



FLORIDA BUILDING COMMISSION  
REPORT TO THE 2022 FLORIDA LEGISLATURE  
FOR THE REPORTING PERIOD OF JULY 1, 2020 – JUNE 30, 2021

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## REPORT TO THE 2022 FLORIDA LEGISLATURE



### I. SUMMARY OF ISSUES AND RECOMMENDATIONS

**MEETINGS.** During the reporting period of July 1, 2020 – June 30, 2021 (fiscal year 2020 – 2021) the Commission conducted seven virtual meetings via webinar and teleconference. Since April of 2020 meetings have been conducted via webinar and teleconference to avoid travel during the coronavirus (COVID-19) disease pandemic. The Commission is scheduled to return to in-person meetings beginning with their August 2021 meeting.

**OVERVIEW.** The primary focus of the Florida Building Commission during the reporting period was completing the development of the 7<sup>th</sup> Edition (2020), Florida Building Code which became effective on December 31, 2021 with adoption of the Florida Building Code (Rule 61G20-1.001), and in completing adoption of revisions to Rule 61G20-2.002 (Statewide Amendments to the Florida Building Code) implementing the provisions of 2019 legislation revising the Commission's triennial update process. The rule development process for Rule 61G20-2.002 concluded in September of 2020 after the Commission conducted several rule workshops to bridge differences between diverse stakeholders, and ultimately to build consensus on the Code development process.

In addition, the Commission initiated development of the 8<sup>th</sup> Edition (2023), Florida Building Code by selecting the 2021 I-Codes and the 2020 NEC as the model codes for conducting the Commission's model code update review process for development of the 8<sup>th</sup> Edition (2023), Florida Building Code.

As a result of an amendment enacted by the 2019 Florida Legislature, beginning with the 2023 Code Update Process the Commission is no longer required to decide which Model Code provisions are needed to accommodate the specific needs of this State, and will decide which Model Code updates to incorporate into the Florida Building Code based on a suite of criteria including, but not limited to: whether the model code provisions are editorial or organizational in nature, correct an error, provide clarification, provide for alternative design methods, improve the effectiveness of the code, are uncontroversial to affected stakeholders, or are required by law. The Commission initiated the development of the Florida Building Code, 8<sup>th</sup> Edition (2023) when they selected the Model Code editions for review on February 9, 2021.

The 2020 Florida Legislature reduced the Florida Building Commission from 27 to 19 members effective January 1, 2021. The Commission concluded rulemaking in February of 2021 for Rule 61G20-2.001, revising their operational procedures accordingly.

Entering its twenty-third year, the Commission is focused primarily on the maintenance of existing processes and programs, while continuing to work with stakeholders to enhance the effectiveness of the Florida Building Code System by continuously monitoring, evaluating, and refining the System using their facilitated stakeholder driven consensus-building process.

**PROCESS.** During the reporting period the Commission conducted rulemaking for Rule 61G20-2.001 (Commission Organization and Operation) providing procedures and criteria for the election and duties of the chair. In February of 2021, after rulemaking was completed, the Commission voted unanimously to elect Commissioner Jim Shock as the Commission's first elected chair. In addition, as a result of 2020 legislation amending Section 553.75, F.S., Commission membership was reduced from twenty-seven members to nineteen effective January 1, 2021. During the reporting period the Commission continued its focus on consensus-building efforts regarding the implementation of Commission policy, with extensive input from building construction industry stakeholders, and interests affected by Commission policy. Commission Chair Jim Schock encouraged and led the Commission's consensus-building efforts supported by DBPR Commission staff.

**HURRICANE RESEARCH ADVISORY COMMITTEE.** The Hurricane Research Advisory Committee (HRAC) was originally convened in January of 2005 and met through 2012. In 2019 the Commission decided that as a result of the increased frequency and impacts of hurricanes to Florida the HRAC should be reconvened to continue evaluating research for wind and water intrusion enhancements. The HRAC was reconstituted with new membership ensuring a balance of perspectives and stakeholder interests were maintained.

In an effort to learn from each storm event, and with a commitment to enhance the wind and water resistance provisions of the Code with each edition, the Commission voted in April of 2020 to use the HRAC to evaluate, prioritize, and provide the Commission with prioritized recommendations for the annual funding of research projects. The HRAC is comprised of representative stakeholder interests with the expertise and experience to objectively evaluate proposed research projects for enhancing the Code's hurricane resistance requirements.

The scope of work and purpose of the reconstituted HRAC is to: Identify and review what research is being conducted related to building failure issues resulting from high wind events generally, and recent hurricanes in Florida specifically; Identify any research gaps on key issues identified from reports and studies but not being researched; Ensure that the Commission is provided with all relevant research findings on major issues prior to the Commission considering code enhancements resulting from lessons learned; and, Identify any needed Code changes the Commission should consider for enhancements to the wind and water resistance provisions of the Florida Building Code.

