

FLORIDA BUILDING COMMISSION

ATTACHMENT TO THE AUGUST 26, 2003 MINUTES

FACILITATOR'S REPORT OF THE AUGUST 26, 2003 COMMISSION PLENERARY SESSION

Orlando, Florida

Meeting Design & Facilitation By



Report By Jeff A. Blair
Florida State University

jblair@mailers.fsu.edu
[http:// consensus.fsu.edu](http://consensus.fsu.edu)

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FLORIDA BUILDING COMMISSION

ATTACHMENT TO THE AUGUST 26, 2003 MINUTES

OVERVIEW OF COMMISSION'S KEY DECISIONS

TUESDAY, AUGUST 26, 2003

COMMISSION PLENARY SESSION

Agenda Review and Approval

The Commission voted unanimously, 20 - 0 in favor, to approve the agenda as presented.

Review and Approval of May 14, 2003 Meeting Minutes

The Commission voted unanimously, 17 - 0 in favor, to approve the minutes as presented for the May 14, 2003 Commission meeting.

Review and Approval of August 4, 2003 Telephonic Meeting Minutes

The Commission voted unanimously, 20 - 0 in favor, to approve the minutes as presented for the August 4, 2003 telephonic Commission meeting.

Review and Approval of Commission's Updated Workplan

The Commission voted unanimously, 21 - 0 in favor, to approve the updated workplan as presented.

(Attachment 2—Commission's Updated Workplan)

Chair's Discussion Issues/Recommendation

Recognition And Appreciation For Dan Shaw And Peggy Patterson

Chairman Rodriguez presented Dan Shaw and Peggy Patterson with plaques in recognition and appreciation for their years of outstanding service to the Commission, the citizens of Florida, and the industry groups they were appointed to represent.

Commission's Legislative Issues

Chairman Rodriguez forwarded DCA's request that the Commission approve submitting the Commission's 2003 legislative issues for the 2004 legislative session since no legislation submitted on behalf of the Commission passed during the 2003 session.

Commission Actions:

Motion— The Commission voted unanimously, 22 - 0 in favor, to approve submitting the Commission's 2003 legislative issues to the 2004 Legislature.

October Consideration of Florida Specific State-Wide and Local Proposed Code Amendments

Jeff Blair, Commission facilitator, provided the Commission with an overview of the proposed process and standing motion to approve for use during the October 2003 Commission review and decision on proposed state-wide and local proposed code amendments.

Commission Actions:

Motion—The Commission voted unanimously, 21 - 0 in favor, to approve the proposed process and standing motion to approve for use during the October 2003 annual code review process.

(Attachment 3—Commission’s Code Review Process)

Authorize Initiation of Rulemaking to Amend Rule 9B-72 (Product Approval Rule)

Chairman Rodriguez expressed that the Commission needs to amend the Product Approval Rule to recognize the equivalency of standards and to recognize the ICC’s International Evaluation Services as an evaluation entity.

Commission Actions:

Motion—The Commission voted unanimously, 22 - 0 in favor, to initiate rulemaking to amend Rule 9B-72 to recognize the equivalency of standards and to recognize the ICC’s International Evaluation Services as an evaluation entity.

Consideration of Accessibility Waiver Applications

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

PETITIONS FOR DECLARATORY STATEMENTS

Following are the actions taken by the Commission on petitions for declaratory statements. Al Bragg served as legal council for the Commission.

SECOND HEARINGS

DCA03-DEC-106 by Ricco Longo of Collier County

Motion— The Commission voted unanimously, by a vote of 17 – 0 in favor, to approve their previous action on the petition.

DCA03-DEC-133 by C. R. Willis

Motion— The Commission voted unanimously, by a vote of 17 – 0 in favor, to approve their previous action on the petition.

DCA03-DEC-134 by Tim Krebs of T.A. Krebs Architect, Inc.

Motion— The Commission voted unanimously, by a vote of 16 – 0 in favor, to dismiss the petition.

DCA03-DEC-138 by Joe Schubiger of Charlotte County

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

FIRST HEARINGS

DCA03-DEC-131 by Alfonso Fernandez-Fraga of Initial Engineer

Motion— The Commission voted unanimously, by a vote of 22 - 0 in favor, to approve the TAC recommendation on the petition as presented.

