legislation authorizing quick adoption does not become law-
Propose the adoption the new code for existing buildings (rehab code) to replace chapter 34 of the Florida Building Code by:
 - Adoption of all or parts of the International Existing Buildings Code with modifications approved in 2002 (s.553.73(6), F.S., triennial update procedure authorizing adoption of part of a successor model code)

3. Update of the Florida Building Code to Correlate with the Florida Fire Prevention Code by:
 - Adoption of parts of the 2002 editions of NFPA 1 and NFPA 101 which after consideration with the SFM should be adopted (s.553.73(6), F.S., triennial update procedure authorizing adoption of part of a new edition of a model code)

CLARIFICATION OF POLICY ON 2004 FBC UPDATE, VOTED APRIL 2003:

1. Update the Building chapters of the Florida Building Code by a combination of the following as recommended by staff.*
 - Consideration of the differences between the 2001 Florida Building Code and the 2003 International Building Code for adoption into the FBC via the FBC update procedure (s.553.73(6), F.S. authorizing adoption of all or part of successor model code)
 - Consideration of the chapters of the International Building Code for adoption into the FBC via the FBC update procedure. (s.553.73(6), F.S., authorizing adoption all or part of a successor model code)

*** Certain chapters have a different system approach where the consideration of individual differences does not make sense. Either the entire system is adopted or none of the differences are adopted.**

FBC UPDATE PROCESS OVERVIEW:

The update will be conducted in a code development phase, then a code adoption phase followed up by a training phase before the 2004 Code takes effect. The development and adoption phases will provide a total of 4 formal review points following the cutoff date for new proposed Florida specific amendments, which is scheduled for approximately 2 months before the first review point. No additional technical amendment proposals, which would add new material for consideration during the review process, will be allowed after the cutoff date. But, all proposals submitted prior to the cutoff date can be modified at any review point in the process.

The process will involve both the 3 year FBC update procedure and the annual technical amendment procedure described in law. The two procedures will be conducted concurrently. The code development phase will incorporate the FBC update procedure's required consideration of changes to base model codes and existing statewide amendments to the FBC together with the technical amendment process for "approving" Commission declaratory statements and appellate decisions that are not yet approved through the annual amendments process and for approving local amendments and new proposed statewide amendments. The code adoption phase will provide for further consideration of

modifications approved through the technical amendment procedure and the changes in new editions or successors to the base model codes during the chapter 120, F.S., rule adoption process required to update the FBC.

FBC UPDATE PROCESS SYNOPSIS:

Update – By chapter 120, F.S., rule adoption procedures

Shall Consider:

- Changes in new editions of model codes incorporated into the FBC
- Approved statewide and local amendments

May adopt:

- All or parts of new editions of model codes incorporated in FBC or successor to those model codes
- Existing statewide amendments (to base model code) already adopted in FBC
Note: Existing amendments have already been “approved” as required to modify the model code (see below).
- Local amendments, declaratory statements and appellate decisions proposed as statewide amendments and other newly proposed statewide amendments after each proposed amendment has been approved via the “technical amendments” procedure.

STAGING FOR THE CODE UPDATE PROCESS:

1. Phase 1- Code Development
 - Technical amendments submittal deadline 4/18/03 followed by 45 day web posting
 - TAC consideration followed by 45 day web posting
 - Commission consideration of TAC recommendations
2. Phase 2- Code Adoption
 - Notice of intent to adopt rules
 - Rule development workshop
 - Rule adoption hearing
 - File rule with Department of State followed by 6 month (+/- 1) implementation delay
3. Phase 3- Code implementation
 - Code printed and training provided
 - Code implemented/effective July 1, 2004

ATTACHMENT 3

COMMISSION'S LETTER TO THE GOVERNOR

April 18, 2003

The Honorable Jeb Bush
Governor of Florida
The Capitol
Tallahassee, FL 32399

Dear Governor Bush:

The Florida Building Commission at its meeting in Orlando on April 8, 2003, requested that I write to you on their behalf with regard to the proposal to outsource administrative and technical support to the Commission. Your proposed budget provided for outsourcing and provided for a contingency plan should outsourcing not be immediately advisable. The Department of Community Affairs evaluated the Commission's current situation and recommended that the transition to alternate staffing arrangements be studied further. The Commission concurs with this decision and suggests any transition process be coordinated with its three year cycle for updating the Florida Building Code to avoid any potential disruption of its work.

We are comfortable with the Department and your office taking additional time to review how outsourcing options may impact the work of the Commission. Such a significant step warrants careful evaluation of several options and the potential impact of each option on the Commission's continued success. We welcome Secretary Castille's offer to be part of the evaluation process.

Thank you for your consideration of administrative and technical support for the Commission to preserve and possibly improve its effectiveness. We look forward to working with your office and with the Department in future evaluations.

Sincerely,

Raul L. Rodriguez, AIA, Chairman
Florida Building Commission