**RESEARCH—SCIENCE BASED HURRICANE AND CODE PROTECTIONS.** The Florida Building Commission has continuously assessed building systems and component failures identified after major storms since its inception in 1998, and in response has funded research to strengthen the Code's effectiveness against wind and water intrusion based on these assessments. Assessments subsequent to the implementation of the Florida Building Code indicate that the research based design wind speeds required by the Code's enhancements were adequate, and buildings built to the

new Florida Building Code experienced less severe damage than did older buildings not built to the Florida Building Code. Although the Code is by law a minimum building code, the Florida Building Code is the strongest consensus and science based building code in the country. The Insurance Institute for Business and Home Safety (IBHS) ranked the Florida Building Code as number one in their 2018 assessment of residential building code enforcement systems for life safety and property protection in hurricane prone regions.

The Code establishes minimum requirements to protect newly constructed buildings from wind, rain, flood and storm surge based on well-researched and continually-evolving engineering standards for buildings and the products that go into their construction. In addition to conducting research, developing state of the art hurricane resistance standards and integrating those standards in the Code at each revision cycle, the Commission seeks to be up-to-date with current national engineering and product standards within the Code. As with each previous edition, the 7<sup>th</sup> Edition (2020), Florida Building Code does the same, and the 8<sup>th</sup> Edition (2023), Florida Building Code will maintain the standard, including incorporating the provisions of the latest ASCE-7 edition (ASCE-7-16, Minimum Design Loads and Associated Criteria for Buildings and Other Structures by the American Society of Civil Engineers (ASCE)).

The Commission has been funding hurricane resistance research based on legislatively approved spending authority since the formation of the Commission's HRAC in 2005. In addition to hurricane resistance, the Commission expanded the funding of research projects in August of 2013 to include other Code related topical areas to ensure the development of Code amendments that make Florida's structures, and the products that comprise them, more resilient. Starting in 2019 the Commission voted to again restrict the funding of research projects to hurricane resistance research as a result of the frequency and severity of the impacts of recent hurricanes to Florida.

During the reporting period—based on recommendations from the HRAC and DBPR technical staff—the Commission approved the funding of 5 research projects for fiscal year 2020 – 2021. As a result of evaluating proposed research projects in the context of the evaluation criteria, the Commission sponsored the following research projects:

*Wind-Induced Loads on Roof Overhangs*, Ioannis Zisis, FIU; *Updating the Statewide Extreme Rainfall Projections*, Jayantha Obeysekera, FIU; *Evaluation of the Cost Impact and Benefit of 2021 IBC Prescriptive Code Changes*, Raymond Issa, UF; *Comparison of the 7<sup>th</sup> Edition Florida Building Energy Conservation Code with IECC 2021 & ASHRAE 90.1-2019*, Muthusamy Swami/Bereket Nigusse /Jeff Sonne, FSEC; and, *7<sup>th</sup> Edition (2020) Florida Building Code, Energy Conservation Volume vs. 2018 International Energy Conservation Code Residential Stringency Analysis*, Jeff Sonne, FSEC.

Of note, the research projects funded for fiscal year 2020 - 2021 represented a diverse range of principal investigators from three different Florida universities. The three universities were Florida International University (FIU), the Florida Solar Energy Center (FSEC) at the University of Central Florida (UCF), and the University of Florida (UF).

During the reporting period the Commission changed their annual consideration of research project funding from August to June to correlate with the fiscal year calendar and provide the researchers with a full year to conclude their research projects. As a result of this change the Commission decided on funding research projects for fiscal year 2021 – 2022 during their June 8, 2021 meeting.

The HRAC met six times during fiscal year 2020 - 2021 starting on July 28, 2020 and concluding on May 18, 2021 to review research project reports, and to develop recommendations to the Commission for the funding of specific research projects for fiscal year 2021 – 2022. Proposed research projects are required to meet specific criteria before they will be considered for funding, and on this basis the HRAC determined that seven of the twelve proposed research projects submitted for consideration met the required criteria and qualified to submit a full scope of work for consideration of funding. The following projects qualified for further evaluation:

*Evaluate the Performance of the Concrete Pile Foundations that Failed During Hurricane Michael to Determine Why They Failed (FEMA 1); Assess the causes for the widespread asphalt shingle roof covering loss that was observed by the MAT (FEMA 2) and (IBHS 1); Perform Research on Commonly Used Ridge Vent Products to Better Determine the Causes of Ridge Vent Failure and Develop Solutions (FEMA 3) and (IBHS 2); Provide More Specific Criteria with Restrictions on How, When, and Where Roof Aggregate Can be Used (FEMA 5); Wind Induced Loads on Roof Overhangs – Phase II (FIU 1); Wind-Driven Rain Intrusion Topic #1 (IBHS 3) - Identify relative frequency of different causes of water intrusion through fenestrations during 2021 hurricane season and provide recommended research topics if warranted by the findings; and, Wind-Driven Rain-Development of Wind-Driven Rain Climatology and Coincidental Wind Speed Return Period Maps For Florida and Adjacent Coast Areas (UF) and (IBHS 4).*

The HRAC met on May 18, 2021 and developed their prioritized list of recommendations for consideration by the Commission. Based on recommendations from the HRAC and DBPR technical staff—the Commission approved the funding of four research projects for fiscal year 2021 – 2022 based on available funding. As a result of evaluating proposed research projects in the context of the required evaluation criteria, the Commission sponsored the following important hurricane resistance research projects in order of priority: 1.) *Development of Wind-Driven Rain Climatology and Coincidental Wind Speed Return Period Maps for Florida and Surrounding Coastal Areas (UF)*; 2.) *Evaluation of Concrete Pile Foundations During Hurricane Michael (UNF)*; 3.) *Wind-Induced Loads on Roof Overhangs – Phase II (FIU)*; and, 4.) *“Self-Organizing” Maps for Estimating Wind Speed Triggers for Debris Generation (UNF)*.

