FLORIDA BUILDING COMMISSION

CODE AMENDMENT PROCESS REVIEW WORKGROUP

PHASE II RECOMMENDATIONS TO THE FLORIDA BUILDING COMMISSION

JULY 12, 2006

Hollywood, Florida

Meeting Design & Facilitation By

FCRC
Consensus Solutions

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FLORIDA BUILDING COMMISSION

CODE AMENDMENT PROCESS REVIEW WORKGROUP

Overview
Raul L. Rodriguez, AIA, Chair of the Florida Building Commission, has made appointments to the Code Amendment Process Review Workgroup, and they are found below. Members are charged with representing their stakeholder group’s interests, and working with other interest groups to develop a consensus package of recommendations for submittal to the Florida Building Commission.

Code Amendment Process Review Workgroup tasked with a short-term (Phase 1) scope and a long-term (Phase II) scope. The scope of the Workgroup in the short-term is to make a recommendation regarding the 2007 Code Update schedule. The long-term focus of the Workgroup will be to deliver recommendations to the Commission regarding proposed enhancements to the annual interim amendment and triennial code update processes.

Triennial Code Update Process
Florida Statute, Chapter 553.73(6), requires the Commission to update the Florida Building Code every 3 years; by selecting the most current version of the International Family of Codes; the commission may modify any portion of the foundation codes only as needed to accommodate the specific needs of this state, maintaining Florida-specific amendments previously adopted by the commission and not addressed by the updated foundation code.

Annual Interim Amendment Process
Florida Statute, Chapter 553.73(7), provides that the Commission may approve technical amendments to the Florida Building Code once each year for statewide or regional application upon a finding that the amendment: there is a Florida specific need; has connection to the health, safety, and welfare of the general public; strengthens or improves the Code; does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities; does not degrade the effectiveness of the Code; and, includes a fiscal impact statement which documents the costs and benefits of the proposed amendment, and shall include the impact to local government relative to enforcement, the impact to property and building owners, as well as to industry, relative to the cost of compliance.
Expedited Amendment Process—Adopted by the 2006 Legislature at the Commission’s Recommendation

(f) Upon the conclusion of a triennial update to the Florida Building Code, notwithstanding the provisions of this subsection or subsection (3), the commission may address issues identified in this paragraph by amending the code pursuant only to the rule adoption procedures contained in chapter 120. Following the approval of any amendments to the Florida Building Code by the commission and publication of the amendments on the commission’s website, authorities having jurisdiction to enforce the Florida Building Code may enforce the amendments. The commission may approve amendments that are needed to address:

1. Conflicts within the updated code;
2. Conflicts between the updated code and the Florida Fire Prevention Code adopted pursuant to chapter 633;
3. The omission of previously adopted Florida-specific amendments to the updated code if such omission is not supported by a specific recommendation of a technical advisory committee or particular action by the commission; or
4. Unintended results from the integration of previously adopted Florida-specific amendments with the model code.

Workgroup Members:
Hamid Bahadori, Jeff Burton, Nick D’Andrea, Jack Glenn, Jim Goodloe, Dale Greiner, Gary Griffin, Jon Hamrick, Kari Hebrank, and Randy Vann.
WEDNESDAY, JULY 12, 2006

Summary of Workgroup’s Key Decisions

Opening and Meeting Attendance
The meeting started at approximately 8:20 AM, and the following Workgroup members were present:

Hamid Bahadori, Jack Glenn, Jim Goodloe, Dale Greiner, Jon Hamrick, Kari Hebrank, and Randy Vann.

DCA Staff Present
Joe Bigelow, Rick Dixon, Ila Jones, Mo Madani, Jim Richmond, and Betty Stevens.