DCA03-DEC-173 by Timothy J. Orie of Superior Aluminum Installations

Motion—The Commission voted unanimously, by a vote of 22 – 0 in favor, to defer action on the petition.

DCA03-DEC-179 by James E. Agen of Wilson Window Glass & Mirror

Motion—The Commission voted unanimously, by a vote of 22 – 0 in favor, to defer action on the petition.

DCA03-DEC-196 by Grant E. Tolbert of Hernando County Dev. Dept.

Motion— The Commission voted unanimously, by a vote of 22 - 0 in favor, to approve the TAC recommendation on the petition as presented.

DCA03-DEC-214 by B. Parks Wilson of Wilson & Company, Inc.

Motion—The Commission voted unanimously, by a vote of 22 – 0 in favor, to defer action on the petition.

DCA03-DEC-217 by William S. Flowers of Martin Mechanical Services, Inc.

Motion—The Commission voted unanimously, by a vote of 22 – 0 in favor, to dismiss the petition.

DCA03-DEC-219 by Peter K. Coleman of Weathermaster Building Products, Inc

Motion— The Commission voted unanimously, by a vote of 22 - 0 in favor, to approve the TAC recommendation on the petition as presented.

DCA03-DEC-221 by John Bosanek of NDS

Motion—The Commission voted unanimously, by a vote of 22 – 0 in favor, to dismiss the petition.

CA03-DEC-222 by Suzanne T. Graham of American Pest Control Management

Motion— The Commission voted unanimously, by a vote of 22 - 0 in favor, to approve the TAC recommendation on the petition as presented.

DCA03-DEC-223 by Leonard A. Tylka, Jr. of LTL Associates, Inc.

Motion— The Commission voted unanimously, by a vote of 22 - 0 in favor, to approve the TAC recommendation on the petition as presented.

Workshop on 2004 FBC Update—Revised Schedule, Base Codes and Process

Chairman Rodriguez indicated that the workshop has four components each of which will require Commission action. Below is a summary of the four issues.

First, is whether to use the complete International Family of Codes as the template for the Florida Building Code.

Second, is whether to have a separate residential volume containing all of the code provisions related to residential construction, and as a subset of this issue, whether the international residential code with Florida specific modifications should serve as the template for a (FBC) residential volume (code).

Third, is to decide on the implementation date for the 2004 edition of the Florida Building Code.

Fourth, is to discuss the publication and distribution of the 2004 Edition of the Florida Building Code.

The Chair indicated that the Commission will be utilizing their adopted facilitated consensus-building process and that no motions should be made until the options for the issues were fully explored.

Jeff Blair described the process that would be used for the first two issues. Below is a summary of the process:

- Review options
- Any other options
- Clarifying questions
- Public comment
- Pros/Cons from Commission members
- Rank
- Review highest ranked option/s and refine as needed
- Motion to approve specific option

Review and Decision of Options Related to Accepting the International Family of Codes (I-Codes) as Template for the Florida Building Code

Below are the Florida Building Code template options evaluated by the Commission

- A. Accept the International Building Code as the foundation model code for the building volume of the Florida Building Code. Carry forward Florida specific amendments to the Standard Building Code from the 2001 FBC into the new foundation code. Over the next four months have the Fire, Administration and Structural TACs review the detailed differences between the 2003 IBC and 1999 SBC and make recommendations on which

IBC provisions to eliminate and how to integrate Florida specifics into the IBC model code (during the “consider” phase required by law)

- B. Accept the Florida Building Code as the foundation model code for the building volume of the Florida Building Code. Over the next four months have the Fire, Administration and Structural TACs review the detailed differences between the 2003 IBC and 1999 SBC and make recommendations on which IBC provisions to adopt into the FBC by administrative rule
- C. Use the South Florida Building Code as the template for the building volume of the FBC
- D. Combine Option A with the addition of the International Residential Code (IRC)
- E. Option B with the addition of the International Residential Code (IRC)
- F. Use the NFPA 5000 as template for the building volume of the FBC

The Commission heard from many members of the public regarding the options.

Following public comment the Commission offered Pros/Cons for each of the six options under consideration.