Of interest, the research projects funded for fiscal year 2021 - 2022 represented a diverse range of principle investigators from three different Florida universities. The three universities were Florida International University (FIU), the University of North Florida (UNF), and the University of Florida (UF).

In addition, during the reporting period the Commission continued its commitment to evaluating and amending the Code as needed based on storm damage investigations, through periodic updates and reviews of research projects and investigations. The Structural Technical Advisory Committee, and the Hurricane Research Advisory Committee have been reviewing interim research project reports, and providing feedback to the principal investigators for revisions prior to submittal for final reports and approval by the Commission.

As previously reported, investigations and analysis of the impacts of Hurricane Michael conducted by the University of Florida demonstrated that houses built to the Florida Building Code (FBC) performed better than those that were not built to the FBC. The Commission maintains their commitment to ensuring that the FBC remains the strongest consensus and science based building code in the country.



**2020 CODE UPDATE.** The full details of the 2020 Code Update process were reported in the 2021 Report to the Legislature. Updates since the last reporting period include documentation that the implementation of the 7<sup>th</sup> Edition (2020), Florida Building Code ensured that Florida’s Energy Code efficiencies are maintained as required, and that the requirements related to wind resistance or prevention of water intrusion contained in the Code or its referenced standards and criteria were maintained or enhanced. The 2020 Code development process concluded after the Commission conducted a final rule adoption hearing at their June 2, 2020 meeting and voted to file the Rule for adoption incorporating all Commission approved amendments. The 2020 Code development process concluded when the 7<sup>th</sup> Edition (2020), Florida Building Code became effective on December 31, 2020. Of note, all of the legislative assignments for specific Code amendments were implemented with the adoption of the 2020 Code Update.

**2023 CODE UPDATE.** Florida law requires the Commission to update the Florida Building Code every three years. The development of the 8<sup>th</sup> Edition (2023), Florida Building Code will be conducted to ensure that Florida’s Energy Code efficiencies are maintained as required, and that the requirements related to wind resistance or prevention of water intrusion contained in the Code or its referenced standards and criteria are maintained or enhanced. The 2023 Code Update process began on February 9, 2021 when the Commission voted to select the 2021 International Codes (I-Code), and 2020 National Electrical Code (NEC) for review in the development of the 8<sup>th</sup> Edition (2023), Florida Building Code. At the June 2020 meeting the Commission voted to approve the Commission’s Review Process for the 2021 I-Code updates. In addition, at the April 2021 meeting the Commission voted to initiate rulemaking for Rule 61G20-1.001, Florida Building Code, by publishing a Notice of Development.

The 2023 Code Update process will be conducted over a three-year period ranging from the selection of the 2021 I Codes for review in February of 2021 through the 2023 Code’s effective date of December 31, 2023. The next major step in the 2023 Code Update development process will be the TAC’s review and recommendations to the Commission regarding the inclusion of I-Code changes in the 8<sup>th</sup> Edition (2023), Florida Building Code.

Following is a table reflecting the key tasks and associated Workplan schedule for the 2023 Code Update Process:

<b>8<sup>TH</sup> EDITION (2023), FLORIDA BUILDING CODE DEVELOPMENT SCHEDULE</b>	
<b>KEY TASKS</b>	<b>SCHEDULE</b>
Commission selects 2021 I Codes “model codes” and 2020 NEC to conduct its review.	February 9, 2021
TACs review the changes to the I Codes and make recommendations to the Commission.	September 24-29, 2021
Commission considers TACs’ recommendations regarding the latest changes to the model codes.	December 14-15, 2021
TACs consider proposed amendments (1 <sup>st</sup> 45 day comment period)	June 20-24, 2022
TACs consider public comments on their actions on the proposed amendments.	October 11-14, 2022
Commission considers TAC’s recommendations (2 <sup>nd</sup> 45 day comment period) in a Rule Development Workshop.	December 13-14, 2022
TACs consider public comments on Rule Development Workshop	February 22-23, 2023

comments on Commission's Adopted Draft Code and provide recommendations to the Commission	
Commission conducts rule development workshop on the Commission's package of approved Code amendments for the Florida Building Code, 8 <sup>th</sup> Edition (2023)	March 13, 2023
Commission conducts hearing on the Commission's package of approved Code amendments for the Florida Building Code, 8 <sup>th</sup> Edition (2023).	TBD
Final rule adoption hearing on Florida Building Code, 8 <sup>th</sup> Edition (2023)— Commission approves final version of the Code.	TBD
Florida Building Code, 8 <sup>th</sup> Edition (2023) Effective Date.	December 31, 2023

**ENERGY CODE INITIATIVES.** During the reporting period, the Commission voted to approve software for demonstrating compliance with the requirements of the 7<sup>th</sup> Edition (2020), Florida Building Code, Energy Conservation. Specific actions included approving:

