

FLORIDA BUILDING COMMISSION
COMMISSION PROCESS REVIEW AD HOC

June 8, 2009—Meeting I

**Embassy Suites USF—3705 Spectrum Blvd.—Tampa, Florida 33612—
1.813.977.7066**

Meeting Objectives

- ✓ To Approve Regular Procedural Topics (Agenda)
- ✓ To Review Ad Hoc's Procedures, Guidelines, and Decision-Making Requirements
- ✓ To Hear an Overview of the Ad Hoc's Scope and Charge, and Task Development Strategy
- ✓ To Identify Issues and Options Regarding Enhancements to Code Development Process
- ✓ To Identify Issues and Options Regarding Enhancements to Declaratory Statement Process
- ✓ To Identify Issues and Options Regarding Code Update Scheduling and Foundations Codes
- ✓ To Discuss and Evaluate Level of Acceptability of Proposed Options
- ✓ To Consider Public Comment
- ✓ To Identify Needed Next Steps: Information, Assignments, and Agenda Items for Next Meeting

All Agenda Times—including Public Comment and Adjournment—are Subject to Change

Meeting Agenda

- 3:00 Welcome and Opening**
- Agenda Review and Approval**
- Review of Commission's Meeting Guidelines, Consensus-Building and Decision-Making Process, and Sunshine Requirements**
- Review of Ad Hoc Scope**
- Discussion and Evaluation of Code Development Process Enhancements**
- Discussion and Evaluation of Declaratory Statement Process Enhancements**
- Discussion and Evaluation of Code Update Scheduling and Foundations Codes**
- General Public Comment**
- Review of Ad Hoc Delivery and Meeting Schedule**
- Next Steps: Agenda Items, Needed Information, Assignments, Date and Location**
- 5:00 Adjourn**

Contact Information and Project Webpage

Jeff Blair; 850.644.6320; jblair@fsu.edu

<http://consensus.fsu.edu/FBC/Flood-Resistant-Standards.html>



CONSENSUS SOLUTIONS

Members

Raul Rodriguez (Chair), Hamid Bahadori, Dick Browdy, Ed Carson, Kiko Franco, Jim Goodloe, Dale Greiner, Jeff Gross, Chris Schulte, Tim Tolbert, and Mark Turner.

Commission Process Review Ad Hoc

The Commission reconstituted the Code Assembly Ad Hoc and renamed it the Commission Process Review Ad Hoc. Consisting of senior Commission members, the Ad Hoc's immediate task will be to review and make recommendations to the Commission on the code development process and the declaratory statement process, regarding streamlining and making them as efficacious and economical as possible.

COMMISSION PROCESS REVIEW AD HOC PROCEDURAL GUIDELINES

PARTICIPANTS' ROLE

- ✓ The Ad Hoc process is an opportunity to explore possibilities. Offering or exploring an idea does not necessarily imply support for it.
- ✓ Listen to understand. Seek a shared understanding even if you don't agree.
- ✓ Be focused and concise—balance participation & minimize repetition. Share the airtime.
- ✓ Look to the facilitator(s) to be recognized. Please raise your hand to speak.
- ✓ Speak one person at a time. Please don't interrupt each other.
- ✓ Focus on issues, not personalities. Avoid stereotyping or personal attacks.
- ✓ To the extent possible, offer options to address other's concerns, as well as your own.
- ✓ Participate fully in discussions, and complete meeting assignments as requested.
- ✓ Serve as an accessible liaison, and represent and communicate with member's constituent group(s).

FACILITATORS' ROLE (FCRC Consensus Center @ FSU)

- ✓ Design and facilitate a participatory Ad Hoc process.
- ✓ Assist the Ad Hoc to build consensus on a package of recommendations for delivery to the FBC.
- ✓ Provide process design and procedural recommendations to staff and the Ad Hoc.
- ✓ Assist participants to stay focused and on task.
- ✓ Assure that participants follow ground rules.
- ✓ Prepare and post agenda packets, worksheets and meeting summary reports.

GUIDELINES FOR BRAINSTORMING

- ✓ Speak when recognized by the Facilitator(s).
- ✓ Offer one idea per person without explanation.
- ✓ No comments, criticism, or discussion of other's ideas.
- ✓ Listen respectfully to other's ideas and opinions.
- ✓ Seek understanding and not agreement at this point in the discussion.