Meeting Facilitation
The meeting was facilitated by Jeff Blair from the Florida Conflict Resolution Consortium at Florida State University. Information at: http://consensus.fsu.edu/

Project Webpage
Information on the project, including agenda packets, meeting reports, and related documents may be found in downloadable formats at the project webpage below:
http://consensus.fsu.edu/FBC/cprwg.html

Meeting Objectives
The Workgroup voted unanimously, 6 - 0 in favor, to approve the agenda as presented including the following objectives:

✓ To Approve Regular Procedural Topics (Agenda and Report)
✓ To Review Relevant Legislation and Phase II Scope
✓ To Review Member’s Survey Results
✓ To Review Issue and Options Worksheet
✓ To Identify Additional Issues and Options for Evaluation
✓ To Evaluate, Rank, and Refine Proposed Options
✓ To Consider Public Comment
✓ To Identify Needed Next Steps and Agenda Items For Next Meeting
Approval of April 19, 2006 Facilitator’s Summary Report
The Workgroup voted unanimously, 6 - 0 in favor, to approve the April 19, 2006 Facilitator’s Summary Report as presented.

Overview of Relevant Legislation and Phase II Meeting Scope
Jeff Blair provided the Workgroup with an overview of the code development processes and answered member’s questions.

Overview
Florida Statute, Chapter 553.73(6), requires the Commission to update the Florida Building Code every 3 years; by selecting the most current version of the International Family of Codes; the Commission may modify any portion of the foundation codes only as needed to accommodate the specific needs of this state, maintaining Florida-specific amendments previously adopted by the Commission and not addressed by the updated foundation code. Pages one and two of this Report contains a summary of current Legislation regarding the annual, triennial, and expedited code amendment processes.

Jeff explained that the purpose/scope of the Workgroup for Phase II is to review the annual, triennial, and expedited code amendment processes in a comprehensive and holistic manner and determine whether any changes should be recommended to the Commission. Jeff emphasized that the Workgroup could make recommendations for policy, rule, or statutory changes.

Options Identification and Initial Evaluation of Options
Results are found beginning on page 5 of this Report.

Evaluation of Options—Ranking and Refinement of Options
Results are found beginning on page 5 of this Report.

Next Meeting, Next Steps, and Assignments
A worksheet will be prepared, and the Workgroup will meet on August 21, 2006 to finalize their recommendations to the Commission. The Workgroup’s recommendations will be submitted to the Commission at the August 22, 2006 meeting.

General Public Comment
Members of the public were invited to address the Workgroup. The Facilitator noted that a summary of public comments would be included in the Facilitator’s Summary Reports.

Adjourn
The Workgroup voted unanimously, 7 – 0 in support, to adjourn at 10:20 AM on July 12, 2006.
PHASE II—OPTIONS ACCEPTABILITY RANKING EXERCISE

During the meeting, Members were asked to review the range of options identified from the Workgroup Survey, to propose additional options, to rank each of the options for acceptability, and to offer their comments and explain their reservations related to each of the options evaluated. Members were requested to be prepared to offer specific refinements to address their reservations. A four-point ranking scale was used, and in general, 4’s and 3’s indicate support and 2’s and 1’s indicate opposition to the option. A 75% threshold of 4’s and 3’s is required for an affirmative recommendation. The following scale was utilized for the ranking exercise(s):

| Acceptability Ranking Scale | 4 = acceptable, I agree | 3 = acceptable, I agree with minor reservations | 2 = not acceptable, I don’t agree unless major reservations addressed | 1 = not acceptable |

Workgroup Options Review Process Overview

For each Topic the following format was used:

- Overview of proposed option(s),
- General discussion with Workgroup and staff on the range of options for the Topic,
- Identification of new option(s) (if any),
- Initial ranking of options,
- Identification of member’s reservations (if any),
- Second ranking if any member(s) wishes to change their ranking based on the discussion(s),
- Refinements proposed to consensus option(s), to enhance option’s acceptability,
- Public comment.
TRIENNIAL CODE UPDATE PROCESS—OPTIONS

Option A
Require the TAC’s to review the code change proposals both times (two TAC reviews prior to Commission consideration during rule development) during the Code development phase of the update process then have the Commission conduct Chapter 120 rule development, with a rule development workshop and rule adoption hearing, in the adoption phase of the update process. The TAC’s would review proposed code amendments, and after the 45 public comment period on the TAC’s recommendations, the TAC would review and make recommendations regarding comments, and then the TAC’s revised recommendations would be submitted to the Commission for their consideration in a rule development workshop.