IESVE Version 2021 for demonstrating compliance with the commercial building energy requirements of the 7<sup>th</sup> Edition (2020) Florida Building Code, Energy Conservation for the following code compliance method: ASHRAE 90.1 2016 Performance Method Appendix G; Energy Gauge USA Version 7 for demonstrating compliance with the residential building energy requirements of the 7<sup>th</sup> Edition (2020) Florida Building Code, Energy Conservation for the following code compliance methods: R402 Prescriptive R-Value Method, Prescriptive Total UA Alternative Method, Performance Method – R405, and ERI Method – R406; Energy Gauge Summit 7.00 for demonstrating compliance with the commercial building energy requirements of the 7<sup>th</sup> Edition (2020) Florida Building Code, Energy Conservation for the following code compliance methods: FEC Total Building Performance Method, FEC Prescriptive Method, FEC Component Performance Alternative Method, ASHRAE Prescriptive Method, and ASHRAE Energy Cost Budget Method; and, COMCheck for demonstrating compliance with the commercial building energy requirements of the 7<sup>th</sup> Edition (2020) Florida Building Code, Energy Conservation.

In addition, the Commission approved sending a Letter of Certification of Equivalence to the Department of Energy (DOE) certifying that the residential building provisions of the 7<sup>th</sup> Edition (2020), Florida Building Code, Energy Conservation meet or exceed the 2018 International Energy Conservation Code (IECC), for low-rise residential buildings. As noted during the last reporting period, the Commission approved sending a Letter of Certification of Equivalence to the Department of Energy (DOE) certifying the equivalence of the 7<sup>th</sup> Edition (2020), Florida Building Code, Energy Conservation's commercial building provisions to ASHRAE 90.1-2016.

**PRODUCT APPROVAL.** The product approval system is an internet-based system operated and administered by the Department of Business and Professional Regulation. Since January 1, 2014 DBPR staff has been administering the Product Approval System, and stakeholders continue to report a high level of satisfaction with DBPR staff's administration of the System.

The Product Approval system efficiently processes hundreds of applications monthly. The Commission's Product Approval Program Oversight Committee (POC) convenes prior to every Commission meeting to review product and entity applications, address petitions for declaratory statements and consider enhancements to the product approval system. Since the system went into



effect in October of 2003, the Commission has approved 38,026 product applications, and 166,330 products for statewide use within limitations established by the approvals. In addition, the total number of product approval applications approved to the 2020 Code is 4,288 (5,031 total in the System), the total number of products approved to the 2020 Code is 17,457 (20,401 total in the System), and the total number of entities approved to the 2020 Code is 128 (415 total in the System).

During the reporting period, the Commission amended Rule 61G20-3.007, Product Approval by the Commission, to provide that the Commission may, for a duration of time, waive fees for state approval of products upon a finding that such waiver will not have an adverse impact on the Commission's ability to process applications. As a result, the Commission voted to waive fees from July 1, 2020 – December 31, 2020 to allow manufacturers of current product approvals to update their current product approvals to the requirements of the 7<sup>th</sup> Edition (2020), Florida Building Code. In addition, in response to a letter from The Florida Legislature Joint Administrative Procedure Committee (JAPC) the Commission initiated rulemaking to implement specified changes to various sections of Rule Chapter 61G20-3, F.A.C., and initiated rulemaking to repeal Rule 61G20-3.010. Finally, the Commission authorized staff to publish notices of rule development and notices of proposed rule for Rules 61G20-3.008, F.A.C., 61G20-3.011, F.A.C., 61G20-3.013, F.A.C., and 61G20-3.016, F.A.C. during the June 8, 2021 meeting to implement legislative assignments from the 2021 Legislature regarding required revisions to the Product Approval System.

**EDUCATION.** Education is one of the cornerstones of the Building Code System, and the effectiveness of the Building Code depends on the knowledge of professionals who design and construct buildings. The Commission continues to work with the Department of Business and Professional Regulation and representatives of the licensing boards to establish a cooperative system for approving building code courses and integrating building code continuing education into licensing requirements. In collaboration with the System Administrator and stakeholders, the Commission is working to ensure the accountability and efficacy of the Education System. During the reporting period the Commission continued to efficiently review and approve course and accreditor applications. In addition, at the request of stakeholders the Commission voted to initiate rulemaking to Rule 61G20-6.002 Commission Approval and Accreditation of Advanced Building Code Training Courses during the February 9, 2021 meeting to consider stakeholder proposed revisions to the Rule. The Commission conducted rule workshops during their April and June 2021 meetings and will conclude rulemaking during fiscal year 2021 – 2022.

**BINDING INTERPRETATION PROCESS.** The Commission coordinates with the Building Officials Association of Florida (BOAF) on appointments to the Binding Interpretation Panel. The Panel consists of seven members charged with hearing requests to review decisions of local building officials. The Panel has heard 28 binding interpretations regarding the Florida Building Code to date.

**FLORIDA ACCESSIBILITY CODE FOR BUILDING CONSTRUCTION (FACBC) DECLARATORY STATEMENTS.** In 2014, the Florida Building Commission was granted authority by the Florida Legislature to interpret the Florida Accessibility Code for Building Construction (FACBC). There were no interpretations issued during the reporting period, and to date the Commission has issued five interpretations regarding petitions for declaratory statements on the FACBC.

