FLORIDA BUILDING COMMISSION

FACILITATOR’S SUMMARY REPORT OF THE
DECEMBER 6 - 7, 2005
COMMISSION PLENARY SESSION

SUPPLEMENT TO THE DECEMBER 6 - 7, 2005 MINUTES

TAMPA, FLORIDA

Meeting Design & Facilitation By

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FLORIDA BUILDING COMMISSION

SUPPLEMENT TO THE DECEMBER 6 - 7, 2005 MINUTES

OVERVIEW OF COMMISSION’S KEY DECISIONS

TUESDAY, DECEMBER 6, 2005

Agenda Review and Approval
The Commission voted unanimously, 20 - 0 in favor, to approve the agenda as presented. Following are the key agenda items approved for consideration:

• To Consider Regular Procedural Issues: Approval of October 10 - 11, 2005 Facilitator’s Summary Report.
• To Consider/Decide on Accessibility Waiver Applications.
• To Consider/Decide on Legal Issues and Petitions for Declaratory Statements.
• To Consider/Decide on Approval of Products and Product Approval Entities.
• To Receive a Report on Building Damage by Hurricane Wilma—from DCA staff, Miami-Dade County Code Compliance Office, and Palm Beach County Building Department.
• To Receive General Public Comment.
• To Discuss Commissioner Issues and Identify Agenda Items.

Review and Approval of the October 10 - 11, 2005, Meeting Minutes
Motion—The Commission voted unanimously, 20 - 0 in favor, to defer approval of the October 10 - 11, 2005 minutes until the February meeting.

Motion—The Commission voted unanimously, 20 - 0 in favor to approve the October 10 – 11, 2005 Facilitator’s Summary Report as presented.

Consideration of Accessibility Waiver Applications
The Commission reviewed and decided on the Waiver applications submitted for their consideration.

Consideration of Applications for Product and Entity Approval
Commissioner Carson presented the committee’s recommendations for entities and Jeff Blair presented the committee’s recommendations for product approvals. The results of product and entity applications are found in the Product Approval POC report included as an attachment to the minutes.
Legal Issues
Petition for a Binding Interpretation. Jim Richmond advised the Commission that a petition for a binding interpretation was requested and since the process was not yet up and running there were two options for the Commission. The Commission could convene a panel to review the petition, or recommend the petitioner submit the petition to DOAH.

Motion—The Commission voted unanimously, 21 - 0 in favor, to refer the petitioner to DOAH for resolution of the petition.

Petitions For Declaratory Statements
Following are the actions taken by the Commission on petitions for declaratory statements. Jim Richmond served as legal counsel for the Commission on Second Hearings and David Littlejohn served as counsel on First Hearings.

Second Hearings

DCA05-DEC-159 by Ron Lambert, Greystone of Florida, Inc.
Motion—The Commission voted 21 – 0 in favor, to approve their previous action on the petition.
Motion—The Commission voted 20 – 0 in favor, to reconsider their action on this petition.
Motion—The Commission voted 20 – 0 in favor, to defer action on the petition, and referred the petition back to the POC for review. The petitioner is requested to clarify the intent of the petition, and the product’s use.

DCA05-DEC-162 by Irinia Tokar, WCI Communities, Inc.
Motion—The Commission voted 21 – 0 in favor, to approve their previous action on the petition.

DCA05-DEC-174 by James E. Kelley, Jr., AIA, President, Fugleberg Koch
Motion—The Commission voted 21 – 0 in favor, to approve their previous action on the petition.

DCA05-DEC-175 by Gene Boecker, AIA, Code Consultants, Inc.
Motion—The Commission voted 21 – 0 in favor, to approve their previous action on the petition.

DCA05-DEC-178 by Paul Quintana, All American Shutters, Inc.
Motion—The Commission voted 21 – 0 in favor, to approve their previous action on the petition.
First Hearings

DCA05-DEC-173 by Thomas J. Baird, Attorney, Okeechobee County
Motion—The Commission voted unanimously, 20 – 0 in favor, to approve the TAC/POC’s recommendations on the petition as presented.

DCA05-DEC-177 by Billy Tyson, CBO, Madison County
Motion—The Commission voted unanimously, 20 – 0 in favor, to dismiss the petition as too general.

DCA05-DEC-203 by Arturo Silveira, Andreu & Associates, Inc
Motion—The Commission voted unanimously, 20 – 0 in favor, to refer the petition to the local board of appeals.

DCA05-DEC-215 by Gary L. McDonald, AIA, Basham & Lucas Design Group, Inc
Motion—The Commission voted unanimously, 20 – 0 in favor, to approve the TAC/POC’s recommendations on the petition as presented.

DCA05-DEC-217 by Tina M Neace, Dependable Air Designs
Motion—The Commission voted unanimously, 20 – 0 in favor, to approve the TAC/POC’s recommendations on the petition as amended by the Commission.

DCA05-DEC-218 by Steve Munnell, Executive Director, FRSA
Petition was withdrawn.

DCA05-DEC-219 by Dr. Humayoun Farooq, PE, Al-Farooq Corporation
Motion—The Commission voted unanimously, 20 – 0 in favor, to defer action on the petition, and to notify the petitioner that the petition is too broad and should be a specific question on a specific project.

DCA05-DEC-220 by T. Eric Stafford, PE, T. Eric Stafford & Associates, LLC
Motion—The Commission voted unanimously, 20 – 0 in favor, to approve the TAC/POC’s recommendations on the petition as presented.

Code Resolution Process
Mo Madani reviewed a flow-chart prepared by staff outlining the various options provided for in the code resolution process.

General Public Comment
Chairman Rodriguez invited members of the public to address the Commission on any issues under the Commission’s purview.
Commission Member Comment/Issues
Chairman Rodriguez invited members of the Commission to address the Commission.

Commission Member Agenda Items
Chairman Rodriguez invited Commission members to propose issues for the Commission’s next (February 2006) meeting. No Commission members offered any agenda items.

Staff Report, Miami-Dade Code Compliance Office, and Palm Beach County Building Department Presentations on Hurricane Wilma Damage to Buildings
The Commission decided that since the presentations on Hurricane Wilma damage were given immediately prior to the Commission’s plenary session, during the Hurricane Research Advisory Council meeting, to recess the plenary prior to repeating the presentations on Hurricane Wilma.

Recess
Motion—The Commission voted unanimously, 22 - 0 in favor, to recess the plenary session until 8:30 AM on October 11, 2005. The session recessed at 5:35 PM.

WEDNESDAY, DECEMBER 7, 2005

Agenda Review and Approval
The Commission voted unanimously, 17 - 0 in favor, to approve the agenda as presented. Following are the key agenda items approved for consideration:

• To Consider/Decide on Chair's Discussion Issues/Recommendations.
• To Review and Update the Workplan.
• To Consider/Decide on Product Approval/Prototype Buildings/Manufactured Buildings Program, and Education Program Oversight Committees (POC’s) Report/Rec’s.
• To Conduct a Rule Adoption Hearing on Rule 9B-3.050, Staff Review of Code Amend’s.
• To Conduct a Rule Adoption Hearing on Rule 9B-3.055, Binding Interpretations.
• To Conduct a Rule Adoption Hearing on Rule 9B-3.053. Alternate Plan Review and Inspection Form.
• To Hear a Report on the Manufactured Housing Regulatory Study Commission Recommendation.
• To Hear a Report and Recommendations from the Building Code System Assessment Ad Hoc Committee.
• To Hear a Report and Recommendations from the PA Validation Workgroup.
• To Decide on Wind Design Exposure Category C Definition.
• To Hear an Update on the Report to the 2006 Legislature.
• To Hear a Report on Residential Code High Wind Enhancements.
• To Hear an Update on the Panhandle Windborne Debris Region Requirements.
• To Receive General Public Comment.
• To Review Committee Assignments and Issues for the Next Commission meeting—February 6 - 7, 2006 in Orlando.
• To Review Committee Assignments and Issues for the January 23 – 25, 2006 TAC meetings in Tampa.

CHAIR’S DISCUSSION ISSUES AND RECOMMENDATIONS

Public Meeting Evaluation and Comment Form
Chairman Rodriguez informed the Commission that at the recommendation of several Commissioners, including Commissioner Bassett, the Commission is initiating another format for public input in the form of a public meeting evaluation and comment form. The Chair instructed that member’s of the public who wish to comment, should complete and return the form to Jeff Blair, and the compiled comments will be included as a part of the Facilitator’s Summary Report, similar to the Commission’s meeting evaluation results. The evaluation/comment form will provide another method and opportunity for the public to provide input to the Commission.

Appointments to Accessibility Advisory Council
Chairman Rodriguez noted that he had contacted Secretary Cohen and advised him of the need to make additional appointments to the Council in order to ensure a quorum and consistent participation on this important Council. The Secretary is working on this issue, and is in the process of reviewing potential members. To date the Secretary has re-appointed Pam Dorwath and J.R. Harding, and the Commission could expect to have a full roster of members appointed in time for the next Commission meeting.