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Members Comments and Reservations (7/12/06):
- Concern over any possible negative impact on public input and comment to the Commission with this process.
- The process can be set up so the Commission’s rule development process provides the same level of access to the Commission as with the existing process. This proposal allows the technical experts to respond to comments on the TAC’s recommendations before the TAC’s recommendations are delivered to the Commission.
- The public will still be able to comment on TAC’s recommendations, and any Commission member can pull-off any amendment from consent agendas, for individual consideration by the Commission.
- Reservation is timing, as long as it does not delay or extend the length of the process.
- Glenn: this would be acceptable as long as we adjust the Commission process to include sufficient public comment. There is a benefit for the TAC’s to see the proposals twice, the expertise is in the TACs. We need the triennial, the expedited and annual processes to fit. Need building and fire at the same time. Combine expedited and annual, how process works with double TAC.
- Hebrank: what does this do to the Structural TAC? Another 8 hour meeting?
- Dixon: at this stage the process can be defined.
- Hebrank: the real issue is too much time re-inventing the wheel, we should spend more time in sync with the ICC process. What is substantially equivalent?
- Hamrick: will this lengthen the time of the process? Another meeting, takes longer?
- Dixon: we can run the process so we combine the Rule Development Workshop with review. Separate for triennial review. Difficult to meet deadlines, use can use the Rule Development Workshops to iron out differences.
- Hamrick: will this increase time for the process.
- Dixon: not for triennial process.
- Madani: a second TAC meetings would be beneficial, the current process does not allow for TAC’s to comment on revised proposals. Some of the amendments needed to go back through the TAC, may not need to take all the amendments through the TAC the second time.
- Vann: expertise is in the TAC. Commission does not have the benefit of the TAC expertise for making decisions when the TAC has not reviewed a change.
Option B

A triennial code update that coincides with the fire triennial update.

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Members Comments and Reservations (7/12/06):
- Goodloe: Revise the two statutes (Fire and FBC) to make a consistent processes.
- Combine the expedited process with the annual process. Combine A and B for an acceptable process.
- Have a public discussion on changing fire/building relative to the updated process. The fire process is statutorily different from the building code process. Need dialogue between the two agencies. Get support of the Fire Council to support the process. The fire code, is charged to adopt the most recent NFPA. FBC not consistent with 633 because of the process for developing the code. 90 days for new fire code and 9 months for new building code.
- Goodloe: want to keep their process simple. By delaying this go round to get in sync, we should try this.
- Dixon: the quicker the better?
- Goodloe: we can push it back as long as it is less than a year. Then evaluate the process.

Option C

Maintain updates to FBC within 2 years (not more than 2 years) of new editions of the foundation codes and provide for adoption of equivalent product evaluation standards via rule 9B-72.

(Establish a policy that the would ensure the updated Florida Building Code would go into effect a minimum of one year before the next edition of the foundation codes on which it is based.)

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Members Comments and Reservations (7/12/06):
- Hebrank: we need to be able to have latest product standards adopted. 2 years foundation codes?
- Dixon: 2 years foundation codes, too far out of sync, people invest money in codes. Not the intent to keep updating the Code. Had to add revisions, now have authority to add evaluations. Not able to have less than 2 years. Two years better than 3 three years. On the fire side, 18 months to 2 years out, they do not have the 6 months delay as in the Building Code. Try not to adopt something that is very brand new, need to evaluate it first. There is pressure to try and adopt codes.
- Glen: the process is compounded, long, previously approved ICC amendments which become Florida specific requirements. When we pick up the 2006 ICC, does the Florida specific amendment go forward or the ICC amendment?
- Vann: tie the code to ICC. Not to let it lapse beyond the two year process, not to exceed 2 years, better to be closer. Within 2 years, no more than that
- Hamrick: this is not logistically possible.
**Option D** (The Workgroup agreed to remove this option)

*Establish a policy that would ensure the updated Florida Building Code would go into effect a minimum of one year before the next edition of the foundation codes on which it is based.*

**Members Comments and Reservations (7/12/06):**
- This is similar to option C.
- This is just the other side of the equation, keep C.
- Again, within 2 years, but no more than two years.