Option A

Pros

- Latest information and technology will be utilized
- Technical input/state/internet support
- ICC code monograph with explanations available
- Correlation easier
- Code commentary can be used
- ICC template can be revised to meet Florida specific needs
- Good support system, education courses, and training available
- Adjust FBC to National code development cycle
- Incorporate IBC amends as appropriate to lessen work load
- Reciprocity/ consistent standards for design professionals
- 45 states are already using- uniformity and easier training
- Reduce cost of training and to consumers
- Easier for out-of-state contractors/design professionals to work with FBC
- Interpretations will be available
- Licensing for Building Officials- will be available/better
- ICC codes adopted for everything else in the FBC

Cons

- Too little too late, affect on ability to have code ready by July 04
- I-Codes don't follow ANSI process regarding stakeholder representation
- Not magic code, I -Codes still have inconsistencies

- Correlation of TAC amendments will be problematic
- Correlation of fire prevention code will be problematic
- Adopt pure code; Use the IBC with no changes not as a template

Option B

Pros

- Option A pros are already attained. Florida specific requirements are in FBC
- Already correlated with the Fire Prevention Code
- Keep the Code on time; no delays
- Code changes will be heard in Florida and not out-of-state

Cons

- Won't maintain correlation with the latest code
- Don't have resources to do it all, need ICC to do code work
- Correlation issues/ problems without the ICC

Option C

Pros

- No royalties to pay

Cons

- Will have to start over again from scratch

Option D

Pros

- All of the pros from the list generated on option A

Cons

- Mechanical portion of IRC will take time to review and cost money if used
- D or E- outcome will be same in the end; the process is only issue
- No discussion on IRC by self
- Discuss IBC and IRC separately
- Straw poll to separate IBC from IRC

Option E

Pros

- Best of both worlds- local will control
- Control of FBC will remain with the Commission
- Separate residential code

Cons

- Same as on B maintenance/resources
- Keeps FBC as base

Option F

Pros

NFPA is already correlated with National Fire Prevention Code

Cons

- Will set back the implementation date
- Will have to start the whole code review process again from the beginning

Ranking of Options Exercise Results

The Commissioners were asked to rank each of the options independently from each other on a five point scale where 5 = Wholehearted Support; 4 = Could be Better; 3 = Okay, Has +/-; 2 = Poor, Serious Concerns Must be Addressed; 1 = Oppose. Following are the results of the ranking exercise.

Option	RANK	5	4	3	2	1	Totals
A	1	9	5	3	6	2	82
B	3	7	2	5	4	3	69
C	5	3	1	0	3	14	39
D	2	9	6	0	2	5	78
E	4	3	2	7	5	5	59
F	6	0	0	3	7	12	35

Option A Issues/Concerns from Commissioners who did not rank option A with a 5 or 4

The Commissioners were asked to evaluate option A further, since it received the highest rank, by identifying and addressing concerns members have with the option. Following are the concerns that were identified with responses to address the concerns.

- Make options A/D with IRC
 - Should be considered separately
- Too much time to implement
 - Code implementation date has already been delayed
- A/B final outcome will be same
 - No response
- If IRC goal code- should be adopted as is
 - Law requires the Commission to consider Florida specific requirements
- Fire code has to be overcome
 - Issue will be the same with any option, and most of the work has already been done

The Commissioners were asked if they would like to also evaluate option D since it ranked second in level of support. The Commission by a straw poll, indicated they would rather consider the IRC separately, and therefore not consider option D further.

Commission Actions:

Motion—The Commission voted 15 - 5 in favor to adopt **Option A** as the template for the building volume of the Florida Building Code.

The motion passed since it achieved the 75% in support threshold required for approval.

Discussion and Decision on a Residential Building Code Volume and the IRC as the Template for a Florida Residential Code

The Commission was asked whether they wanted to evaluate options on this issue in light of the action taken on the IBC.

A straw poll was taken to see if there was support for accepting the International Residential Code (IRC) as the template for separate volume Florida Residential Code.

Straw Poll Results

The Commission voted 19 – 1 in support.

Based on the straw poll results the Chair asked for a motion.

Commission Actions:

Motion—The Commission voted 20 - 2 in favor to adopt the International Residential Code as the model code foundation for a FBC residential volume. Integrate the previously approved Florida specific amendments related to residential buildings into this volume (e.g. statutory requirements for the NEC, swimming pools, accessibility and energy codes and other Florida specifics adopted by the Commission including HVHZ, termites, and all others).