**LEGISLATIVE ASSIGNMENTS.** The Florida Building Commission provides a forum for stakeholders representing key interests to participate in a consensus-building process where issues affecting the construction industry are discussed and evaluated on their technical merits and cost-benefits to the citizens of the State of Florida. In addition, as a result of the Commission's proven consensus-building process and success in developing consensus on complex and controversial issues, the Florida Legislature frequently assigns policy issues to the Commission for evaluation and implementation.

The 2019 Florida Legislature passed HB 447 changing the Florida Building Code's triennial update process. The change becomes effective July 1, 2020. In response to the assignment, the Commission began the rulemaking process in August of 2019 and completed rulemaking in September of 2020, to update the Florida Administrative Code Rule 61G20-2.002, to reflect the statutory change. The rule making process included several rule workshops to bridge differences between diverse stakeholder interests, and ultimately to build consensus on the Code development process that the Commission adopted for use starting with the 2023 Code Update Process.

The 2019 Florida Legislature passed HB 447 regarding Section 105.4 of the FBC (Conditions of the Permit). In response to the assignment, the Commission's Staff submitted the appropriate language as comments that were approved by the Commission at the February 2020 and April 2020 Rule Development Workshops, and the June 2, 2020 Rule Hearing for inclusion in the 7<sup>th</sup> Edition (2020), Florida Building Code. Rule 61G20-1.001, Florida Building Code Adopted, was amended on December 31, 2020 to include the required language.

The 2019 Florida Legislature passed HB 827 regarding Section 110.8.1 of the FBC (Threshold Building). In response to the assignment, the Commission's Staff submitted the appropriate language as comments that were approved by the Commission at the February 2020 and April 2020 Rule Development Workshops, and the June 2, 2020 Rule Hearing for inclusion in the 7<sup>th</sup> Edition (2020), Florida Building Code. Rule 61G20-1.001, Florida Building Code Adopted, was amended on December 31, 2020 to include the required language.

The 2020 Florida Legislature passed CS/HB 1193 reducing the Florida Building Commission from 27 to 19 members effective January 1, 2021. The Commission initiated rulemaking in June of 2020 and completed rulemaking in February of 2021 for Rule 61G20-2.001. The rule change revised operational procedures to include the election of a Commission chair, requirements for the Commission chair's term length, an experience requirement, and the appointment of a vice-chair.

The 2021 Florida Legislature passed HB 401 amending: 1.) Section 553.73 (4)(k)(11), F.S. creating a nonbinding advisory opinion process for the Florida Building Commission to consider petitions from individuals who believe a local regulation is a local technical amendment to the Florida Building Code, and requiring the Commission to adopt a form for the petition and directions for filing; 2.) Amending Section 553.73 (8)(b), F.S. creating a process which would allow the Florida Building Commission to correct demonstrated errors in the Florida Building Code by issuing errata; 3.) Amending Section 553.791 (4), F.S. requiring the Commission to adopt a form for notification to local building officials that a private provider has been contracted to perform the required inspections of construction; and, 4.) Amending Section 553.842 (8)(a), F.S. granting the Florida Building Commission authority to develop by rule criteria for the approval of evaluation entities for the Commission's statewide product approval program, and requiring the Commission to establish criteria for suspension of approvals of product evaluation entities.

The 2021 Florida Legislature passed SB 804 amending: 553.80 (9), F.S. by preventing reclassification (Use and Occupancy) of a single family or two-family dwelling for the enforcement of the Florida Building Code because it is being used as a recovery residence, and requiring the Commission to amend the Code to reflect the requirement.

Finally, The 2021 Florida Legislature passed SB 286 amending: Section 633.102 F.S. by changing requirements for what license is necessary to design certain types of fire protection systems, and requiring the Commission to amend the Code to reflect the new requirement.

In response to the assignments, the Commission initiated rulemaking for the relevant rules and approved language for required Code amendments at their June 2021 meeting.

**RECOMMENDATIONS.** Monitoring the building code system and determining refinements that will make it function better is a primary responsibility of the Commission, and consequently the Commission is continually effecting refinements to the building code system by administrative rule amendments where the statutes provide authority. However, the building code system is established in law, requiring that some refinements must be implemented through changes to law.

As a general approach, the Commission works with building construction industry stakeholders to build consensus on legislative assignments and on amendments to the Florida Building Code implemented through rulemaking, and relies on industry groups to take the lead in proposing specific legislation to implement proposed changes to statute.

The Commission's consensus developed recommendations for statutory changes designed to improve the system's effectiveness are developed in collaboration with industry stakeholders, who generally take the lead on initiating any specific legislative proposals. The Commission has no specific recommendations for 2022 Legislative actions deriving from Commission activities during the reporting period of July 1, 2020 – June 30, 2021.

## II. APPENDICES

### APPENDIX A

#### DEVELOPMENT OF THE FLORIDA BUILDING CODE OVERVIEW

In 1974, Florida adopted a state minimum building code law requiring all local governments to adopt and enforce a building code. The system provided four separate model codes that local governments could consider and adopt to establish minimum standards of health and life safety for the public. In that system, the state's role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes as they saw fit.

Hurricane Andrew demonstrated in 1992 that this system of local codes did not provide the level of public protection that was necessary. The South Florida Building Code, which was the local code universally acknowledged to set the strongest standard for hurricane protection, essentially failed. The resulting problems had impacts well beyond southern Miami-Dade County. The state filled the property insurer void left by failed and fleeing private insurance companies, and the federal government poured billions of dollars of aid into the disaster area. It became starkly apparent the state had a significant interest in the effectiveness of building codes.