E-Codes Update
The Chair indicated that there are two options available for purchasing the Building Code in an electronic format (e-codes). First is for a single PDF document downloadable to one computer, with no updates included. The second is for a “Premium: package that automatically updates code amendments on-line. This is available for single or multiple users based on a fee schedule.


Premium price examples for the entire Code set:
1 user (member price): $332.80 for 1 year, and $599.04 for 3 years, and
1 user (non-member): $416.00 for 1 year, and $748.80 for 3 years.

5 users (member price): $998.40 for 1 year, and $1,797.10 for 3 years, and
5 users (non-member): $1,248.00 for 1 year, and $2,246.40 for 3 years.

Complete information and prices are available at: www.ecodes.biz
Coastal High Hazard Study Committee Process Update

Chairman Rodriguez outlined to the Commission that in September of 2005, Governor Bush issued an executive order creating the Coastal High Hazard Study Committee. The Executive Order reads: “The Committee shall be a forum for the identification, discussion and recommendation of enhanced land planning strategies and development standards that are consistent with protected property rights and which establish clear standards for mitigation of life, safety, community infrastructure and property hazards. The Committee shall consider, evaluate and make recommendations concerning issues of importance to the protection of coastal resources”. The Chair reminded members that, the Commission has a seat on the Committee, and that he was appointed to serve as the Commission’s representative. The procedures allow that a senior staff person may participate in any—or any State-level governmental committee member’s—absence with full voting authority, and Rick Dixon served as the Commission’s representative at the Committee’s first meeting, which was held on November 15 and 16 in St. Petersburg. The next meeting will be on December 12 and 13 in Broward County. The Chair noted that Secretary Cohen is serving as the Committee’s Chair.

Rick Dixon provided the Commission with an overview of the first meeting, which he indicated was primarily an organizational meeting, with state agencies giving presentations regarding their regulatory and planning responsibilities for the CHHA.

Commission Actions:

Motion—The Commission voted unanimously, 21 - 0 in favor, that DCA should notice future meetings of the Coastal High Hazard Study Committee as Commission meetings, so Commission members could attend without concern for a potential Sunshine Law violation.

Vice-Chair Position

Chairman Rodriguez informed the Commission that he has decided to formally nominate a vice-chair to the Commission, and although he has the authority to appoint a Commissioner to the position under Rule 9B-3.004(3) which provides that the Chair may appoint a vice-chair, he prefers to nominate a Commissioner and allow the Commission to vote. The Chair nominated Commissioner Nick D’Andrea for the position of vice-chair.

Motion—The Commission voted unanimously, 21 - 0 in favor, to accept the nomination and elected Commissioner D’Andrea as the vice-chair.

Glitch Amendment Process Direction to Commission

Chairman Rodriguez informed the Commission that the primary purpose of the glitch code amendment process is to focus on identifying and correcting glitches to the 2004 Edition of the Florida Building Code and other issues that are of an immediate need. The 2004 Edition represents the first update of the Code and a transition from the Standard Building Code to the International Building Code as the “foundation code” for the Florida Building Code. As such, the 2004 Code has introduced a large number of changes which industry and code enforcement officials will need to learn and master. The Chair noted, that the Commission should be cautious not to introduce a large number of additional changes in this next code change. There are some changes the Commission needs to make in order to fix glitches and provide clarity or address an immediate problem like hurricane protection, but some of the
requests for amendments are not critical. The Chair expressed the belief that the Commission should not add non-critical additional code changes, while the industry is making an effort to get up to speed on the 2004 Code. The Chair informed the Commission, that they should address hurricane response issues given their importance to the State, and correct glitches and update standards during the glitch amendment cycle, and defer other code amendments until the 2007 Code Update process. The Chair reminded members that the amendment submittal cut-off date for the 2007 Update is August 1, 2006, only about 8 months from now.

Chairman Rodriguez noted that there have been 645 amendments proposed for consideration during the glitch process, and that the Commission needs to be disciplined in their reviews of the proposals at the TAC’s and Commission, and try to limit what they approve, to what is needed and not everything that is wanted.

**Review and Update of Commission’s Workplan and Meeting Schedule**

**Commission Actions:**

**Motion**—The Commission voted unanimously, 20 - 0 in favor, to approve the updated workplan and meeting schedule as presented, to reflect the Commission’s priorities.

There was a request to hold the Energy and Mechanical TAC meetings one week after the January 23 – 25, 2006 TAC meeting schedule. *(Included as Attachment 2—Commission’s Updated Workplan)*

**Committee Reports and Recommendations**

**Accessibility TAC**

Commissioner Gross presented the Committee’s report, which was accepted unanimously, 21 – 0 in favor. *(See Commission Minutes for Committee report)*

**Education POC**

Commissioner Browdy presented the Committee’s report, which was accepted unanimously, 21 – 0 in favor. *(See Commission Minutes for Committee report)*

**Commission Actions:**

**Motion**—The Commission voted unanimously, 20 – 0 in favor, to proceed with the selection of a Building Code Education Administrator.

**Motion**—The Commission voted unanimously, 21 – 0 in favor, to authorize staff to perform BCIS approvals, to expedite approvals of approved courses that are updating the courses with supplemental materials.

**Motion**—The Commission voted unanimously, 20 – 0 in favor, to approve JDB Code Services, Inc. as an accredditor for the categories listed in the POC report.

**Motion**—The Commission voted unanimously, 20 – 0 in favor, to grant conditional approval for the following courses pending receipt of Syllabi, for Post Flooding Considerations and Mold, Residential Roofing and Hurricanes, Three Building Envelope Construction Methods, and Alarm Dispatch Reduction.

Motion—The Commission voted unanimously, 21 – 0 in favor, to deny approval for the course: Requirement for Electricians, provider Mike Holt Enterprises, Inc.

Energy TAC
Commissioner Bassett presented the Committee’s report, which was accepted unanimously, 21 – 0 in favor. (See Commission Minutes for Committee report)

Joint Fire TAC
Commissioner D’Andrea presented the Committee’s report, which was accepted unanimously, 21 – 0 in favor. (See Commission Minutes for Committee report)

Plumbing TAC
Commissioner Greiner presented the Committee’s report, which was accepted unanimously, 21 – 0 in favor.
Commissioner Greiner requested that the Pluming TAC meet on Monday, January 23, 2006. (See Commission Minutes for Committee report)

Hurricane Research Advisory Committee
Jeff Blair presented the Committee’s report, which was accepted unanimously, 21 – 0 in favor. (See Commission Minutes for Committee report)

Structural TAC
Commissioner Kim presented the Committee’s report, which was accepted unanimously, 21 – 0 in favor. (See Commission Minutes for Committee report)

Product Approval/Prototype Building/Manufactured Buildings Programs Oversight Committee (POC)
Commissioner Carson presented the Committee’s report, which was accepted unanimously, 21 – 0 in favor. (See Commission Minutes for Committee report)

Commission Actions:
Motion—The Commission voted unanimously, 21 – 0 in favor, to begin revocation for product FL 4592. The manufacturer does not have a QA program and is no longer in business.
Motion—The Commission voted unanimously, 21 – 0 in favor, to approve the proposed revisions to ARA’s contract. Contract Number 06-BC-28-12-00-22-008.
Motion—The Commission voted unanimously, 20 – 0 in favor, to approve staff’s recommendations for fee reductions, related to the Manufactured Buildings Rule—Rule 9B-1.
Update on the Residential Code High Wind Enhancements
Chairman Rodriguez reminded members that the Commission’s strategy for considering enhancements to the Residential Code related to high wind, was for topical subcommittees to review and refine draft code amendments developed by the Commission’s consultants, related to masonry, foundations, wall coverings, wood, roofing, and windows. The topical subcommittees met in November and reviewed proposed code amendments related to the relevant Residential Code sections and provisions. The proposed amendments, as refined by the subcommittees, were submitted as glitch amendments and will be reviewed by the TAC’s in January of 2006.

The Chair, on behalf of the Commission, thanked the consultants, staff, and the subcommittees for their efforts to enhance the high wind provisions of the Residential Code.

Following are the consultants who prepared the draft code amendments:
Foundations and Masonry: Charlie Everly. Joe Belcher contributed as well
Wall Coverings: Eric Stafford
Wood walls (AFPA wood wall requirements): Jeff Stone,
Roofing: Gary Walker,
Window Flashings: First Coast Chapter of BOAF, and
Window labeling: Palm Beach County Building Department.

Update on Panhandle Windborne Debris Region Definition Requirements
Chairman Rodriguez noted that, Section 39 of SB 442 mandates that the Commission in conjunction with local building officials, shall conduct a review of damage resulting from Hurricane Ivan and any other data to evaluate, and to make recommendations to the Legislature for any changes to, Florida’s Building Code, specifically as it applies to the region from the eastern border of Franklin County to the Florida-Alabama line, and issue a report summarizing its findings and recommendations prior to the 2006 Regular Session.

The Chair reminded the Commission that on September 13, 2005 the Commission conducted the first workshop which was held at the Okaloosa County Airport, for the purpose of soliciting input from local building officials and other stakeholders in the Panhandle region of the State.

