

August 12, 2019

Mr. James R. Schock, P.E., C.B.O.
Acting Chair of Florida Building Commission
1010 Winterhawk Dr.
Saint Augustine, FL 32086-5575

Cc: Mo Madani, Florida Building Code, Technical Unit Manager, DBPR
Jeff Blair, Facilitator, FCRC Consensus Center at Florida State University.
Thomas Campbell, Executive Director, Department of Business and Professional
Regulation

Re: Concerns with Weakening the 7th Edition of the Florida Building Code

Dear Commissioner,

As you know, in 2017 the Commission amended Rule 61G20-2.002 of the Florida Administrative Code (F.A.C.), related to statewide amendments to the Florida Building Code, in order to implement the 2017 statutory changes to the process for adopting the Florida Building Code. The amended rule became effective March 27, 2018.

The Commission determined that provisions added to the Building Code must be adopted by technical amendment, as needed to accommodate the specific needs of this state.

The Commission further determined these technical amendments must meet one of the following conditions to receive any consideration:

- Establish minimum life safety construction requirements to protect buildings and their occupants from fire, wind, flood, and storm surge using the latest technical research and engineering standards for buildings and materials products.
- Provide for flood protection provisions that are consistent with the latest flood protection requirements of the National Flood Insurance Program.
- Maintain eligibility for federal funding and discounts from the National Flood Insurance Program, the Federal Emergency Management Agency, and the United States Department of Housing and Urban Development.

- Provide energy efficiency standards for buildings that meet or exceed the national energy standards as mandated by Title III of the Energy Conservation and Protection Act.
- Maintain updates to the Florida Fire Prevention Code.
- Provide for the latest industry standards and design standards.

In addition, in accordance with the Commission Code Modification Approval Process, the motion to approve the modifications requires that,

- The modification is needed in order to accommodate the specific needs of this state; and
- The modification has a reasonable and substantial connection to the health, safety, and welfare of the general public;
- The modification strengthens or improves the Florida Building Code, or in the case of innovation or new technology, will provide equivalent or better products or methods or systems of construction;
- The modification does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities;
- The modification does not degrade the effectiveness of the Florida Building Code;
- The modification has the following fiscal impact (a fiscal impact statement that documents the costs and benefits of the proposed amendment): 1. The fiscal impact of enforcement imposed upon local government is as indicated by the proponent. 2. The fiscal impact of compliance imposed upon building and property owners is as indicated by the proponent. 3. The fiscal impact of compliance imposed upon industry is as indicated by the proponent. 4. The fiscal impact of compliance imposed upon small business is as indicated by the proponent.
- The modification's benefits noted regarding fiscal impact and efficacy outweigh the costs imposed.
- The modification does not diminish requirements related to wind resistance or prevention of water intrusion contained in the Code or its referenced standards and criteria.

The results of the recent actions of the Building Commission's Technical Advisory Committees (TACs) has raised serious concerns regarding a fair and effective process for handling the review of the code updates for the next edition of the Florida Building Code. Only a small portion of the 2018 International Codes updates have been recommended by the TACs for approval by the Florida Building Commission on the upcoming meeting on August 13 and 14th in Stuart, FL.

Having a fair and thorough hearing to vet hundreds of code updates within a 2-day Commission meeting does not seem to be realistically possible given the interest of many stakeholders in

developing the next edition of the Florida Building Code with needed updates from the 2018 International Codes.

There seems to be a disconnect in the TAC's on understanding what they can act upon to place on the consent agenda. For example, the Electrical and Plumbing TAC's recommended approval of nearly all the updates heard by their committees, whereas all other TAC's felt constrained to approve many updates because of the need to only approve a code update that meets one or more of the "Technical amendment" criteria from Rule 61G20-2.002[2.].

Most TACs were unaware that additional or different criteria for approval can be used such as provisions that "**Strengthens**" or "**Improves**" the Florida Building Code as found in Rule 61G20-2.002[3](b) & (c). Those criteria options did not appear to be offered to the TAC's but would have certainly increased the likelihood of having many more items placed on the consent agenda.

Governor DeSantis recently signed into law CS/CS/HB 447, which states the following:

"Allows the Florida Building Commission to adopt provisions to the Building Code every 3 years without individually determining that each provision is needed to accommodate the specific needs of the state."

Although the effective date of HB447 is not until 7/1/2020, by passing this bill change, the Florida Legislature and the Governor are in effect agreeing with our position and that of other stakeholders concerning the process for updating the Code. The Florida Building Commission before finalizing the current Code update should recognize this change and update the administrative rule immediately to reflect the Governor, the Legislature's, many stakeholders desire to protect Floridians and their communities with building code that is current, strong, and resilient.

Therefore, we respectfully request that the agenda for the February 4th and April 7th, 2020 workshops include an opportunity to discuss any adjustments to avoid any unintentional disconnects in the code, and to address the correlation with the I-Codes and within the proposed 2020 Florida code. We also encourage that the affected Associations be allowed to pull any code modifications and address the Commission as to why the request is being made.

In addition to the two scheduled workshops planned for February and April 2020 we recommend a separate workshop meeting to specifically review and make recommendations for the implementation of the subsequent code modification cycle (8th edition).

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Thank you in advance for your consideration of our requests and we look forward to your response.

Respectfully submitted,



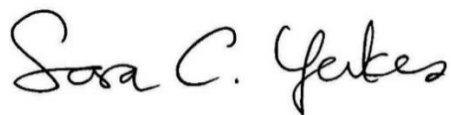
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