After Hurricane Andrew, Miami-Dade County conducted an exhaustive review of its building code and made significant changes to both the code and support systems for code enforcement. In other areas of the state the Florida Board of Building Codes and Standards (the predecessor to the Florida Building Commission) adopted significant upgrades to the wind resistance standards of the model state minimum code that was used by the majority of other local governments. The state also began licensing local governments' building code enforcement personnel. These steps proved critical in leading to the building codes that produced improved building performance in the 2004 - 2005 hurricane seasons.

Like Miami-Dade County, the State went beyond modernizing the minimum building codes. In 1996 a study commission was appointed to review the system of local codes created by the 1974 law and to make recommendations for modernizing the entire system. The 1998 Legislature adopted the study commission's recommendations for a single state building code and an enhanced oversight role for the state in local code enforcement. The same legislation created the Florida Building Commission to develop and maintain the Florida Building Code and related programs and processes. The 2000 Legislature authorized implementation of the Florida Building Code, and the first edition replaced all local codes on March 1, 2002. There have been seven Code editions to date, and the Commission initiated the development of the Florida Building Code, 8<sup>th</sup> Edition (2023) in August of 2019.

Although the Code is by law a minimum building code, the Florida Building Code is the strongest consensus and science based building code in the country. The Insurance Institute for Business and Home Safety (IBHS) ranked the Florida Building Code as number one in its 2018 assessment of residential building code enforcement systems for life safety and property protection in hurricane prone regions.

## APPENDIX B

### COMMISSION REPRESENTATION AND PROCESS

**COMMISSION REPRESENTATION.** The Florida Building Commission is an appointed stakeholder representative group that successfully created, implemented, and maintains and updates the statewide Florida Building Code. The 2020 Florida Legislature reduced the number of Commissioners from 27 to 19 effective January 1, 2021. The Commission is currently comprised of 19 members appointed to represent specific building construction industry stakeholder interests. They are as follows: three municipal, county, or district code enforcement officials, a persons with disabilities representative, a building owners and managers industry representative, an insurance industry representative, a certified general or building contractor, a certified residential contractor, an architect, a structural engineer, an air-conditioning contractor or a mechanical contractor or engineer, an electrical contractor or electrical engineer, a plumbing contractor, a roofing or sheet metal contractor, a manufactured buildings industry representative, a building products manufacturing industry representative, a swimming pool contractor, a natural gas distribution system representative, and the chief resilience officer or their designee.

**CONSENSUS PROCESS.** The Florida Building Commission (Commission) seeks to develop consensus decisions on its recommendations and policy decisions. General consensus is a participatory process whereby, on matters of substance, the members strive for agreements which all of the members can accept, support, live with or agree not to oppose. In instances where, after vigorously exploring possible ways to enhance the members' support for the final decision on substantive decisions, and the Commission finds that 100 percent acceptance or support is not achievable, final decisions require at least a 75 percent favorable vote of all members present and voting. This super majority decision rule underscores the importance of actively developing consensus throughout the process on substantive issues with the participation of all members and which all can live with and support.

The Commission's consensus process is conducted as an open public process with multiple opportunities for the public to provide input to the Commission on substantive issues. At each Commission meeting, the public is welcome to speak during the public comment opportunity provided for each substantive issue under consideration, as well as during general public comment periods provided at the end of each meeting. In addition, most substantive issues before the Commission go through a technical advisory committee review or workgroup process where consensus recommendations are developed by appointed representative stakeholder interests, providing extensive opportunities for public input. In addition many of the Commission's decisions require rule development to implement, affording additional entry points for public input.

Since its formation in July of 1998, the Commission has demonstrated a commitment to working with affected interests to build consensus on complex issues. The adoption of the first edition of the Florida Building Code (2001 Edition), developed from September 1998 through January of 2001, involved 27 Commission meetings, dozens of facilitated public workshops and hundreds of TAC meetings. The Commission has consistently worked with all affected interests to build the best possible consensus-based Building Code for the citizens of Florida. Through its committees and workgroups comprised of experts, the Commission has always developed its decisions based on analysis of the results of the best engineering and science available. Since 1999 the Commission has convened 68 special issue stakeholder workgroups to develop broad based consensus recommendations on issues of concern to building construction industry stakeholders.



**APPENDIX C**  
**KEY TO COMMON ACRONYMS**

ACRONYM	DEFINITION
ADA	Americans With Disabilities Act
ADAAG	ADA Accessibility Guidelines for Buildings and Facilities
BCSA	Florida Building Code System Assessment
BOAF	Building Officials Association of Florida
DACS or FDACS	Florida Department of Agriculture and Consumer Services
DBPR	Department of Business and Professional Regulations
DCA	Department of Community Affairs (Abolished 2011)
DEP or FDEP	Florida Department of Environmental Protection
DOH or FDOH	Florida Department of Health
EPA	U.S. Environmental Protection Agency
FACBC	Florida Accessibility Code for Building Construction
FAR	Florida Administrative Register (previously FAW)
FBC	Florida Building Code
FBC	Florida Building Commission
FECC	Florida Energy and Conservation Code
IBC	International Building Code
ICC	International Code Council
POC	Program Oversight Committee (Education and Product Approval)
SAD	ADA Standards for Accessibility Design
TAC	Technical Advisory Committee