At the October 2005 Commission meeting, Rick Dixon and Jeff Blair provided the Commission with an overview of the workshop process and results, and the Commission voted unanimously to request budgetary authority to contract with Applied Research Associates to conduct an engineering based risk assessment of hurricane windborne debris protection options for the Panhandle in order to analyze the risks, costs, and benefits of windborne debris protection for the region. The research would focus on factors unique to the Panhandle region including treed areas inland of the coast, and consider historical wind data affects. The preliminary results will be presented to the Commission in February of 2006, and subsequently input will be solicited at a second Panhandle region workshop. Following the Panhandle workshop, the Commission will use the study results and Panhandle region input, to make their recommendations to the 2006 Legislature as required by law.
The Commission’s decision to proceed in this manner, is consistent with the Commission’s policy of recognizing that Florida is a diverse State geographically and climatically, and on this basis to consider the specific requirements of different regions of the State, when and where appropriate (i.e., the HVHZ provisions of the Code).

The Chair reported that the budget amendment has been approved and the consultant retained. Rick Dixon provided the Commission with a project status report. Following are the key milestones related to the project:

• The University of Florida is under contract.
• Computer models have been updated with new glazing impact data.
• Florida Coastal Monitoring Program data is being analyzed for integration into the model.
• Wind tunnel tests are scheduled for the week of December 12, 2005.
• Modification of computer models should be completed in December.
• Computer simulations are scheduled to begin in January of 2006.

**Rule Adoption Hearing on Rule 9B-3.050, Staff Review of Code Amendments**
The Chair reminded the Commission that Florida law requires staff to review code changes for completeness prior to forwarding the proposed changes to the TAC/Commission for consideration. At the October 2005 meeting, the Commission reviewed and provided comments on a draft that would clarify and implement a process for how staff will process the code changes prior to forwarding to them to the TAC’s and Commission, and conform the rule to statutory requirements. The Chair noted that the rule adoption hearing provides a forum for additional public comment, and to finalize how the process will function. Following public comment and Commission discussion, the Commission took the following action:

**Commission Actions:**

**Motion**—The Commission voted unanimously, 21 – 0 in favor, to proceed with rule adoption for Rule 9B-3.050, Staff Review of Code Amendments.

**Rule Adoption Hearing on Rule 9B-3.055, Binding Interpretation**
At the October 2005 meeting, the Commission reviewed and provided comments on the proposed process regarding the logistics for implementing the binding interpretations process, which will be conducted electronically using the BCIS. The Chair noted that the rule adoption hearing provides a forum for additional public comment, and to finalize how the process will function. Following public comment and Commission discussion, the Commission took the following action:

**Commission Actions:**

**Motion**—The Commission voted unanimously, 21 – 0 in favor, to proceed with rule adoption for Rule 9B-3.055—Binding Interpretation.

**Motion**—The Commission voted unanimously, 21 – 0 in favor, to recommend to the Legislature that accessibility waivers are the only authority the Commission has relative to interpretations of the Accessibility Code, Part II, Chapter 553, Florida Statutes (also Chapter 11 of the Florida Building Code). Specifically, the Commission recommends that, they not have authority to issue binding interpretations, or hear petitions for declaratory statements on the Accessibility Code.
Rule Adoption Hearing on Rule 9B-3.053, Alternate Plan Review and Inspection Form
At the October 2005 meeting, the Commission reviewed and provided comments on the proposed process regarding the Alternate Plan Review and Inspection Form, which is the form in statute establishing the jobsite notification form that will be required to be used by private providers. The form requires specific information to be posted on a jobsite where a private provider is conducting inspections. The Chair noted that the rule adoption hearing provides a forum for additional public comment, and to finalize the form. Following public comment and Commission discussion, the Commission took the following action:

Commission Actions:
Motion—The Commission voted unanimously, 21 – 0 in favor, to proceed with rule adoption for Rule 9B-3.053—Alternate Plan Review and Inspection Form.

Report on Manufactured Housing Regulatory Study Commission Recommendation
Jim Richmond reported that a Study Commission was convened to consider regulations related to manufactured housing and that he attended the meetings. The Study Commission’s recommendations include transferring administrative regulations of the program from DCA to the Division of Highway Safety and Motor Vehicles. Jim reported that DCA has concerns with the recommendation, and will pursue resolution with the appropriate entities. Jim noted that he will report back to the Commission any subsequent developments.

Report and Recommendations of the Building Code System Assessment Ad Hoc Committee
Florida Statute, Chapter 553.77(1)(b), requires the Commission to make a continual study of the Florida Building Code and related laws and on a triennial basis report findings and recommendations to the Legislature for provisions of law that should be changed. The Florida Conflict Resolution Consortium conducted a Building Code System Assessment Survey, which Jeff Blair reviewed with the Commission at the October 2005 meeting. The Building Code System Assessment Ad Hoc Committee met after the October meeting, again on November 16, and finally on December 6, 2005. The Committee finalized their recommendations for the Commission’s consideration regarding proposed statutory changes to the Building Code System and related programs, and Jeff Blair reported them to the Commission. Following a review and vote on each specific recommendation related to the Building Code System, the Commission took the following action:

Commission Actions:
Motion—The Commission voted unanimously, 20 – 0 in favor, to adopt the package of recommendations. The recommendations and the individual votes follow.
RECOMMENDATIONS REQUIRING LEGISLATIVE ACTION

Seek Statutory authority for an "expedited amendment" process in Chapter 553 for glitch and correlation (including errata) amendments. The process would allow the Commission to implement expedited amendments using only the standard Chapter 120 rule development procedures.

Commission Actions:
Motion—The Commission voted unanimously, 21 – 0 in favor, to adopt the recommendation.

Recommend that the Florida Building Commission seek legislative authority requiring that the sizing of private sewage systems be governed by definitions provided in the Florida Building Code.

Commission Actions:
Motion—The Commission voted unanimously, 21 – 0 in favor, to adopt the recommendation.

Recommend that the Legislature create a specific Senate and/or House committee specific to the Florida Building Code. The Commission’s “Legislative Liaison Committee” could interface with this entity.

Commission Actions:
Motion—The Commission voted 19 - 1 in favor, to adopt the recommendation.

RECOMMENDATIONS NOT REQUIRING LEGISLATIVE ACTION

FLORIDA BUILDING CODE AND CODE DEVELOPMENT PROCESS
Initiate a collaborative process between the Florida Building Commission and the Division of State Fire Marshal to develop a coordinated code development/adoption schedule between the FBC and the FFPC (codes), that once implemented would provide sufficient time and strict deadlines to keep the Codes on the same adoption schedule. DCA staff will take the lead on implementing this recommendation.

Commission Actions:
Motion—The Commission voted unanimously, 21 – 0 in favor, to adopt the recommendation.

Commission review the existing coordination effort to coordinate the FBC and the FFPC (codes), and implement a long-term process to correlate the technical and jurisdictional provisions of the two codes.

Commission Actions:
Motion—The Commission voted unanimously, 21 – 0 in favor, to adopt the recommendation.
THE FLORIDA BUILDING COMMISSION
Recommend that the Chair consider initiating a “Legislative Liaison Process”, which may include Commissioners, designed to ensure that the legislative agenda of the Commission is directly represented. The review should consider the best format for creating/serving as a liaison between the FBC and Florida Legislature. The Committee recommends that any rule changes required to implement this recommendations be initiated.

Commission Actions:
Motion—The Commission voted unanimously, 21 – 0 in favor, to adopt the recommendation.

A special Commissioner weblink should be implemented and maintained to provide Commissioners with all Commission relevant updated and draft documents, as well as communications related to travel and other logistical issues. This Commissioner web access venue should be reviewed by DCA to ensure no laws are violated through the implementation of this recommendation.

Commission Actions:
Motion—The Commission voted unanimously, 21 – 0 in favor, to adopt the recommendation.

An effort should be initiated to review and establish strict deadlines for adding agenda items to the web posted agenda for TAC meetings (this should be more than 7 days).

An effort should be initiated to review and evaluate Commission meeting locations to ensure that the Commission meet in all regions of the State based on reasonable schedule. (This would include on average: Orlando, Miami, Tampa, North East Florida, and the Panhandle).

Commission Actions:
Motion—The Commission voted unanimously, 21 – 0 in favor, to adopt the recommendation.

LOCAL ADMINISTRATION OF THE FLORIDA BUILDING CODE
The Commission should prioritize the issue and conducted an assessment to survey local building officials on their needs regarding administration of the Code (i.e., training and education needs, staffing, funding, etc.). This survey should also focus on how local building jurisdictions are addressing “master building plans” in relation to the Prototype Building Program.

Commission Actions:
Motion—The Commission voted unanimously, 21 – 0 in favor, to adopt the recommendation.

The Commission recommends and encourages the various trade associations to develop training and education on the Code for job site supervisors and specialty subcontractors and tradesman who participate in the construction of the structure.

Commission Actions:
Motion—The Commission voted unanimously, 21 – 0 in favor, to adopt the recommendation.

The Commission recommends and encourages BOAF to provide training and educational seminars related to binding interpretations.