Implementation Date for Code Amendments, Local Amendment, and 2004 Code Updates

Commission Actions:

Motion—The Commission voted 20 - 1 in favor to make January 1, 2005 the implementation date for code amendments, local amendments, and 2004 code updates.

Publication and Distribution of the 2004 Edition of the Florida Building Code

Commission Actions:

Motion—The Commission voted 18 - 1 in favor to issue an RFP for the layout, printing, publication, and distribution of the 2004 edition of the Florida Building Code. The RFP shall require that the successful bidder will hold the Florida Building Commission harmless for any and all liability associated with any disputes related to copyright issues.

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 the August's meeting minutes approval process.

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 20 - 0 in favor. (See Commission Minutes for Committee report)

Commission Actions:

Motion—The Commission voted unanimously, by a vote of 20 – 0 in favor, to approve the Accessibility TAC holding a workshop on miniature golf course design.

Code Administration TAC

Commissioner Wiggins presented the committee's report and recommendations for Commission consideration. The Commission unanimously accepted the Committee's report by a vote of 20 - 0 in favor. (See Commission Minutes for Committee report)

Education TAC

Commissioner Browdy requested that Jeff Blair report that the Committee held a workshop in Fort Lauderdale but there was not a quorum present and the TAC took no formal actions. The Commission unanimously accepted the Committee's workshop report by a vote of 20 - 0 in favor. (See Commission Minutes for Committee report)

Fire TAC

Commissioner D'Andrea reported that the TAC would be meeting later on August 26 and again on August 27. The Commission unanimously accepted the Committee's report by a vote of 20 - 0 in favor.

Mechanical TAC

Commissioner Bassett presented the committee's report and recommendations for Commission consideration. The Commission unanimously accepted the Committee's report by a vote of 20 - 0 in favor. (See Commission Minutes for Committee report)

Plumbing TAC

Commissioner Greiner presented the committee's report and recommendations for Commission consideration. The Commission unanimously accepted the Committee's report by a vote of 20 - 0 in favor. (See Commission Minutes for Committee report)

Special Occupancy TAC

Commissioner Marshall presented the committee's report and recommendations for Commission consideration. The Commission unanimously accepted the Committee's report by a vote of 18 - 0 in favor. (See Commission Minutes for Committee report)

Structural TAC

Commissioner Parrino presented the committee's report and recommendations for Commission consideration. The Commission unanimously accepted the Committee's report by a vote of 18 - 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 19 - 0 in favor. (See Commission Minutes for Committee report)

Commission Actions:

Motion— The Commission voted unanimously, by a vote of 19 – 0 in favor, to hold a press conference regarding the Prototype Buildings Program during the Commission's October 14, 2003 plenary session.

Motion— The Commission voted unanimously, by a vote of 19 – 0 in favor, to forward ANSI Standard A250.13 and the ASTM Standard E330, 1977 to the Structural TAC for review to determine equivalence.

Action on Applications for Approval for Product Approval Entities

Motion— The Commission voted unanimously, by a vote of 19 – 0 in favor, to approve Underwriters Laboratories as a certification agency.

Motion— The Commission voted unanimously, by a vote of 19 – 0 in favor, to approve Underwriters Laboratories as a test lab for their test facility located at 333 Pfingsten Road, Northbrook, Ill.

Motion— The Commission voted unanimously, by a vote of 19-0 in favor, to approve Underwriters Laboratories as a quality assurance entity.

Motion— The Commission voted 18 – 1 in favor, to approve National Accreditation Management Institute as a certification agency.

Motion— The Commission voted 18 – 1 in favor, to approve National Accreditation Management Institute as a validation entity.

Additional Commission Actions

Motion— The Commission voted 17 – 1 in favor, to delegate to DCA staff the authority to issue conditional approval for products and entities pending final review and approval by the Commission.

Motion— The Commission voted unanimously, by a vote of 18-0 in favor, to draft a letter to Building Officials regarding not accepting exceptions to code sections as the only acceptable action.

Public Comment

Chairman Rodriguez provided members of the public with an additional opportunity to address the Commission.

