

September 13, 2019

Mr. Mo Madani, Florida Building Code, Technical Unit Manager  
Department of Business and Professional Regulation (DBPR)  
2601 Blair Stone Rd.  
Tallahassee, FL 32399

Cc: Jeff Blair, Facilitator, FCRC Consensus Center at Florida State University  
Thomas Campbell, Executive Director, DBPR  
James R. Schock, P.E., C.B.O., Acting Chair of Florida Building Commission

Re: Recommendations for updating Rule 61G20-2.002 of the Florida Administrative Code (F.A.C.)

Mr. Madani,

We applaud the Florida Department of Business and Professional Regulation (DBPR) for allowing an opportunity for the public to submit comments regarding proposed improvements/changes to Rule 61G20-2.002 of the Florida Administrative Code (F.A.C.), and other related processes related to statewide amendments to the Florida Building Code.

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. We thank the Florida Building Commission for recognizing this change and the importance of updating the administrative rule immediately to reflect the Governor, the Legislature's, and many other stakeholder's desire to protect Floridians and their communities with a Florida Building Code that is current, strong, and resilient.

We are assuming the Florida Building Commission will direct its Code Administration Technical Advisory Committee to re-write or update the rule changes as a result of HB447 and we have coalition members who wish to participate on that Committee.

We offer the following recommendations to be incorporated into the updated administrative rule:

1. Potential Technical Advisory Committee (TAC) members should be informed and understand the complexity and time commitment necessary for the current Florida Building Code update process, prior to their appointment. Many TAC members appeared to be unprepared or did not understand the proposed model code updates or modifications.

2. A clear and consistent written procedure needs to be developed for all TAC members to follow. This will assist TAC members in understanding their role in the process and provide a clarified process that stakeholders and the public can understand.
3. Each member of a TAC should be assigned a *lead role* for a specific number or specific sequence of model code updates (Phase I) and modifications (Phase II). This will assist in speeding the process and create one member of the TAC who is well versed in each specific update to lead the discussion.
4. The TAC review of model code updates should be limited to only those which are in conflict with the current Florida code edition or where a specific credible objection has been submitted in writing.
5. Allow proposed model code updates, not in conflict with current edition and merely updating references, to be placed on the consent agenda unless specific credible objection is posted.
6. Each Model Code Update (I-Codes/NFPA) should be assigned a Florida Modification Number for uniform tracking purposes. Having a common numbering system for both the model code updates and FL code modifications will assist all stakeholders in understanding TAC recommendations and what subsequent actions are necessary in the process.
7. Each Model Code Update should be provided with a website video link to provide all Florida stakeholders the opportunity to view the testimony provided during the model code update process, if available. Both Committee Hearing and Public Comment Hearing videos are available from the International Code Council.
8. The TAC recommendation for each model code update and modification must include written substantiation and reason statements which details the specific reasons for their recommendation so that proponents may correct or revise their proposed modification for further consideration.
9. A public comment period should be included in Phase I which will create the opportunity for the TACs to review those public comments and reconsider their initial recommendations for model code updates. This may allow more updates to get recommendations for approval and reduce the number of modifications submitted in Phase II.

10. Emergency meeting alternatives should be considered when emergencies (like Hurricane Michael) occur. This will allow adequate time for the Florida Building Commission to review all proposed code updates and modifications.
11. The current process allows for full inclusion via the modification submission process but does not allow modifications to move forward if the proponent was unable to attend the TAC meeting. Anyone should be permitted to speak either in support or in opposition of a proposed update or modification, whether the proponent is in attendance or not. In numerous instances, if the proponent was not present at the TAC or Commission meeting, the modification was not moved forward by anyone on the committee and the modification received a “*No Affirmative Recommendation (NAR)*”.
12. Staff shouldn’t remove a modification from the consent agenda without advance notification to the proponent and without TAC approval.
13. Staff should be permitted to review and approve updates and modifications that are simply editorial.
14. The current process should be modified to be similar to the process that was in place for the sixth edition of the Florida Building Code.
15. Propose legislative changes to return to the original process.
16. Adopt all of the ICC and NFPA Updates and merely supplement the Florida Building Code with all Florida specific requirements.
17. The BCIS system needs to be replaced or extensively updated. There are extensive problems associated with formatting, special characters, quotations, uploading, copying, pasting and saving changes. The software should be compatible with MS Edge, Firefox and Chrome.
18. The BCIS application should allow the entry of multiple modifications under one submission if on the same section/sub-section of the code.
19. Also, just as ICC posts the testimony from their code hearings, a link to that section of the recorded stream from the TAC meeting and Commission meeting should be included so the public is able to view the testimony that occurred during the meeting.
20. The DBPR website posting of results should be reorganized and provide an easier platform to find and review information. The website has some historical information but is lacking comprehensive reports detailing the TAC and Commission actions for both Phase I and for Phase II.

- a. The Phase I Report should be a comprehensive list of all model code updates that were approved and disapproved for inclusion in the 7<sup>th</sup> edition of the Florida building code. The report should include all TAC and Commission reason statements.
- b. The Phase II Report should be a be a comprehensive list of all FL Modifications submitted that were either approved, modified, disapproved or withdrawn for inclusion in the 7<sup>th</sup> edition of the Florida building code. The report should include all TAC and Commission reason statements.

We feel by implementing these recommendations will not only improve the process but will reduce costs and time commitment and will reflect a Florida Building Code that is current, strong, and resilient.

We look forward to working with the Department on October 15 in St. Petersburg, FL in updating Rule 61G20-2.002 of the Florida Administrative Code (F.A.C.).

We respectfully request that the agenda for the February 4<sup>th</sup> and April 7<sup>th</sup>, 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 (8<sup>th</sup> edition).

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

Respectfully submitted,



Clayton Parker  
President  
Building Officials Association of Florida

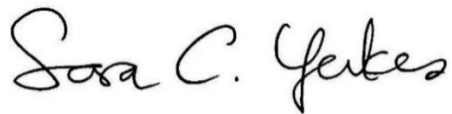
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