Commission Actions:
Motion—The Commission voted unanimously, 21 – 0 in favor, to adopt the recommendation.
Recommend that the FBC’s Code Administration TAC be convened to take a proactive approach to reviewing and developing recommendations related to Code administration. The focus of the effort should be toward ensuring uniform enforcement of the Code.

**Commission Actions:**

**Motion**—The Commission voted unanimously, 21 – 0 in favor, to adopt the recommendation.

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**CODE COMPLIANCE AND ENFORCEMENT—EDUCATION AND TRAINING**

Commission encourages and recommends the various trade associations to develop training and education opportunities for job site supervisors and subcontractors who participate in the construction of the structure.

**Commission Actions:**

**Motion**—The Commission voted unanimously, 21 – 0 in favor, to adopt the recommendation.

Commission encourages and recommends enhanced opportunities related to coordination and cross-training between building and fire officials on the respective codes.

**Commission Actions:**

**Motion**—The Commission voted unanimously, 21 – 0 in favor, to adopt the recommendation.

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**PRODUCT APPROVAL SYSTEM**

**Commission Actions:**

**Motion**—The Commission voted unanimously, 21 – 0 in favor, to support the package of recommendations related the Product Approval System, and that the recommendations are directed toward the POC and related Workgroups, and are offered in support of existing efforts.

Supports the POC’s effort related to the development and implementation of an accelerated revocation process for noncompliant product approvals, and supports recommending any required legislative changes necessary to implement the POC’s final recommendation.

The Commission recommends that the POC develop a streamlined Commission Product Approval review process with consent agendas.

The Commission supports the POC’s and PAVWG’s determination that validation includes a technical review.

The Commission recommends that the POC review the frequency of Quality assurance program inspections.

Recommends that the POC in collaboration with the system administrator, develop checklists indicating what information is required for application submittal and validation.

Recommends that the POC develop a process with specific criteria, for disciplining A & E validators and evaluators and notify the appropriate boards, regarding those that continue to
have problems with their submittals (i.e., a three strike system). A similar process for certification agencies should be developed related to notifying accreditors.

Recommendation supporting POC/PAWG’s efforts related to identifying and standardizing which compliance options may be selected for the different product categories.

Recommendation supporting POC/PAWG’s efforts related to the development of clear and consistent criteria for each compliance method, with a fill-in-the-blank as-you-go application to facilitate.

Recommendation of support for POC’s efforts related to labeling products with the product approval number.

Recommendation of support regarding POC working to require uniformity of information posted to the website for all compliance methods used for product approval.

Committee supports the Education POC’s efforts in educating the public on the product approval system and website.

BUILDING CODE INFORMATION SYSTEM
Recommend that the Education POC implement a campaign to make the public and all system participants aware of the BCIS and the information contained within the site.

Commission Actions:
Motion—The Commission voted unanimously, 21 – 0 in favor, to adopt the recommendation.

Recommend to DCA that they simplify the web pages by removing the DCA information Wrapped around each of the pages.

Commission Actions:
Motion—The Commission voted unanimously, 21 – 0 in favor, to adopt the recommendation.

MANUFACTURED BUILDINGS PROGRAM
Recommend that the PA POC prioritize efforts to review and develop enhancements related to the system designed to ensure that alterations and attachments to approved buildings are required to comply with the Code.

Commission Actions:
Motion—The Commission voted unanimously, 20 – 0 in favor, to adopt the recommendation.

Support PA POC’s existing efforts to design the system to identify and resolve problems related to the program and the product.

Commission Actions:
Motion—The Commission voted unanimously, 20 – 0 in favor, to adopt the recommendation.
Support efforts by the Education POC to implement an education and training program/campaign to clarify and publicize the roles and responsibilities of the various system participants (i.e., permitting, inspection, installation, etc.).

**Commission Actions:**

**Motion**—The Commission voted unanimously, 20 – 0 in favor, to adopt the recommendation.

Recommend that the Product Approval POC work with the Budget Committee to develop a list of approved uses for the fees collected from the program (i.e., training on the program).

**Commission Actions:**

**Motion**—The Commission voted unanimously, 20 – 0 in favor, to adopt the recommendation.

**PROTOTYPE BUILDINGS PROGRAM**

Recommend that an effort be initiated to review and market the Program. The review should focus on surveying how local building jurisdictions deal with master building plan files, for repetitive building, in relation to the Prototype Building Program. The review should assess whether the local system could and/or should be integrated into the State program, as well as whether there is a need for the State program, and/or both systems.

**Commission Actions:**

**Motion**—The Commission voted unanimously, 20 – 0 in favor, to adopt the recommendation.

**MANUFACTURED BUILDINGS PROGRAM**

Recommend that the PA POC prioritize efforts to review and develop enhancements related to the system designed to ensure that alterations and attachments to approved buildings are required to comply with the Code.

Support PA POC’s existing efforts to design the system to identify and resolve problems related to the program and the product.

Support efforts by the Education POC to implement an education and training program/campaign to clarify and publicize the roles and responsibilities of the various system participants (i.e., permitting, inspection, installation, etc.).

Recommend that the Product Approval POC work with the Budget Committee to develop a list of approved uses for the fees collected from the program (i.e., training on the program).

**PROTOTYPE BUILDINGS PROGRAM**

Recommend that an effort be initiated to review and market the Program. The review should focus on surveying how local building jurisdictions deal with master building plan files, for repetitive building, in relation to the Prototype Building Program. The review should assess whether the local system could and/or should be integrated into the State program, as well as whether there is a need for the State program, and/or both systems.
Report and Recommendations of the Product Approval Validation Work Group
Chairman Rodriguez reported that the Product Approval Validation Workgroup was convened 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.

As required by 2005 legislation, the Florida Building Commission convened a workgroup composed of 10 stakeholders in the state system of product approval including three members of the Commission, to ensure diverse input. The workgroup studied the PAWG’s and Commission’s recommendation that the state be served by a single validation entity for state approval. The PAVWG’s recommendations include, but are not 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 conducted its proceedings in an open forum subject to comment from the public at each meeting.

The PAVWG recommended the following:

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.

Commission Actions:

Motion—The Commission voted 14 – 8 in favor of the recommendation. The motion did not pass since it failed to achieve the 75% in favor threshold vote required for consensus.

Motion—The Commission voted 20 – 2 in favor, that the Commission report to the 2006 Legislature that at this time, the State is not served by a single validation entity for state approval, and the Commission will 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 review the validation requirements for the certification agency compliance method.
Discussion of Wind Design Exposure Category C Definition
Section 41 of SB 442 requires that the Florida Building Commission shall evaluate the definition of "exposure category C" as currently defined in section 553.71(10), Florida Statutes, and make recommendations for a new definition that more accurately depicts Florida-specific conditions prior to the 2006 Regular Session. Chairman Rodriguez indicted that DCA staff has discussed the issue with affected interests and has a recommended strategy to enhance the current definition and preserving its feasibility for implementation.

Rick Dixon reviewed the concept with the Commission, which revolves around the issue that homes built in subdivisions located in open terrain such as the prairies of South Florida or other large open tracts of land would be in Exposure C. The first homes built would be required to comply with Exposure C pressures even though they would be located in Exposure B when the development is built out. The time they would be at risk to Exposure C conditions is typically short relative to the recurrence cycle of hurricanes.

The recommendation is to utilize ASCE 7 criteria with an exception that buildings in subdivisions located in open terrain away from water bodies will be considered to be in Exposure B. Exposure B would become the default category instead of Exposure C.

PROPOSED LANGUAGE:
“…. Surface Roughness B: Urban and suburban areas, wooded areas or other terrain with numerous closely spaced obstructions having the size of single-family dwellings or larger.

Surface Roughness C: Open terrain with scattered obstructions having heights generally less than 30 ft (9.1 m). This category includes flat open country, grasslands, and all water surfaces in hurricane-prone regions.

6.5.6.3 Exposure Categories.

Exposure B: Exposure B shall apply where the ground surface roughness condition, as defined by Surface Roughness B, prevails in the upwind direction for a distance of at least 2630 ft (800 m) or 10 times the height of the building, whichever is greater.

Exception: For buildings whose mean roof height is less than or equal to 30 ft (9.1 m), the upwind distance may be reduced to 1500 ft (457 m).

Exposure C: Exposure C shall apply for all cases where exposures B or D do not apply.

Exception: Exposure B shall apply for buildings in developments where the surface roughness condition is Surface Roughness C at initiation but will be in Exposure B upon build-out.
Following a discussion of the issue and the recommend action, the Commission decided the issue should be vetted in the Stuctural TAC before the Commission makes a recommendation to the Legislature.

Commission Actions:
Motion—The Commission voted unanimously, 17 – 0 in favor, to send the recommendation to the Structural TAC for consideration and the TAC’s recommendation. The Commission will review the issue at the February meeting and send their recommendation to the Legislature prior to the start of the 2006 Session.