Committee Assignments/Meetings Required

Accessibility Advisory Council and Waiver applications	Yes
Accessibility TAC	Yes
Code Administration TAC	No, unless Dec. statement
Education TAC	No, unless Dec. statement
Electrical TAC	No, unless Dec. statement
Energy TAC	No, unless Dec. statement
Fire TAC	No, unless Dec. statement
Mechanical TAC	No, unless Dec. statement
Plumbing TAC	No, unless Dec. statement
Special Occupancy TAC	No, unless Dec. statement
Structural TAC	No, unless Dec. statement
Product Approval/Prototype Buildings/Manufactured Buildings POC	Yes

Staff Assignments

Staff should review statutory authority of various industries with facilities construction related activities for inclusion as a part of the Special Occupancy requirements of the Florida Building Code.

Draft a letter to Building Officials regarding not accepting exceptions to code sections as the only acceptable action.

Make available for review entities accreditation certificates.

Adjourn

Motion— The Commission voted unanimously, by a vote of 18 – 0 in favor, to adjourn the plenary session. Session adjourned at 1: 40 PM.

ATTACHMENT 1
FLORIDA BUILDING COMMISSION
MEETING EVALUATION RESULTS
August 26, 2003—Orlando, FL

Instructions: Please use a 0 to 10 rating scale where a 0 means totally disagree and a 10 means totally agree.

Average of the 15 Respondents

1. Please assess the overall meeting.

9.8 The background information was very useful.

9.93 The agenda packet was very useful.

9.5 The objectives for the meeting were stated at the outset.

9.8 Overall, the objectives for the meeting were fully achieved.

9.5 Accessibility Waiver Applications

9.46 Chair's Issues and Recommendations

9.33 Workshop on 2004 FBC Update and International Codes

9.4 Declaratory Statements

9.31 TAC/POC Reports and Recommendations

2. Please tell us how well the facilitator(s) helped the participants engage in the meeting.

9.62 The participants followed the direction of the facilitator.

9.86 The facilitator made sure the concerns of all participants were heard.

9.75 The facilitator helped us arrange our time well.

9.81 Participant input was documented accurately.

3. What is your level of satisfaction with the meeting?

9.56 Overall, I am very satisfied with the meeting.

9.75 I was very satisfied with the services provided by the facilitator.

9.43 I am satisfied with the outcome of the meeting.

4. What progress did you make?

9.06 I know what the next steps following this meeting will be.

9.0 I know who is responsible for the next steps.

5. Do you have any other comments that you would like to add? We are very interested in your comments. Please use the back of this page.

- Good meeting—well organized; facilitator is important!
- Thanks for snacks! (perhaps a few teabags?)
- I am a new Commissioner—things are becoming much clearer.
- Encapsulate the main substance of second reading of declaratory statements to make process shorter.

ATTACHMENT 2

COMMISSION'S UPDATED WORKPLAN

2003 Glitch Amendments:

Schedule for 2003 Glitch Amendments:

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	10/13-15/03
Rule development workshop	(To be determined after 8/26 workshop) ?
Rule adoption hearing	(To be determined after 8/26 workshop) ?
Effective date of first update	(To be determined at 8/26 workshop) ?

2005 Annual Interim Amendments:

Amendment submittal cutoff (independent submittals)	8:00 a.m. 4/19/04
Post on website (independent/base code updates/local amends)	4/30/04
TAC's consider	6/20-23/04
Post TAC recommendations on website	7/2/04
Commission considers	8/30-31/04
Rule development workshop	10/18-19/04
Rule adoption hearing	12/7/04
Effective date of first update	7/01/05

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
Bill did not pass/expedited adoption was not approved by the Legislature	
Adopt via the 2004 FBC Update Process (see schedule above)	

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 rational 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:

Contractor selected Apr 2003
BOAF/contractor development Jun-Dec 2003
First edition of standards 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 Dec2003

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	Sep 2003
Report to 2004 Legislature	Jul 2004

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:

Contractor hired to collect data on system operation	Jul 2003
Contractor report due	Sep 2003
Fact finding public workshop	Oct 2003
Review report to the Legislature	Nov 2003
Report submitted to Legislature "on or before January 1, 2004"	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)	(To be determined at 8/26 workshop)? 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
Hearing on Notice of Proposed Changes	Jul 2003
Amendments to Rule effective	Aug 2003
System mandatory as required by law	Oct 1, 2003