## APPENDIX D

### COMMISSION MILESTONES AND PLENARY SESSION MEETING SUMMARIES FOR THE PERIOD OF JULY 2020 – JUNE 2021

**AUGUST 2020.** In response to the coronavirus COVID-19 pandemic, the Commission conducts their August 4, 2020 meeting as a virtual meeting via webinar and teleconference. At the August 4, 2020 virtual meeting the Commission considered and decided on Chair's issues and recommendations, Executive Director's announcements and discussions, product and entity approvals, applications for accreditor and course approvals, accessibility waivers, petitions for declaratory statements, and recommendations from the Commission's various committees. In addition the Commission received a briefing on Binding Interpretation #186. Specific actions included voting unanimously to: 1.) Approve the updated Workplan and Schedule for the 2020 Code Update Process—7<sup>th</sup> Edition (2020), Florida Building Code; 2.) Proceed with rule adoption for Rule 61G20-2.001—Commission Organization and Operations, approving proposed rule language to reflect the election of a chair from among the Commission based on a simple majority voting threshold, with a term length of one complete Code development cycle, with no term limits, and a minimum of 3 years on the Commission as the qualification requirement for election, and to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Commission; 3.) Dismiss the complaint against Fi Foil Company, Inc. by Dermot Ennis of International Insulation Products on the basis that the product is outside the scope of the Product Approval Rule and the Commission's authority; 4.) Dismiss the complaint and not initiate an investigation regarding the complaint submitted against the International Association of Plumbing and Mechanical Officials (IAPMO) by Dermot Ennis of International Insulation Products on the basis that there is not substantial material evidence of a violation of the applicable provisions of the Product Approval Program by IAPMO; 5.) Approve funding the four research projects recommended by staff for FY 2020-2021 to support the effective implementation and enforcement of the 7<sup>th</sup> Edition (2020) FBC, and/or for the development of the 8<sup>th</sup> Edition (2023) FBC, and to charge staff with contracting, administering and overseeing the research, and negotiating scoping and funding levels as appropriate; 6.) Approve funding the four research projects for fiscal year 2020-2021 based on the HRAC's recommended priority order, and to charge staff with contracting, administering and overseeing the research, and negotiating scoping and funding levels as appropriate; 7.) Refer the *Appendix with Optional Enhanced Construction Techniques* proposed research project to a future meeting for additional evaluation regarding whether the project should be funded by the Commission; and, 8.) Refer the *Wind-Driven Rain Tests of Building Envelope Systems up to Hurricane Strength Wind-Driven Rain Intensity* research project final report to the HRAC to evaluate the Report's recommendations and develop recommendations for any next steps by the Commission.

**OCTOBER 2020.** In response to the coronavirus COVID-19 pandemic, the Commission conducts their October 13, 2020 meeting as a virtual meeting via webinar and teleconference. At the October 13, 2020 virtual meeting the Commission considered and decided on Chair's issues and recommendations, Executive Director's announcements and discussions, product and entity approvals, applications for accreditor and course approvals, accessibility waivers, and recommendations from the Commission's various committees. The Commission received a briefing on a draft Workplan for development of the 8<sup>th</sup> Edition (2023), Florida Building Code. In addition, the Commission welcomed new commissioner appointments and recognized commissioners who rolled-off of the Commission. Specific actions included voting unanimously to: 1.) Approve the

Chair's recommended committee appointment; 2.) Proceed with rule adoption for Rule 61G20-2.001—Commission Organization and Operations, incorporating the approved rule language revisions regarding the Chair's term length, experience requirement, and appointment of a vice-chair, and to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Commission; 3.) Initiate rulemaking to implement the specified changes to Rule Chapter 61G20-3 in response to the JAPC letter, and to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Commission; and, 4.) Initiate rulemaking to repeal Rule 61G20-3.010, and to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Commission.

**DECEMBER 2020.** In response to the coronavirus COVID-19 pandemic, the Commission conducts their December 15, 2020 meeting as a virtual meeting via webinar and teleconference. At the December 15, 2020 virtual meeting the Commission considered and decided on Chair's issues and recommendations, Executive Director's announcements and discussions, accessibility waiver requests, product and entity approvals, applications for accreditor and course approvals, petitions for declaratory statements, and recommendations from the Commission's various committees. The Commission received an update on the draft Workplan for development of the 8<sup>th</sup> Edition (2023), Florida Building Code; offered nominations for the election of a Commission Chair; and, a request to delay the implementation date for the 7<sup>th</sup> Edition (2020) FBC, Energy Conservation Code was made, but withdrawn by the proponent during the meeting. In addition, the Commission recognized commissioners who rolled-off of and resigned from the Commission. Specific actions included voting unanimously to: 1.) Approve IESVE Version 2021 for demonstrating compliance with the commercial building energy requirements of the 7<sup>th</sup> Edition (2020) Florida Building Code, Energy Conservation for the following code compliance method: ASHRAE 90.1 2016 Performance Method Appendix G; 2.) Approve Energy Gauge USA Version 7 for demonstrating compliance with the residential building energy requirements of the 7<sup>th</sup> Edition (2020) Florida Building Code, Energy Conservation for the following code compliance methods: R402 Prescriptive R-Value Method, Prescriptive Total UA Alternative Method, Performance Method – R405, and ERI Method – R406; and, 3.) Approve Energy Gauge Summit 7.00 for demonstrating compliance with the commercial building energy requirements of the 7<sup>th</sup> Edition (2020) Florida Building Code, Energy Conservation for the following code compliance methods: FEC Total Building Performance Method, FEC Prescriptive Method, FEC Component Performance Alternative Method, ASHRAE Prescriptive Method, and ASHRAE Energy Cost Budget Method.