Update on Commission’s Report to the 2006 Legislature
Chairman Rodriguez informed the Commission that Jeff Blair has prepared an outline and brief summary of Commission issues proposed for inclusion in the Commission’s 2006 Report to the Legislature. The Report will have the Commission’s recommendations related to Legislative assignments as well as Commission initiatives. The Chair explained that the plan, with the Commission’s support and approval, is for the Chair to review the final complete draft of the Report to the 2006 Legislature, ensure completeness and accuracy, and approve the Report for submittal to the Legislature.

The Chair stated, “Commissioners, as I previously discussed, the Report could not be complete for our December meetings since we are still finalizing recommendations on issues and assignments, even today. As a result we will need to do as we have most years and charge the Chair with reviewing and approving the final draft of the report prior to submittal to the Legislature. With your approval, I will review the Report to ensure all of our issues are included and the recommendations are consistent with the actions we took throughout 2005, and approve the final version for submittal to the 2006 Legislature”.

Jeff Blair reviewed the outline and brief summary of issues for inclusion in the Commission’s 2006 Report to the Legislature, and the Commission took the following action:

Motion—The Commission voted unanimously, 22 – 0 in favor, to approve the outline and summary, and to authorize the Chair to review the final draft of the full report to the Legislature, ensure accuracy, and forward the approved Report to the Legislature on behalf of the Commission.
(Included as Attachment 3—Summary of Issues for Inclusion in the 2006 Report to the Legislature)
**General Public Comment**
Chairman Rodriguez invited members of the public to address the Commission on any issues under the Commission’s purview

**Adjourn**
The Commission voted unanimously, 21 – 0 in favor, to adjourn the meeting at approximately 11:35 AM.

**Staff Assignments**
• Send Commissioners an overview of the procedure for how Commissioners may have items added to the agendas of TAC meetings.
ATTACHMENT 1

MEETING EVALUATION RESULTS

DECEMBER 6 – 7, 2005—Tampa, Florida

A 0 To 10 Rating Scale Where A 0 Means Totally Disagree And A 10 Means Totally Agree Was Utilized.

1. **Please assess the overall meeting.**
   - 9.5 The background information was very useful.
   - 8.9 The agenda packet was very useful.
   - 9.15 The objectives for the meeting were stated at the outset.
   - 9.25 Overall, the objectives of the meeting were fully achieved.
   - 9.0 Accessibility Waiver Applications.
   - 9.55 Requests for Declaratory Statements.
   - 9.45 Approval of Products and Product Approval Entities.
   - 9.65 Chairs Issues and Recommendations.
   - 9.45 Update of the Commission’s Workplan and Meeting Schedule.
   - 9.05 TAC, POC, Committee, and Workgroup Reports and Recommendations.
   - 9.5 Report on Building Damage by Hurricane Wilma.
   - 9.5 Rule Adoption Hearing on Rule 9B-3.050, Staff Review of Code Amendments.
   - 9.05 Rule Adoption Hearing on Rule 9B-3.055, Binding Interpretations.
   - 9.55 Rule Adoption Hearing on Rule 9B-3.053, Alternate Plan Review and Inspection Form.
   - 8.95 Product Approval Validation Entity—Statutory Recommendations.
   - 8.95 Exposure Category C Definition—Statutory Recommendations.
   - 8.95 Discussion of Issues for Inclusion in the Commission’s Report to the 2006 Legislature.

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

3. **What is your level of satisfaction with the meeting?**
   - 9.35 Overall, I am very satisfied with the meeting.
   - 9.6 I was very satisfied with the services provided by the Facilitator.
   - 9.45 I am satisfied with the outcome of the meeting.
4. What progress did you make?

9.65 I know what the next steps following this meeting will be.
9.7 I know who is responsible for the next steps.

5. Commission members written evaluation comments.

- This is a great facility to have meetings. The facilitator made a big difference for a well managed meeting.
- The facility was a great place to have the Building Commission meeting.
- Excellent meeting – good facility!
- Even though I am in complete support of the paperless system – there are still problems with it. I could not access the proper approval list even though I tried several times, each time the computer froze.
- Some of the reports/info on our laptops is not current, i.e. workplan and some reports. I have difficulty with retrieving some of the attachments that I can’t seem to access from time to time.
- Computer package is very improved!
- Rick Dixon is to email info on how to add agenda items to a TAC meeting after the original has been set.
- The agenda packet/information was not complete prior to FBC meeting.
- Please make sure that disability advocate Peter Spalluto’s name is recorded for public comment.
ATTACHMENT 2

COMMISSION’S UPDATED WORKPLAN AND MEETING SCHEDULE
(Adopted Unanimously December 7, 2005)

MEETING DATES

2005

<table>
<thead>
<tr>
<th>Date Range</th>
<th>Type</th>
<th>City</th>
<th>Hotel</th>
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<td>January 24, 25 &amp; 26</td>
<td>Cmsn</td>
<td>Orlando</td>
<td>Rosen Plaza Hotel</td>
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<tr>
<td>March 14,15 &amp; 16</td>
<td>Cmsn</td>
<td>Miami</td>
<td>Radisson Mart Hotel</td>
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<tr>
<td>May 9, 10 &amp; 11</td>
<td>Cmsn</td>
<td>Orlando</td>
<td>Rosen Centre Hotel</td>
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<td>St Petersburg</td>
<td>St. Petersburg Hilton</td>
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<td>August 22, 23 &amp; 24</td>
<td>Cmsn</td>
<td>Miami</td>
<td>Don Shula Hotel</td>
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<tr>
<td>October 10, 11 &amp; 12</td>
<td>Cmsn</td>
<td>Orlando</td>
<td>Rosen Centre Hotel</td>
</tr>
<tr>
<td>December 5,6 &amp; 7</td>
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<td>Tampa</td>
<td>Embassy Suites</td>
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2006

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<td>Embassy Suites</td>
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<td>Embassy Suites</td>
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<tr>
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<td>Tampa</td>
<td>Embassy Suites</td>
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<tr>
<td>December 18 &amp; 19</td>
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Note: Based on experience developing the 2004 FBC, TAC meetings are scheduled separately from the Commission meeting for January and December to review proposed Code amendments for the Glitch Cycle and 2007 FBC Update respectively. Commission meeting set for 2 weeks after those TAC meetings. Scheduling set to avoid a week long Commission meeting at those workplan task points and to avoid back to back week meetings.

2007

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<td>December 3, 4 &amp; 5</td>
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FLORIDA BUILDING COMMISSION 2005 WORKPLAN
(A. – H. Ranked by Commission Survey; 1 - Other Tasks)

Ranked Tasks:

A. Amend Product Approval Rule 9B-72, 2004
   POC Planning Workshop 2/11/04
   DEC statement and rule amendment plan approved 3/2/04
   Rule development workshop 4/8/04
   Local Product Approval Work Group approved 6/15/04
   Rule adoption hearing 7/23/04
   Rule amendment plan revised (roll 2 stage process into single stage process) 8/2/04
   And Product Approval Work Group (expanded scope) approved
   Local Product Approval Work Group meeting 8/11/04
   Local Product Approval Work Group report to Commission 8/31/04
   Supplemental Rule Hearing 1/25/05
   Consider Work Group Recommendations for Statutory Changes 3/15/05
   Product Approval Work Group meetings 10/20/04, 1/11-12/05, 2/8-9/05, 3/28-29/05, 4/25-26/05
   Supplementary Rule hearing 5/10/05
   Rule adoption hearing (resulting in “Notice of Proposed Change”) 6/28/05
   Rule hearing on Notice of Proposed Change if requested 8/24/05
   Rule effective 1/01/06
   Updated website implementing the revised rule replaces previous site 2/13/06

   Note: Applications will not be accepted between January 1 and February 13

B. Review Wind Loads Design Criteria (ASCE 7)
   Completed with recommendations provided to 2005 Legislature
   2005 Legislature directed changes to ASCE 7 edition adoption and the interior pressure design option at the next update of the FBC and Commission review of Panhandle Windborne Debris Region, and Exposure C definition.