ATTACHMENT 3

CONSIDERATION PROCESS FOR REVIEWING PROPOSED AMENDMENTS TO THE FLORIDA BUILDING CODE

CONSENT AGENDA—APPROVED AS SUBMITTED

- Amendments that received a 75% approval by TAC (and have not been amended) will be on a consent agenda.
- Commission will solicit public comment on consent agenda amendments.
- Any Commission member may pull off any amendment for separate consideration on the discussion agenda.
- Commission will move to approve the consent agenda following opportunity for Commissioner's to remove specific amendments for individual consideration.
- The standing motion to approve will be used to approve the consent agenda package, a second will be required in order to vote for the amendment.

CONSENT AGENDA—RECEIVED NO SECOND BY TAC

- Amendments that received no second by the TAC, and therefore have no recommendation, will be on a consent agenda for a negative roll-call.
- Commission will solicit public comment on consent agenda amendments.
- Any Commission member may pull off any amendment for separate consideration on the discussion agenda.
- A second to the standing motion will be solicited in order for the Commission to unanimously vote in the negative on the package of proposed amendments (Negative roll-call).

DISCUSSION AGENDA—APPROVED AS AMENDED BY THE TAC, CONSIDERED BY THE TAC BUT FAILED TO ACHIEVE AN AFFIRMATIVE RECOMMENDATION (< 75% FAVORABLE VOTE), AND WITHDRAWN AMENDMENTS

- All proposed amendments submitted for review that are not part of the consent agenda will be on the discussion agenda.
- Each proposed amendment will be considered individually.
- Public comment will be solicited.
- Following public comment, the Commission will consider motions to approve and will require a 75% favorable vote for approval and subsequent amendment of the Florida Building Code.
- Once a motion is made, the floor is closed to public comment, except for requests by Commissioners as allowed by the Commission Chair for purposes of clarification.
- The standing motion to approve will be in effect, a second will be required in order to vote for the amendment.
- If no second is offered on a specific proposed amendment, the amendment is not approved (no action) and the next amendment will be considered. Commission will not consider motions to deny.

AMENDMENT REVIEW AND CONSIDERATION PROCESS

- Facilitator will serve as moderator.
- One person speaks at a time.
- Limit your comment and be concise.
- Do not read lengthy prepared statements; Summarize and submit complete comment text for the record.
- Offer new points or state agreement with previous speakers; Please do not repeat what has been stated.
- The Commission wants to hear all view points, and not repeats of the same views.
- Facilitator will assist with process and groundrules.
- Facilitator will introduce each amendment.
- Proponents of proposed amendment will speak first.
- Opponents of proposed amendment will follow proponents.
- Each side (proponent/opponent) will be allowed one counterpoint opportunity.
- Standing motion to approve will be in effect.
- Four findings, rationale, Florida specific need, and fiscal impact data reviewed.
- Clarifying questions by Commission members only.
- Staff, proponent, or specified commenter will respond to Commission questions.
- Once a motion (second to the standing motion) is on the floor, discussion is limited to Commission members except as allowed by the Chair.
- Commission amendments to proposed amendments require additional public comment, and Commission analysis of findings and fiscal impact.
- A standing motion to approve will be in effect, a second will be required in order
- to vote for the amendment.
- Motions require a 75% favorable vote for approval.

STANDING MOTION TO APPROVE AMENDMENTS TO THE FLORIDA BUILDING CODE

Move to approve the proposed amendment as presented to The Commission by the Technical Advisory Committee (TAC) based on the following findings:

- A. The amendment has a reasonable and substantial connection to the health, safety, and welfare of the general public; and,
- B. The amendment does not degrade the effectiveness of the Code and either strengthens or improves the Code or provides for innovation or new technology by allowing equivalent or better products, methods, or systems of construction; and,
- C. The Amendment does not discriminate against products, methods, or systems of construction of demonstrated capabilities; and,
- D. The Amendment has the following fiscal impact:
 1. The fiscal impact of enforcement imposed upon local government is as indicated by TAC review.
 2. The fiscal impact of compliance imposed upon property and building owners is as indicated by TAC review.
 3. The fiscal impact of compliance imposed upon industry is as indicated by TAC review.
- E. The Amendment's benefits noted with regard to fiscal impact and efficacy outweigh the costs imposed.