**Option E**

*Maintain the policy of law that the updates to the Code would be based on adoption of the current edition of the foundation code but allow a process that would allow changes between successive editions of the foundation codes to be brought into the current edition of the FBC instead of redeveloping the Florida Building Code every update cycle.*

(e.g., changes between editions of the foundation codes are automatically adopted unless specific amendments are proposed to eliminate individual ones, except those changes that overlap currently adopted Florida specific amendments, which would then be subjected to review of which provision to adopt into the new FBC via the full Code development and adoption processes).

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**Members Comments and Reservations (7/12/06):**
- Glenn: this is the mess that we currently have.
- Goodloe: we use this process for the fire code. The Fire Council reviews with current code. Greiner: must make Florida amendment to make a proposal not be brought forward.
- Dixon: ICC interim changes to the code base.
- Greiner: people bring up anything and rewrite the Code every time in the annual process. Establish the base code and deal with changes to the base code. Are these acceptable? Any Florida specific items? Get rid of annual amendments.
- Glenn: with the new amendatory process, take up code changes on triennial basis. Eliminate everything expect the glitch process. Get ICC in during the off cycle years. This would work if can run the glitch process any time its needed. Requirements in the base code.
- Hebrank: define the glitch amendments? Florida specific?
- Greiner: the glitch is the expedited process. See K below.
- Hebrank: could the glitch include changes to the law that affect licensing agencies?
- Dixon: changes to the law would need to be made to add.
Option F

The statutes should be revised to allow for a 3-month delay in code implementation from the publication date, rather than the current 6-month delay.

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Members Comments and Reservations (7/12/06):

- Hebrank: six months seems to be out there for ever and ever. What is the code?
- Glenn: six months is needed to develop courses, create, and expose to members, can’t get the courses developed in less time. Success of the code is dependent on education. 6 months is necessary to provide education.
- Hamrick: agrees, 6 months is needed to get information from Commission, develop training and get it approved.
- Dixon: the additional time is getting courses developed and approved. 3 months before and 3 months after the Code is approved is when private providers are active.
- Griener: expedited process for approving training is needed. Need to work on the education process.
- Glenn: advanced training needs Commission approval. Could run concurrently with the Commission. CILB needs advanced approval before they can offer course.
- Glenn: can’t develop training based on drafts.
- Dixon: need the involvement of licensing boards in the Commission process.
- Hamrick: with the Architects Board, there is a 3 month delay to get to the Board.
- Vann: this is the reality of working with boards. Commission has process in place for equivalency.

Option G

Do one code change that will bring all codes up to date.

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Members Comments and Reservations (7/12/06):

- How long would the hearing be, a week?
- This is not possible, feasible.
Option H

Justification for Florida-specific amendments to the base code should be strictly adhered to. Define specific needs of the State.

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Members Comments and Reservations (7/12/06):
- Hebrank: people submit changes that are ICC changes and not Florida specific amendments. They do not add to the Code. We have not been following this requirement.
- Minor reservations: not sure we can come up with a good definition.

Option I

Combined with Option H above; no vote needed. Define specific needs of the State.

Option J

Accept the final electronic version as the printed version. (Based on 120 requirements for adoption) written version without the formatting. Final printed version of the Rule as filed.

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Members Comments and Reservations (7/12/06):
- Currently, the Commission voted on requiring a paper version.
- Greiner: not reasonable.
- Glenn: not synergistic.
- Goodloe: should use which ever version is ready first.
- Dixon: adopt by Rule, using electronic version allows time for course development.
- Vann: is electronic version final?
- Dixon: just like reference documents, we don’t have printed version, but the changes are provided.
- Vann: gets confused as to what is the final version.
- Dixon: once it has gone to the DOS, no further changes will be made.
- Madani: we file the Rule with as with a supplement, not the Code as formatted.
- Dixon: have to have the ICC code reference documents, and the strike underline format showing everything that was changed. ICC requires 9 months to produce printed copy.
- Madani: 3 months for the 2006 supplement printed document to be produced. We file the supplement with the State for the annual amendments.
- Bahadori: is the electronic searchable?
- Dixon: there are word searches, but not like the Code
- Schneider: the AIA is against this.
- Minor: not sure which comes first.