   Joint Fire TAC/Fire Code Advisory Council begin identifying overlap 2/10/05
   Stakeholder assessment and process recommendation complete Feb-Apr 05
   Recommendations reviewed and public input (Commission meetings) May & Jun 05
   Hire contractor to identify duplication of requirements Sep 05
   Joint Fire TAC review of duplicated requirements 11/14&15/05
   Recommended amendments 12/01/05
D. **Construction Practices/Quality Assessment**
Conflict Resolution Consortium conducts assessment           Sep-Dec 2004
Report on CRC                                  1/25/05
Public input hearings (at Commission meetings)        Mar, May & Jun 05
Conflict Resolution Consortium Final Report       10/12/05
Report to 2006 Legislature                          12/07/05

E. **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:**
*Completed*
**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 by Jan 1 (recommend further study)**     Jan 2004
- Plan for continued study approved                      1/13/04
- Task Group Formed                                       Jan 2004
- First public workshop                                   2/18/04
- Additional recommendations to Legislature (if any)      3/ 2/04
- Additional workshops and task group meetings             Apr-Jun 2004
- Recommendations to Commission                          8/31/04
- Finalize recommendations for report to Legislature      10/19/04
- Finalize Report to Legislature                          12/ 8/04
- Recommendations (modified) addressed in to bills        Apr-May 2005

F. **Review Attic Ventilation Criteria**
*Completed*
**Schedule:**
- Hire contractor to conduct literature search and provide consulting services     12/04
- Conduct issue assessment/consensus development workshop                          3/14/05
- Conduct second consensus workshop                                      5/9/05
- Report to Commission                                                        6/29/05
- SB 442 requires FBC allow “unvented attics” by Nov 1, 2005                   May-Jun 2005
- Adoption into 2004 FBC by expedited amendment process                        Jul-Oct 2005
- Effective                                                              11/1/05

G. **Update Florida Energy Code Compliance Software and Develop Training Materials**
- Obtain match funding from US Department of Energy                           FY 05/06
- Software Updated for 2004 FBC                                      1/05
- Training materials developed                                      FY 05/06
Other Tasks:

1. **Hurricane Damage Investigations/Expedited Code Amendments**
   **2004 Hurricanes**
   - Hurricane Researchers Workshop co-sponsor with IBHS 12/6/04
   - Hurricane Research Advisory Committee appointed 1/26/05
   - Hurricane Symposium 2/11-12/05
   - Hurricane Research Advisory Committee meetings 3/14, 5/9, 2005
   - Preliminary Report to the Commission 5/10/05
   - Final Report to the Commission 6/29/05
   - Chapter 120, F.S., Rule Development Workshop 8/24/05
   - Chapter 120, F.S., Rule Adoption Hearing 10/12/05
   - Water Intrusion and Roof Covering Attachment Rule Effective 12/05
   - Consider Code amendments deferred to 2004 Code glitch amendment cycle (see Task 6.)

   **2005 Hurricanes**
   - Staff report to HRAC on damages of Hurricane Dennis 8/22/05
   - Reports to HRAC by Miami-Dade, Broward and Palm Beach Counties on damages of Hurricane Wilma 12/7/05
   - Identification of research needs

2. **Conduct a Design Options Workshop (Charette) on Miniature Golf Courses**
   **Completed**
   - Conduct Charette and report to the Commission 5/10/05

3. **Recommendations for Report to 2006 Legislature**
   - Consider preliminary recommendations to Legislature 10/12/05
   - Consider recommendations to Legislature 12/07/05
   - Finalize report to Legislature 2/08/06

4. **ICC Codes Development Participation**
   **Completed**
   - Work Group Appointed 10/04
   - First Work Group Meeting 12/7/04
   - Second Work Group Meeting 3/15/05
   - Workgroup Preliminary Recommendations to Commission 3/16/05
   - (Commission decided not to participate in ICC process and to defer to BOAF for Florida participation and notification of Commission)
5. **2004 Update of the Florida Building Code:**

*Completed*

**Phase I, Approval of Florida specific statewide and local amendments:**

- Amendment submittal cutoff (independent submittals) 4/18/03
- Post on website (independent/base code updates/local amends) 4/23/03
- TACs review and develop recommendations 6/16-18/03
- TACs complete review and recommendations 7/14/03
- Post TAC recommendations on website 7/25/03
- Commission considers TACs recommendations and approves amends 10/13-14/03

**Phase II, Consider model code changes together with all approved statewide and local amendments, draft rule changes and adopt by rule:**

- Administration, Fire and Structural TACs review and consult with staff on where to integrate Florida specific amendments into the IBC and IRC 12/03 to 1/04
- Plumbing and Mechanical TACs review and consult with staff on where to integrate Florida specific amendments into the IRC plumbing, mechanical and fuel gas chapters 12/03 to 1/04
- Rule development workshop 3/1-2/04
- Rule adoption hearing 4/19-20/04
- Approve change per JAPC comments but delay filing rule till 7/19 meeting 6/15/04
- Authorize additional rule hearing for 8/31 meeting 7/19/04
- Rule adoption hearing 8/31/04
- Rule hearing on NOPC 12/7/04
- Rule filed, effective date
- Code implementation moved by SB 442 10/1/05

*(Note: SB 442 allows use of 2001 FBC or 2004 FBC between 7/1 and 10/1)*

5.1 **Adopt Revised Chapter 34 for Existing Buildings**

*Completed*

**Schedule:**

- Draft code amendments  *Completed* Dec 2002
- Report to the Legislature recommended expedited adoption (*no bill*) Dec 2002
- Adopt via the 2004 FBC Update Process (see schedule above)
- Code effective 7/1/05
- Code implementation moved by SB 442 10/1/05

*(Note: SB 442 allows use of 2001 FBC or 2004 FBC between 7/1 and 10/1)*

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

*Completed*

**Schedule:** (Adopting through 2004 FBC update, see schedule above)

- Effective date 7/1/05
- Code implementation moved by SB 442 10/1/05

*(Note: SB 442 allows use of 2001 FBC or 2004 FBC between 7/1 and 10/1)*
5.3 Establish standards and criteria for foundation permits and other “specialty permits”:
(CS/CS/SB 336 & 180, 2001)
Completed
Schedule:
- Develop recommendations for criteria: Feb 2003
- Adopting through 2004 FBC update (see schedule above)
- Effective (2004 edition of FBC): 7/1/05
- Code implementation moved by SB 442: 10/1/05

(Note: SB 442 allows use of 2001 FBC or 2004 FBC between 7/1 and 10/1)

6. 2004 FBC Glitch Amendments/2006 Annual Interim Amendments
Amendment submittal cutoff: 12/1/05
Post on website (45 days minimum): 12/2/05
- TAC’s consider proposals to develop recommendations: 1/23-24/06
- Post TAC recommendations on website (45 days min): 2/3/06
- Commission considers in rule development workshop: 3/21-22/06
- Rule adoption hearing and filing with DOS authorized: 5/9-10/06
- Rule filed: 5/26/06
- Effective date of glitch amendments (min 3 mo after adoption): 10/1/06*

* Glitch amendments could be implemented by August 1, 2006 if Rule 9B-3.050(9) is amended to waive the 3 month delay between filing the amendments with the Secretary of State and the amendments becoming effective.

7. Update Rule Chapter 9B-3 Sections .048, .049 and .050
Completed
- Rule development workshop: 4/20/04
- Rule adoption hearing: 3/15/05
- Rule effective: 5/05

8. Develop Code Commentaries:
Ongoing
Plan:
Amend Rule 9B-3 to require submittal of “rationale” for proposed amendments (See task above amendment to 9B-3.050). Capture rationales for proposed amendments, declaratory statements and advisory opinions in BCIS to provide “commentary”.
9. **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.

10. **Florida Building Code System Review and Triennial Report to the Legislature**

- On-line Survey due date: Sept. 9, 2005
- Present preliminary survey results to Commission: October 2005
- Convene Workgroup: Aug 2005
- Public input hearing: Aug 2005
- Workgroup meetings: 10/11/05, 11/16/05
- Workgroup’s recommendations to the Commission: 12/07/05
- Commission recommendations to Legislature (first triennial report): See Task 3

11. **Revise Rule 9B-3.004 to Allow Alternates for Committee Members**

- Rule development workshop: 12/06/05
- Rule adoption hearing: 2/7/06
- Rule effective: 3/06

12. **2007 Update to the Florida Building Code**

- Design of Update Process: Aug-Dec 05
- 2006 International Codes published and available to the public: 2/1/06
- 2006 International Codes with currently adopted Florida amendments available to public: on website
- Joint Fire TAC/Fire Code Advisory Council review of I Codes changes to FFPC conducted: 4/06-7/06
- Proposed amendments to the 2006 I Codes with Florida amendments due date: 8/1/06
- Proposed amendments posted to the Web by (45 day min before TAC review): 8/15/06
- Commission selects 2006 I Codes as foundation for 2007 FBC: 8/23/06
  
  *(Note: 2006 I Codes must be available to public for 6 months prior to selection)*

- TACs review proposed Florida amendments, current Florida amendments: 12/4-6/06
- and current Local amendments and make recommendations at Commission August meeting
- TAC recommendations posted to web: (45 day min before Commission review): 12/20/06
- Commission considers TAC recommendations on proposed amendments via a Rule Development Workshop at its December meeting: 2/6-7/07
- Rule Adoption Hearing at the Commission’s January 2007 meeting: 3/27 & 28/07
- File Rule adopting the 2007 FBC: 5/1/07
- Printed Codes available to the public: 7/1/07
- Code implemented: ?

*(Note: SB 442 requires Code documents to be made available to the public 6 months before implementation. To save time final publishing of documents must begin at least when the rule is filed and before the official rule challenge period expires. Initiation of publishing to begin prior to filing of the rule. Experience with development of the 2004 FBC was the publishing of codebooks)*
took more than six months. The time frame allotted in this plan is three months which is roughly consistent with the time required for the ICC to develop its on code books after final adoption.)