THE NAME STACKING PROCESS

- ✓ Determines the speaking order.
- ✓ Participant raises hand to speak. Facilitator(s) will call on participants in turn.
- ✓ Facilitator(s) may interrupt the stack (change the speaking order) in order to promote discussion on a specific issue or, to balance participation and allow those who have not spoken on an issue an opportunity to do so before others on the list who have already spoken on the issue.

ACCEPTABILITY RANKING SCALE

During the meetings, members will be asked to develop and rank options, and following discussions and refinements, may be asked to do additional rankings of the options if requested by members and staff. Please be prepared to offer specific refinements or changes to address your reservations. The following scale will be utilized for the ranking exercises:

Acceptability Ranking Scale	4 = <i>acceptable, I agree</i>	3 = <i>acceptable, I agree with minor reservations</i>	2 = <i>not acceptable, I don't agree unless major reservations addressed</i>	1 = <i>not acceptable</i>
------------------------------------	--	---	---	----------------------------------

AD HOC'S CONSENSUS PROCESS

CONSENSUS

The Florida Building Commission seeks to develop consensus decisions on its recommendations and policy decisions. The Commission provides a forum for stakeholders representing different interests to participate in a consensus-building process where issues affecting the construction industry are discussed and evaluated on their technical merits and cost-benefits to the citizens of the State of Florida. In order to achieve the best possible decisions, the Commission relies on its workgroups, ad hoc committees, technical advisory committees, and program oversight committees to develop consensus recommendations on project specific issues.

Definitions

Consensus is a **process, an attitude and an outcome**. Consensus processes have the potential of producing better quality, more informed and better-supported outcomes.

As a **process**, consensus is a problem solving approach in which all members:

- Jointly share, clarify and distinguish their concerns;
- Educate each other on substantive issues;
- Jointly develop alternatives to address concerns; and then
- Seek to adopt recommendations everyone can embrace or at least live with.

In a consensus process, members should be able to honestly say:

- I believe that other members understand my point of view;
- I believe I understand other members' points of view; and
- Whether or not I prefer this decision, I support it because it was arrived at openly and fairly and because it is the best solution we can achieve at this time.

Consensus as an **attitude** means that each member commits to work toward agreements that meet their own and other member needs and interests so that all can support the outcome.

Consensus as an **outcome** means that agreement on decisions is reached by all members or by a significant majority of members after a process of active problem solving. In a consensus outcome, the level of enthusiasm for the agreement may not be the same among all members on any issue, but on balance all should be able to live with the overall package.

Levels of consensus on a committee outcome can include a mix of:

- Participants who strongly support the solution;
- Participants who can "live with" the solution; and
- Some participants who do not support the solution but agree not to veto it.

AD HOC'S CONSENSUS PROCESS

The Ad Hoc will seek to develop a package of consensus-based recommendations for submittal to the Florida Building Commission. General consensus is a participatory process whereby, on matters of substance, the members strive for agreements which all of the members can accept, support, live with or agree not to oppose. *In instances where, after vigorously exploring possible ways to enhance the members' support for the final decision on a recommendation, and the Ad Hoc finds that 100% acceptance or support is not achievable, final decisions will require at least 75% favorable vote of all members present and voting.* This super majority decision rule underscores the importance of actively developing consensus throughout the process on substantive issues with the participation of all members and which all can live with. In instances where the Ad Hoc finds that even 75% acceptance or support is not achievable, publication of recommendations will include documentation of the differences and the options that were considered for which there is more than 50% support from the Ad Hoc.

The Ad Hoc will develop its recommendations using consensus-building techniques with the assistance of the facilitator. Techniques such as brainstorming, ranking and prioritizing approaches will be utilized. Where differences exist that prevent the Ad Hoc from reaching a final consensus decision (i.e. with support of at least 75% of the members) on a recommendation, the Ad Hoc will outline the differences in its documentation.

The Ad Hoc's consensus process will be conducted as an open process consistent with applicable law. Ad Hoc members, staff, and facilitator will be the only participants seated at the table. Only Ad Hoc members may participate in discussions and vote on proposals and recommendations. The facilitator, or a Ad Hoc member through the facilitator, may request specific clarification from a member of the public in order to assist the Ad Hoc in understanding an issue. Members may request time to consult/caucus with constituent stakeholder representatives. Observers/members of the public are welcome to speak during the public comment period provided at each meeting, and all comments submitted on the public comment forms provided in the agenda packets will be included in the facilitator's summary reports.