Option K

Eliminate the annual interim process, maintain only the triennial and expedited processes. The expedited process can be implemented whenever needed. The criteria for the process would include updates, and changes to the federal/state laws.
Members Comments and Reservations (7/12/06):
No new comments. The Workgroup agreed this should be done.

Option L (F from amendment section)
Correlation of any proposed amendment with the FFPC and ensuring no expansion of FBC provisions into areas already addressed within the FFPC, and vice versa.

Members Comments and Reservations (7/12/06):
- Glenn: the fire code is taking on more construction requirements. They should not supercede the Building Code.
- Goodloe: the building Code is expanding into Fire issues as well.
- Greiner: this accentuates the need for correlation between the fire and building code.
- Minor: as long as it works both ways, this is fine. Calls attention to the fact that there is a correlation committee that needs to do this.

Option M (H1 from annual amendment section)
Issue quarterly notices of binding interpretations and declaratory statements. This would be in the form of a technical bulletin section of the Commission’s quarterly newsletter.

Members Comments and Reservations (7/12/06):
- Glenn: perfect place to use the newsletter to notify, but not have a formal Commission notification.
- Hebrank: substantive code changes in DECs, use code amendments to fix original DEC. Don’t put in the Code.
- Vann: DEC is binding. Gets many e-mails. Newsletter communication not effective.
- Hebrank: DEC is case specific, DEC changing outcome of code amendment.
- Greiner: DEC is specific and available to public, newsletter adds to confusion.
- Richmond: DEC are fact specific but applicable to similar situations.
- Dixon: now have binding interpretations and glitch amendments. There may be an alternative, may not have to do it on an annual basis.
- Vann: clarify the option, should it be quarterly, semi-annually, or annually?
- Dixon: cannot do quarterly for rule process.
- Richmond: DEC interprets code, does not mandate a code change.
- DEC’s are specific to a project, similar circumstances use DEC, if general, expedited process, not necessary, need format for the public.
- Bahadori: information is already available, public can access, want to make it easier for the public to access.
• Greiner: binding interpretation and DEC are different. Searches binding interpretations for facts that meet what is happening in his jurisdiction. Produce this in supplement, trying to change the code? Newsletter form getting it to those who may not need it.
• Dixon: do not call this a supplement, it is not a supplement.
• Glen: the concept is making the information available to increase understanding of the information. Public finds out information without reading minutes available later. For users, designers, this makes information readily available. Difficult to find DEC’s on the web site.
• Dixon: call it a technical bulletin.
• Hebrank: timing is the issue. DEC can provide answer. When it is a code change, DEC is no longer valid,
• Madani: staff putting together a source document of Commission action regarding the DEC by chapter and section.
• Greiner: creating a quarterly newsletter for this information is a good idea.

Option H2 (Not supported in favor of H1)

Issue semiannual issuance of Code supplements incorporating binding interpretations and declaratory statements.

Option H3 (Not supported in favor of H1)

Issue annual issuance of Code supplements incorporating binding interpretations and declaratory statements.

Option I

(Resolved by the elimination of annual vote, no vote needed per proponent of this amendment.)

Provide a staff review earlier in the process for glitch amendments with recommendations by staff for what is outside the scope of the glitch cycle, before TAC review.

Members Comments and Reservations (7/12/06):
• Glenn: the statutes are clear on staff review. They bring opinions and influence TAC and Commission votes. Should not have influence on vote. Should not write any thing except what is in the law.
• Hamrick: now falling in the glitch/annual process.
• Vann: is this glitch? Seemed to be up to legal to determine what is a glitch.
• Dixon: there was no authority in the law for glitch earlier. People could bring anything forward. No guidelines for glitch. It was a Commission policy.
• Richmond: legal had the least role in determining what is a glitch.
• Vann: public comment convinced us on what was a glitch.
• Dixon: glitch was a self discipline by the Commission to avoid re-writing the Code so soon after a major update to the Code. There is no formal policy on glitches.
ANNUAL INTERIM AMENDMENT PROCESS—OPTIONS

The Workgroup voted unanimously, 7 – 0 in favor, to recommend that the Commission recommend to the Legislature that the annual interim process be eliminated.