13. **Expedited Code Amendments (See Task 1 and 2005 Legislature Directed Tasks)**
   - **Adopt IRC non-vented attic criteria by November 1, 2005**
   - **Review and amend if necessary roof panel sheathing requirements**
   - **Amend to address water intrusion and roof covering attachment requirements**
   
   Rule development workshop 8/24/05
   Rule adoption hearing 10/12/05
   Amendments effective 12/05

14. **Panhandle Hurricane Ivan Study**
   - Workshop to review studies 9/13/05
   - Hire contractor to develop technical input 10/05
   - Meeting with Panhandle Building Officials 1/06
   - Commission considers recommendation in public hearing 2/07/06
   - Report to the Legislature 2/06

15. **Exposure Category C Study**
   - Assign to Hurricane Research Advisory Committee 8/24/05
   - Committee meeting 10/11/05
   - Recommendations to Commission 12/07/05
   - Report to the Legislature See Task 3

16. **Product Approval Single Validation Entity Study**
   - Appoint workgroup 6/29/05
   - Workgroup meetings 8/22/05
   - 10/05
   - Recommendations to Commission 12/07/05

17. **Private Provider Jobsite Notice Form**
   - Rule development workshop 8/24/05
   - Rule adoption hearing 12/07/05
   - Amendments effective 1/01/06

18. **Rules for Appeal of Building Official Decision /Binding Interpretation**
   - Rule development workshop 8/24/05
   - Rule adoption hearing 12/07/05
   - Amendments effective 1/1/06
   * Includes development of form to petition the appeal

19. **Standards for Hospice Facilities**
   - Standards development by ACHA Jul-Nov 2005

**Future Action**
ATTACHMENT 3

SUMMARY OF ISSUES FOR INCLUSION IN THE 2006 REPORT TO THE LEGISLATURE

BUILDING CODE ISSUES

Hurricane Damage Investigations—Expedited Code Amendments
As a result of hurricanes affecting Florida during the 2004 season, the Florida Building Commission requested and was granted legislative authority to adopt code amendments in an expedited process. The legislation enacted in 2005 (SB 442 Section 34) authorized the Commission to adopt consensus-based code provisions addressing water intrusion and roof-covering attachment weaknesses, subject only to the rule adoption procedures in Chapter 120—the Expedited Code Amendment process. In addition, the Legislation identified additional specific provisions for the Commission the review and/or implement.

The Commission began the process of assessing damage from the 2004 storms in late 2004, and convened the Hurricane Research Advisory Committee (HRAC) in December of 2004 to review the 2004 hurricane studies and consider amendments to the Florida Building Code related to water intrusion and roof covering attachment problems. The HRAC met at each subsequent Commission meeting during 2005, and delivered their package of recommendations for code enhancements resulting from lessons learned from hurricane storm damage, at the August 2005 Commission meeting. The Commission reviewed the Committee’s recommendations and adopted a draft package of code amendments following public comment received during the rule development workshop conducted at the August 2005 meeting. The Commission subsequently conducted a rule adoption hearing at the October 2005 meeting, and adopted a final package of expedited Code amendments, including implementing legislative requirements related to the adoption of the IRC non-vented attic criteria (SB 442 Section 33), a review of roof panel sheathing criteria (SB 442 Section 48), swimming pool exit alarm provisions (SB 442 Section 32), and adopted the most current edition of ASCE-7, wind protection requirements (SB 442 Section 36). In addition, the Commission implemented the legislative provisions related to airport noise safety guidelines (SB 442 Section 7), backflow prevention assemblies inspections (SB 442 Section 21), and the provisions related to mezzanines (SB 442 Section 44) and means of egress (SB 442 Section 46).

Implementation of 2004 Update of the 2004 Florida Building Code (SB 442 Section 40)
The Commission is required by law to update the Florida Building Code (Code) every three years, and the 2004 Edition represents the first update and second edition of the Code. The update process is based on the code development cycle of the national model building codes which serve as the “foundation” codes for the Florida Building Code.

Although, the 2004 Code was scheduled to become effective on July 1, 2005, the Florida Legislature, at the request of industry groups, delayed the effective date until October 1, 2005. Industry requested additional time to become familiar and train on the differences between the Code editions. The 2004 Edition of the Code is now in effect and the Commission and stakeholders are reviewing the documents in preparation for the upcoming Glitch Amendment process. Of note, Section 553.73 (6)(e) requires that updates to the Code take effect no sooner
than 6 months after publication of the updated code, and the Commission’s code development schedules reflect this requirement.

**Status Report of the 2004 FBC Glitch/2006 Annual Interim Amendment Process**

The Commission began its annual interim amendment process for 2006, with a focus on identifying and correcting code glitches and correlation issues related to implementation of the 2004 Edition of the Florida Building Code. The amendment submittal cut-off date was December 1, 2005 and the Commission’s Technical Advisory Committee’s will meet in January of 2006 to review the proposed amendments and make recommendations to the Commission, who will review the amendments and initiate rule-making in February of 2006. The anticipated effective date for glitch amendments is October 1, 2006.

Of particular note, during the glitch process the Commission will consider additional hurricane provision enhancements proposed by the Hurricane Research Advisory Committee as well as amendments to the FBC Residential Volume prescriptive design criteria. Specifically, the Commission is considering enhancements to the Residential Code for high wind, related to the masonry, foundations, wall coverings, wood, roofing, and windows provisions of the FRC.

**2007 Florida Building Code Update Process**

This will be a major focus of the Commission in 2006 and represents initiation of the triennial code update process for the 2007 Edition of the FBC. This process will begin six months after the printing an availability of the 2006 Edition of the International Building Code (IBC), and culminate in the third Edition of the Florida Building Code.

**BUILDING CODE SYSTEM**

**Florida Building Code System Review—Triennial Report**

Florida Statute, Chapter 553.77(1)(b), requires the Commission to make a continual study of the Florida Building Code and related laws and on a triennial basis report findings and recommendations to the Legislature for provisions of law that should be changed. The Commission conducted a review of the Building Code System for the first time in 2005. In order to maximize stakeholder input, the Commission solicited feedback in the form of an on-line survey (conducted from August through September 16, 2005), and convened an Ad Hoc Committee of Commissioner at the October Commission meeting. The Building Code System Ad Hoc Committee met three times, and delivered their consensus package of recommendations to the Commission at their December 2005 meeting, where the Commission adopted its own package of recommendations for enhancements to the Florida Building Code System. The primary recommendation is a request for statutory authority establishing an "expedited amendment" process in Chapter 553 for glitch and correlation (including errata) amendments. The process would allow the Commission to implement expedited amendments using only the standard Chapter 120 rule development procedures.
Construction Practices/Quality Assessment Summary
At the request of Senator Constantine, the Commission conducted an assessment process where building code system stakeholders, representing each of the key system participants, were interviewed to determine their views regarding construction practices and quality. The findings from the assessment, based on stakeholder opinions, identified a range of issues and options related to education, training, licensing, enforcement, business practices, and building codes and culminated with recommendations centered around enhanced coordination efforts. In addition, throughout most of 2005, the Commission provided specific opportunities for public comment on this issue during Commission meetings held around the State.

In general, the Commission is proactively addressing construction practices and quality issues through its ongoing code development processes. In fact, as a result of the Legislature’s approval of an expedited code adoption process for water intrusion and roof attachment issues, the Commission adopted a package of recommendations for code enhancements.

The Commission continues to evaluate the various studies related to hurricane damage, and in addition to the expedited code amendments it adopted in August, the Commission will be considering additional code enhancements related to hurricane damage investigations during the glitch amendment cycle.

Finally, the Building Code System Assessments process has provided another major forum and opportunity for system enhancements based on stakeholder input and comprehensive review of the Building Code System.

FBC and FFPC Duplicate Provisions and Overlapping Responsibilities Assessment Summary
In order to consider how to address conflicts between the Florida Building Code and the Florida Fire Prevention Code, the Commission conducted an assessment of stakeholder views, and determined there is consensus that as a first step, the technical code provisions should be reviewed and any conflicts resolved between the FBC and the FFPC.

The Joint Building Fire Technical Advisory Committee (TAC) comprised of the Commission’s Fire TAC and the State Fire Marshal’s Florida Fire Code Advisory Council, convened a process to review the technical provisions and make recommendations for any code changes. The TAC reached consensus on the threshold issue of defining what constitutes a conflict. The Joint Fire TAC agreed to narrowly define “conflicts” to mean requirements that are mutually exclusive, that is, if by satisfying the requirements of one code it would preclude the ability to satisfy the other. It was decided that in most instances, provisions were not conflicts since it was possible to comply with the requirements of both codes, when complying with the requirements of either code. It should be noted that conflicts are generally resolved as a result of complying with statute, requiring resolving the conflict in favor of the provision that offers the greatest lifesafety, or alternatives that would provide an equivalent degree of lifesafety and an equivalent method of construction. The Joint Fire TAC identified the specific Code amendments which could not be resolved by this definition, and submitted proposed amendments for consideration by the Commission during the glitch cycle. The Joint Building Fire TAC will be reviewing issues related to any further partitioning of the codes, and the overlapping jurisdictional and enforcement issues during 2006.
The Commission has not had an opportunity to review the specific recommendations from the Joint Fire TAC prior to the drafting of this report, and took an unanimous vote at the December 7, 2005 Commission meeting that they have not reviewed nor do they support the TAC’s definition of “conflicts”.