Facilitator will work with staff and Ad Hoc members to design agendas that will be both efficient and effective. The staff will help the Ad Hoc with information and meeting logistics.

To enhance the possibility of constructive discussions as members educate themselves on the issues and engage in consensus-building, members agree to refrain from public statements that may prejudice the outcome of the Ad Hoc's consensus process. In discussing the Ad Hoc process with the media, members agree to be careful to present only their own views and not the views or statements of other participants. In addition, in order to provide balance to the Ad Hoc process, members agree to represent and consult with their stakeholder interest groups.

SUNSHINE LAW GUIDELINES

(Section 286.011, Florida Statutes)

Applicability of Sunshine Law

1. Meetings of public groups (Ad Hocs) or commissions must be open to the public;
 2. Reasonable notice of such meetings must be given (by publication in FAW at least 7 days in advance of a meeting); and
 3. Minutes of the meetings must be taken.
- Equally applicable to elected and appointed members and applies to any gathering of two or more members of the same group (Ad Hoc) to discuss some matter which will foreseeably come before that group (Ad Hoc) for action. Applies to advisory groups.
 - Written correspondence (reports) circulated among group members for comments.
 - Telephone conversations and computer communications including e-mails and attachments.
 - Delegation of authority to a single individual.
 - Use of nonmembers as liaisons between group (Ad Hoc) members.

Issues not Subject to Sunshine Law Requirements

- Use of a written report by one member to inform other members of a subject which will be discussed at a public meeting, if prior to the meeting, there is no interaction related to the report among the members.
- Members (Ad Hoc) or designee may be authorized to gather information as a fact-finder only.
- Members may meet together socially, provided they refrain from discussing matters on which foreseeable action before the (Ad Hoc) are discussed.

Ad Hoc members are subject to the requirements of Florida's Government in the Sunshine Law, commonly referred to as the Sunshine Law (Section 286.011 F.S.).

There are four basic requirements of section 286.011, Florida Statutes:

- (1) Meetings of public boards or commissions (Ad Hocs) must be open to the public;
- (2) Reasonable notice of such meetings must be given;
- (3) Any voting of members must be done in public (including discussions between two or more members regarding a matter on which the Ad Hoc might foreseeably take action); and
- (4) Minutes of the meetings must be taken.

ISSUES AND OPTIONS IDENTIFICATION WORKSHEET

ISSUES IDENTIFICATION EXERCISE—MEETING NOTES

Think about the current code development process and declaratory statement process.

What issues need to be addressed in order to enhance the code development process?

What issues need to be addressed in order to enhance the declaratory statement process?

OPTIONS IDENTIFICATION EXERCISE—MEETING NOTES

Please use the space below to write down possible options to address the key issues identified earlier regarding enhancements to the code development process.

Please use the space below to write down possible options to address the key issues identified earlier regarding enhancements to the declaratory statement process.

During the meeting, members will be asked to develop and rank options, and following discussions and refinements, may be asked to do a second ranking of the options as refined. The following scale will be utilized for the ranking exercises:

Acceptability Ranking Scale	4 = acceptable, I agree	3 = acceptable, I agree with <i>minor reservations</i>	2 = not acceptable, I don't agree unless <i>major reservations</i> addressed	1 = not acceptable
------------------------------------	--------------------------------	---	---	---------------------------

Note: Be prepared to offer specific refinements or changes to address your reservations.

PUBLIC COMMENT FORM

The Florida Building Commission and the Commission Process Review Ad Hoc encourage written comments—All written comments will be included in the meeting summary report.

Name: _____

Organization: _____

Meeting Date: _____

Please make your comment(s) as specific as possible, and offer suggestions to address your concerns.

Please limit comment(s) to topics within the scope of the Ad Hoc, and refrain from any personal attacks or derogatory language.

The facilitator may, at his discretion, limit public comment to a maximum of three-minutes (3) per person, depending on the number of individuals wishing to speak.

COMMENT: _____

Please give completed form(s) to the Facilitator for inclusion in the meeting summary report.