(The workgroup decided not to evaluate these options in favor of the recommendation for eliminating the annual interim amendment process.

Option A
Revise the current statutory authority to limit annual amendments to life safety and critical public policy issues (e.g., hurricane protection upgrades).

Option B
An annual update that only deals with clarifications or corrections of the triennial updates. (Only one between the triennials, and to be completed in less than one year after the triennial update).

Option C
Allow for annual amendment of the Code by chapter 120, limited by law to only state agency facility licensing standards changes, binding interpretations, declaratory statements and emergency issues.

Option D
Make sure the specific need is there and then determine if the change will have an affect on the base or fire codes and how they are or will be enforced. And, Narrow the criteria down to specific need and life safety. The change would have to meet the other criteria but only after passing specific need and life safety.

Option E
Eliminate adoption of state agency facility licensing standards from adoption via the Code and include copies of the regulations as appendices to the Code that are updated via Code supplements as they are amended.

Option F (This option was evaluated in the previous section)
Correlation of any proposed amendment with the FFPC and ensuring no expansion of FBC provisions into areas already addressed within the FFPC.

Option G
Accept the final electronic version as the printed version.

Option H (This option was evaluated in the previous section)
Issue quarterly, semiannual or annual issuance of Code supplements incorporating binding interpretations and declaratory statements.
Option I

*Provide a staff review earlier in the process for glitch amendments with recommendations by staff for what is outside the scope of the glitch cycle, before TAC review.*

Public Comment:

- Siggi: AAMA would support the Workgroups recommendations, works at the ICC level, other States define state specific items. Could always amend Chapter 1.
- Ross: support elimination of annual update. It is difficult to go to the boards with training. Leave the Code settled so that we understand it. Support elimination of annual updates.
- Sanidas: change system at model codes, this did not work, ICC developed new system. Old system worked well.
- Encourage 6 month retention of printed code. Electronic version, CD rom is not mentioned, helpful to have CD rom available 6 months. How impact HVHZ? Retain that ability to do amendments for HVHZ. The public needs the document.
- John: support going through ICC process. Offer more influence from Florida in ICC process, adds clarity, easier to enforce in the long run.
- Crum: BOAF supports elimination of the annual amendment process, the fewer processes the better, allow more time to participate in the national code change process.
ATTACHMENT 1
MEETING EVALUATION RESULTS
July 12, 2006—Hollywood, Florida

Average rank using a 0 to 10 scale, where 0 means totally disagree and 10 means totally agree.

1. Please assess the overall meeting.
   8.29 The background information was very useful.
   8.86 The agenda packet was very useful.
   9.86 The objectives for the meeting were stated at the outset.
   9.86 Overall, the objectives of the meeting were fully achieved.
   9.43 Review of Member’s Survey Results.
   9.57 Review of Issues and Options.
   9.57 Identification, Evaluation, Ranking, and Refinement of Workgroup Proposed Option(s).
   8.83 Identification of Needed Next Steps and Agenda Items For Next Meeting.

2. Please tell us how well the Facilitator helped the participants engage in the meeting.
   10.00 The members followed the direction of the Facilitator.
   9.86 The Facilitator made sure the concerns of all members were heard.
   9.86 The Facilitator helped us arrange our time well.
   9.71 Participant input was documented accurately.

3. What is your level of satisfaction with the meeting?
   9.71 Overall, I am very satisfied with the meeting.
   9.86 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?
   8.71 I know what the next steps following this meeting will be.
   8.71 I know who is responsible for the next steps.

5. Member’s Written Evaluation Comments.
   • Nice job Jeff Blair. DCA, Rick, Mo, and Betty great job also.
   • Very productive meeting.
   • Sound quality could use improvement. It was hard to hear many comments. Recommend we remind speakers to speak into the microphones.