**ICC Code Development Participation**

The Commission convened a facilitated stakeholder group to make recommendation regarding how the Commission should participate in the ICC code development process. In general, as a result of limited resources and a need to focus on the Florida Building Code, the Commission determined that Florida’s existing network of ICC participants, with BOAF as lead, should propose code amendments to the Commission through the TAC review process. This means that the Commission will not participate in a formal manner, and will instead rely on the existing network of participants to monitor developments.

**PRODUCT APPROVAL SYSTEM**

**Product Approval Rule Amendments**

The Commission conducted an extensive stakeholder review process to develop consensus recommendations for refinements to the Product Approval System. The Product Approval Workgroup met for over a year and delivered their recommendations to the Commission in March of 2005. Subsequently, the Commission convened an extensive rule development process to adopt and implement the Workgroup’s recommendations, as well as the Legislative provisions for local product approval (SB 442 Section 19). Following public input during rule development, the Commission voted unanimously to adopt a package of refinements to the Rule that will become effective on January 1, 2006. Although the specific rule requirements were completed in the summer of 2005, the Commission decided to postpone the effective date since the provisions of the amended Rule require significant changes to the website prior to implementation. The Agency (DCA) worked with stakeholders and the Program Oversight Committee, to identify and implement enhancements to the web-based system designed to ensure that relevant information needed by Building Departments is easily accessible, and the application process is more user-friendly for product manufactures.

**EDUCATION SYSTEM**

**Status and Update on Education Initiatives by the Commission**

Although many of the Commission’s functions related to education were assigned to the legislatively created Building Code Education and Outreach Council, education remains a cornerstone of the building code system. The Commission remains focused on the approval of course accreditors and the courses developed and recommended by approved accreditors, through the creation of the Education Program Oversight Committee (POC). The POC meets at each Commission meeting to review the course and accreditor applications, as well as to consider and develop recommendations related to education and training for the Building Code System. In addition, the Commission is in the process of selecting a Building Code Education Administrator, to provide additional administrative and technical support for the Commission’s education functions.
2005 LEGISLATIVE ASSIGNMENTS

Panhandle Hurricane Ivan Study (SB 442 Section 39)
The 2005 Florida Legislature debated whether to revise the definition of the windborne debris region along the panhandle coast from Franklin County to the Alabama border and determined further study was warranted. It directed the Florida Building Commission to review the effects of Hurricane Ivan on damage caused by windborne debris and in conjunction with building officials from the impacted areas, to develop a recommendation for consideration by the 2006 Legislature. On September 13, 2005 the Commission conducted the first workshop which was held at the Okaloosa County Airport, for the purpose of soliciting input from local building officials and other stakeholders in the Panhandle region of the State. At the conclusion of the workshop, there was consensus for the strategy of conducting a study on the treed environment effects and historical wind data affects, prior to making recommendations to the Legislature regarding the existing definition and whether to recommend changes. At the October 2005 meeting, the Commission voted unanimously to request budgetary authority to contract with a consultant to conduct an engineering based risk assessment of hurricane windborne debris protection options for the Panhandle in order to analyze the risks, costs, and benefits of windborne debris protection for the region. The research would focus on factors unique to the Panhandle region including treed areas inland of the coast, and consider historical wind data affects. The requested funding authorization was approved, and the preliminary research results will be presented to the Commission in February of 2006, and subsequently input will be solicited at a second Panhandle region workshop. Following the Panhandle workshop, the Commission will use the study results and Panhandle region input, to make their recommendations to the 2006 Legislature as required by law.

Exposure Category C Study (SB 442 Section 41)
This legislative assignment requires the Florida Building Commission to evaluate the definition of "exposure category C" as currently defined in section 553.71(10), Florida Statutes, and make recommendations for a new definition that more accurately depicts Florida-specific conditions prior to the 2006 Regular Session. The Commission assigned this legislative assignment to the Hurricane Research Advisory Committee in order to utilize the Committee’s expertise in this subject area. The Commission is considering the recommendation from stakeholders, that in contrast to current ASCE-7 methodology, the default exposure category for Florida should be exposure category B, and clear definitions and criteria will be developed by the Commission in consultation with stakeholders, to define what constitutes Exposure C. These criteria and conditions will include distance factors, the starting point for where to begin measurements, a clear definition of open terrain, and size and density considerations for large development exemptions. The Commission has referred the recommendation to their Structural TAC for evaluation, and will report their recommendation in a separate report to the Legislature.
Product Approval Single Validation Entity Study (SB 442 Section 45)
In response to this legislative assignment, the Florida Building Commission convened the Product Approval Validation Workgroup 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 Workgroup was composed of 10 stakeholders in the State system of product approval including three members of the Commission, to ensure diverse input. The workgroup studied the Product Approval Workgroup’s and Commission’s recommendation that the State be served by a single validation entity for State approval. The PAVWG’s recommendations include, but are not 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 conducted its proceedings in an open forum subject to comment from the public at each meeting. The Workgroup presented its package of recommendations to the Commission at the December 2005 meeting, where after public comment, the Commission voted to report to the 2006 Legislature that at this time, the State is not served by a single validation entity for state approval, and the Commission will 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 review the validation requirements for the certification agency compliance method.

Staff Review of Code Amendments (SB 442 Section 7)
Section 553.73 (7)(c) enacted in 2005, mandates that the Commission require all proposed amendments and information submitted with proposed amendments to be reviewed by Commission staff for sufficiency, prior to consideration by the Commission’s TAC’s. The Commission developed the process in consultation with stakeholders, during a rule development workshop and hearing conducted during October and December of 2005, respectively. Rule 9B-3.050 conforms the Rule to statutory requirements. In general, the Rule requires that Commission staff shall ascertain whether the amendment has been submitted in legislative format, if the rationale for amending the code has been provided, and if all six questions regarding fiscal and other impacts have been answered by the proponent.

Rules for Appeal of Building Official Decision/Binding Interpretations (SB 442 Section 9)
Section 553.775, F.S. enacted in 2005, requires the Commission to implement by rule a process for the Florida Building Code to be interpreted by building officials, local enforcement agencies, and the Commission in a manner that protects the public safety, health, and welfare at the most reasonable cost to the consumer by ensuring uniform interpretations throughout the State and by providing processes for resolving disputes regarding interpretations of the Florida Building Code that are just and expeditious. The Commission developed the process in consultation with stakeholders, during a rule development workshop and hearing conducted during October and December of 2005, respectively. Rule 9B-3.055 conforms the Rule to statutory requirements. In general, the Rule requires that petitions for binding interpretations of the Florida Building Code shall be made through the Building Code Information System on the Internet, there is a fee of
$250, Form No. 9B-3.055(1) is used, and two copies are printed for submittal to the enforcement agency that rendered the decision that is the subject of the petition. The local building official shall respond to the petition within 5 working days after receipt, and return the petition to the petitioner with the response. The petitioner may file the petition with the Commission at any time after it is returned to him or her, or after 10 days if the local building official has not responded. The Commission shall immediately publish the petition online on the Building Code Information System, accept online comments from interested parties for a period of seven calendar days, and provide copies of the petition to a panel. The panel shall conduct proceedings as necessary to resolve the issue, considering the petitioner’s arguments, the building official’s response and comments made on the petition, and shall issue an interpretation within 21 days of the petition’s submittal, based either on code language or the intent of the code. The 21 days may be waived only upon consent of all parties. The interpretation shall be provided to the Commission, which shall post it online on the Building Code Information System and in the Florida Administrative Weekly. The interpretation shall be binding to all parties and all jurisdictions subject to the code unless it is superseded by a declaratory statement issued by the Florida Building Commission or by a final order entered after an appeal proceeding conducted. Appeals to interpretations shall be filed within 30 days of issuance of an interpretation and shall be conducted in accordance with Chapter 120 and the uniform rules of procedure.

The interpretation rendered by the panel of building code administrators shall become final upon the earlier of the resolution of any appeal of that interpretation before the Florida Building Commission or the expiration of the time period in which to initiate such appeal. The Commission recommends that the Legislature revise the appropriate statutes to require that the binding interpretation process does not apply to the Accessibility Code, Chapter 11 of the Florida Building Code. In addition, the Commission recommends that they not have the authority to hear petitions for declaratory statements on the Accessibility Code.

The Commission recommends that the only authority the Commission retains relative to Chapter 11 of the Florida Building Code, remains the accessibility waiver process.

Private Provider Jobsite Notice Form (SB 442 Section 11)

Section 553.791, F.S. enacted in 2005, requires the Commission to develop a form for use by the private provider. The form requires specific information to be posted on a jobsite where a private provider is conducting inspections. The Commission developed the form in consultation with stakeholders, during a rule development workshop and hearing conducted during October and December of 2005, respectively. Rule 9B-3.053 conforms the Rule to statutory requirements. In general, the form adopted by Rule requires the provider to identify the primary contact, the company name, address, telephone and fax numbers, and the types of service being performed by the private provider.