**JANUARY 2021.** At the January 12, 2021 virtual meeting the Commission considered and decided on Chair's issues and recommendations, and Executive Director's announcements and discussions. The Commission received an update on the draft Workplan for development of the 8<sup>th</sup> Edition (2023). Specific actions included voting unanimously to: 1.) Elect Commissioner Jim Schock as the Commission's Chair; and, 2.) Send a Letter of Certification of Equivalence to DOE certifying that the residential building provisions of the 7<sup>th</sup> Edition (2020), Florida Building Code, Energy Conservation meet or exceed the 2018 International Energy Conservation Code (IECC), for low-rise residential buildings.

**FEBRUARY 2021.** In response to the coronavirus COVID-19 pandemic, the Commission conducts their February 9, 2021 meeting as a virtual meeting via webinar and teleconference. At the February 9, 2021 virtual meeting the Commission considered and decided on Chair's issues and recommendations, Executive Director's announcements and discussions, accessibility waiver requests, product and entity approvals, applications for accreditor and course approvals, and

recommendations from the Commission's various committees. The Commission received training on the Commission's consensus building process, meeting management and participation guideline, and roles for meeting participants. Specific actions included voting unanimously to: 1.) Select the 2021 I-Codes and the 2020 NEC as the model codes for conducting the Commission's model code update review process for development of the 8<sup>th</sup> Edition (2023), Florida Building Code; 2.) Approve the Workplan and Schedule for the 2023 Code Update Process—8<sup>th</sup> Edition (2023), Florida Building Code; and, 3.) Initiate rulemaking for Rule 61G-20-6.002 (Commission Approval and Accreditation of Advanced Building Code Training Courses) and to conduct a rule development workshop at the April 13, 2021 meeting.

**APRIL 2021.** In response to the coronavirus COVID-19 pandemic, the Commission conducts their April 13, 2021 meeting as a virtual meeting via webinar and teleconference. At the April 13, 2021 virtual meeting the Commission considered and decided on Chair's issues and recommendations, Executive Director's announcements and discussions, 2023 Code Update Workplan/Schedule update, accessibility waiver requests, product and entity approvals, applications for accreditor and course approvals, petitions for declaratory statements, and recommendations from the Commission's various committees and workgroups. Specific actions included voting unanimously to: 1.) Initiate rulemaking for Rule 61G20-1.001, Florida Building Code, by publishing a Notice of Development, and to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Chairman of the Florida Building Commission; and, 2.) Proceed with rule development for Rule 61G20-2.002—Commission Approval and Accreditation of Advanced Building Code Training Courses, based on the approved revisions, and to direct staff to bring draft rule language incorporating the revisions to the June 8, 2021 workshop, and to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Commission.

**JUNE 2021.** In response to the coronavirus COVID-19 pandemic, the Commission conducts their June 8, 2021 meeting as a virtual meeting via webinar and teleconference. At the June 8, 2021 virtual meeting the Commission considered and decided on Chair's issues and recommendations, Executive Director's announcements and discussions, accessibility waiver requests, product and entity approvals, applications for accreditor and course approvals, petitions for declaratory statements, and recommendations from the Commission's various committees. Specific actions included voting unanimously to: 1.) Initiate rule development and Code amendments as required for implementation of assignments from HB 401, SB 804, and SB 286; 2.) Approve the updated Workplan and Schedule for development of the 8<sup>th</sup> Edition (2023), Florida Building Code; 3.) Adopt the TAC 2021 Model Code Update Review Process for development of the 8<sup>th</sup> Edition (2023), Florida Building Code; 4.) Adopt the Commission 2021 Model Code Update Review Process for development of the 8<sup>th</sup> Edition (2023), Florida Building Code; 5.) Proceed with rule development for Rule 61G20-2.002—Commission Approval and Accreditation of Advanced Building Code Training Courses, based on the approved recommendations, and to direct staff to bring draft rule language incorporating the recommendations to the August 10, 2021 rule hearing, and to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Commission; 6.) Approve COMCheck for demonstrating compliance with the commercial building energy requirements of the 7<sup>th</sup> Edition (2020) Florida Building Code, Energy Conservation for the prescriptive compliance method; 7.) Approve funding the four research projects for fiscal year 2021 - 2022 based on the HRAC's recommended priority order, and to charge staff with contracting, administering and overseeing the research, and negotiating scoping and funding levels as appropriate; and, 8.) Adopt the Commission's fiscal year 2020 - 2021 Annual Report, including Commission actions taken

during the June 8, 2021 meeting, and to charge the Chair with reviewing and approving the Final Report prior to submittal to the Legislature and Governor.

DRAFT