FLORIDA BUILDING COMMISSION

PRODUCT APPROVAL VALIDATION WORKGROUP’S RECOMMENDATIONS

REPORT TO THE FLORIDA BUILDING COMMISSION

DECEMBER 5, 2005

Tampa, Florida

Meeting Design & Facilitation By

Florida Conflict Resolution Consortium

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DECEMBER 5, 2005

OVERVIEW
Raul L. Rodriguez, AIA, Chair of the Florida Building Commission, made appointments to the Product Approval Validation Work Group and they are listed 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.

Chairman Rodriguez appointed a workgroup, per legislative assignment, to review the issue of third party validation and report back to the Commission. The Chair assigned Jeff Blair to work with DCA staff to conduct the meetings.

Chairman Rodriguez stated that the purpose and charge for the Product Approval Validation Workgroup is to review the role of the third party validators in the product approval process, and to make recommendations back to the Commission regarding to what extent the validators should review the technical documentation substantiating compliance with the Florida Building Code. The Chair instructed, that the review the Workgroup is charged to conduct is not related to the Commission’s contracted administrator’s role, and that the administrator’s role is and remains under the purview of the Product Approval POC and the Commission.

The Florida Building Commission shall convene a workgroup composed of at least 10 stakeholders in the state system of product approval, which may include a maximum of three members of the commission to ensure diverse input. The workgroup shall study the recommendation that the state be served by a single validation entity for state approval, which study shall include, but not be limited to, the recommendation's feasibility, qualifications of the single entity and its staff, costs charged for validation, time standards for validation, means to challenge the validator's determination, and duration of the contract with the validator. The workgroup shall conduct its proceedings in an open forum subject to comment from the public at each meeting.

Members and Representation

Architects
Larry Schneider

Contractors
Ed Carson

Evaluators
Jon Hill and Sig Valentine

Building Officials
Bill Dumbaugh and Herminio Gonzalez

Engineers
Jimmie Buckner

Product Manufacturers
Craig Parrino and Randy Shakleford

Insurance
Do Kim
REPORT OF THE DECEMBER 5, 2005 MEETING

Opening and Meeting Attendance
Jeff Blair, Commission Facilitator, opened the meeting at approximately 8:00 AM, and the following Workgroup members were present: Jimmy Buckner, Ed Carson, Bill Dumbaugh, Herminio Gonzalez, Do Kim, Craig Parrino, Randy Shakleford, and Sig Valentine.

DCA Staff Present
Rick Dixon, Dennis Harquail, Ila Jones, Mo Mandani, 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 at the project webpage: http://consensus.fsu.edu/FBC/pavwg.html

Agenda Review
Jeff Blair reviewed the agenda with members and the public. The agenda included the following objectives:

- To Approve Regular Procedural Topics (Agenda and Report)
- To Hear an Overview of Workgroup’s Consensus Recommendations
- To Ensure Report Language Implements/Captures Workgroup’s Intent
- To Consider Public Comment
- To Adopt Package of Consensus Recommendations for Submittal to the Commission
- To Hear an Overview of Next Steps

Overview
The Committee studied the Commission’s recommendation that the state be served by single validation entity and after considering the feasibility of the recommendation—including reviewing qualifications of the single entity and its staff, costs charged for validation, time standards for validation, means to challenge the validator's determination, and duration of the contract with the validator—determined that additional considerations should be evaluated prior to making a recommendation to the 2006 Legislature.

The Committee was asked to review their previous package of recommendations (see October 12, 2005 PAVWG Report included as “Attachment 1”) including recommending that the Commission seek statutory authority to eliminate the third party validation entity in the validation process, and to contract with a single qualified entity (system validator) to conduct this function. After discussion and public comment, a straw poll was conducted on the threshold question of whether to support the single validation entity recommendation (5 members in support), or recommending against the single validation entity (3 members in support). Since there was not consensus for either option, a third option was proposed providing that additional issues should be considered prior to making a recommendation.
Recommendation to the Florida Building Commission

Committee Action:
The PAVWG voted 6 – 2 in support, to recommend that the Florida Building Commission convene a process to work with stakeholders to review and develop consensus recommendations regarding the validation requirements/details for each of the four compliance methods, the degree of technical review required for the compliance options, and a review of the validation requirements for the certification agency compliance method.

The Committee concluded, that after addressing the various aspects of the study outlined in SB 442, in order to make a consensus recommendation on the threshold “single validation entity” issue, the technical requirements of validation should be assessed first, and pending the results a better informed recommendation could be rendered.

The PAVWG recommends that the Commission report to the Legislature, that the Commission is working with stakeholders to develop additional clarifications and/or requirements related to validation, and will report their recommendations regarding the “single validation entity” to the 2007 Legislature.
ATTACHMENT 1

PRELIMINARY RECOMMENDATION FROM OCTOBER 12, 2005

Recommendation Summary
Jeff Blair reviewed the results of the options ranking exercise conducted at the August meeting, and members were asked to conduct a second ranking of the options that enjoyed support from the previous meeting. Members and the public were then asked to express their comments and reservations, and members were asked to do an additional ranking based on comments and/or revisions to the options.

The members voted unanimously, 10 – 0 in favor, to support the following recommendation to the Florida Building Commission:

Validation Entity. The Product Approval Validation Workgroup recommends that the Commission seek statutory authority to eliminate the third party validation entity in the validation process, and to contract with a single qualified entity (system validator) to conduct this function.

Clear criteria will be developed to ensure that the validator has the technical, staffing, and resource requirements necessary to perform the function in the required time frame, and will address specific criteria regarding the validators use of subcontracted labor.

The Commission will standardize compliance options for different product categories, and develop acceptance criteria for each of the four compliance options. The Commission will work with stakeholders to develop consensus criteria specific to the four compliance options, once statutory authority is granted to the Commission.

The validation process will involve a technical and administrative review specific to the compliance options.

Validations shall be performed in accordance with guidelines developed and approved by the Product Approval POC.

Additional Criteria Established

Qualifications
Florida Professional Engineers or Florida Registered Architects with demonstrated structural competence.

• Must demonstrate technical competency, familiarity with subject area, and knowledge of the Florida Building Code and related standards.
• Must demonstrate applicable work experience in field.
• Must have sufficient staff to support the work load.
• Must have offices in Florida.
**Costs/Fees**
A fee schedule will be developed specific to the compliance method, based on the level of review required for each of the compliance methods.

**Time to Validate**
Time allowed for validation will be based on a time schedule specific to the compliance method, based on the time required and level of review involved relative to each method.

**Appeal/Challenge**
The Commission shall establish procedures for appeals (consistent with Chapter 120 procedures).

**Duration of Contract**
The contract shall be issued for a three year period.

**Selection of the Validator**
The single validator shall be selected through an RFP process approved by the Product Approval POC. The POC will review the RFP’s and make the recommendation to the Commission regarding who the validator should be.

**Scope of Validation**
Validations shall be performed in accordance with guidelines developed and approved by the Product Approval POC.

**Criteria for Validation Specific to Compliance Method**
The current validation checklist will be used, with clarification that a technical review is a part of the validation process. The Commission will work with stakeholders to develop consensus criteria specific to the four compliance options, once statutory authority is granted to the Commission.