

FLORIDA BUILDING COMMISSION
Holiday Inn Tampa Westshore
700 North Westshore Boulevard
Tampa, Florida 33609
Plenary Session
February 20, 2015
8:30 AM

COMMISSIONERS PRESENT:

Dick Browdy, Chairman
Hamid Bahadori
Steve Bassett
James Batts
Donald Brown
Bob Boyer
Oscar Calleja
Jay Carlson
David Compton
Nan Dean
Kevin Flanagan
Charles Frank

David Gilson
Jeff Gross
Robert Hamberger
Brian Langille
Beth Meyer
Darrell Phillips
Bradley W. Schiffer
Frederick Schilling
Jim Schock
Drew Smith
Brian Swope
Jeff Stone

COMMISSIONERS NOT PRESENT:

Tom Tolbert

OTHERS PRESENT:

Jim Richmond
Mo Madani
Norman Bellamy

Chris Burgwald
April Hammonds
Jim Hammers

MEETING FACILITATION:

The meeting was facilitated by Jeff Blair from the FCRC Consensus Center at Florida State University. Information at: <http://consensus.fsu.edu/>

Welcome:

Time: 8:30 am

Chairman Browdy welcomed Commissioners, staff, and members of the public to Tampa and the February 20, 2015 plenary session of the Florida Building Commission. He stated that in addition to considering regular procedural issues including product and entity approvals, applications for accreditor and course approvals, petitions for declaratory statements, accessibility waivers, and recommendations from our various committees, the primary focus of the February meeting is to receive an update on the work of the Code Development and Implementation Workgroup, and planning for the 2015 Legislative Session.

Chairman Browdy advised members of the public to sign the attendance sheet on the speaker's table in the center of the room. In addition, we have a sign-up sheet for general public comment. He stated as always, we will provide an opportunity for public comment on each of the Commission's substantive discussion topics (actions that are not procedural or ministerial in content). Chairman Browdy stated if a member of the public would like to comment on a specific substantive Commission agenda item, please come to the speaker's table when the issue is up for consideration so we know you want to speak. He advised that public input is welcome, but should be offered before there is a formal motion on the floor. Chairman Browdy asked that all participants and members of the audience keep all electronic devices turned off or in a silent mode. Thank you for your cooperation.

Chairman Browdy stated that there are also buff colored "*Public Comment Forms*" on the speakers' table that can be used to provide written comments. All written comments will be included in the Facilitator's Summary Report. Please give your completed "*Public Comment Forms*" to Jeff Blair. He advised some of the licensing boards located within the Department of Business and Professional Regulation have adopted rules regarding continuing education credits for attending Florida Building Commission meetings and/or Technical Advisory Committee meetings. If your board participates you may sign-in on the kiosk laptop provided in the meeting room.

Roll Call:

Chairman Browdy performed roll call, a quorum was met with twenty four members present.

Chairman Browdy requested that Jeff Blair cover the agenda items for the meeting today.

Jeff Blair welcomed participants to the February Plenary Session and introduced the agenda as follows:

- To Consider Regular Procedural Issues: Agenda Approval and Approval of the December 12, 2014 Facilitator's Summary Report and Meeting Minutes, January 5, 2015 Facilitator's Summary Report and Meeting Minutes, and January 22, 2015 Telephonic Meeting Minutes.
- To Consider/Decide on Chair's Discussion Issues/Recommendations.
- To Consider/Decide on Accessibility Waiver Applications.
- To Consider/Decide on Approvals and Revocations of Products and Product Approval Entities.
- To Consider Applications for Accreditor and Course Approval.
- To Consider/Decide on Legal Issues: Petitions for Declaratory Statements.
- To Receive a Report of Legislative Issues.
- To Consider/Decide on Technical Advisory Committees (TACs): Accessibility; and Code Administration TAC Report/Recommendations.
- To Consider/Decide on Program Oversight Committees (POCs): Education and Product Approval POC Reports/Recommendations.
- To Receive Public Comment.
- To Discuss Commissioner Comments and Issues.
- To Review Committee Assignments and Issues for the Next Meeting, April 14, 2015 in Gainesville, Florida.

Chairman Browdy requested a motion to approve the February 20, 2015 agenda as presented. A motion was entered by Commissioner Schilling and seconded by Commissioner Schiffer, the motion passed unanimously.

Approval of the December 12, 2014 Facilitator's Summary Report and meeting minutes, January 5, 2015 Facilitator's Summary Report and meeting minutes and January 22, 2015 meeting minutes.

Chairman Browdy requested a motion to approve the December 12, 2014 Facilitator's Summary Report and meeting minutes, January 5, 2015 Facilitator's Summary Report and meeting minutes and January 22, 2015 meeting minutes.

Commissioner Schiffer entered a Motion to approve the December 12, 2014 Facilitator's Summary Report and meeting minutes, January 5, 2015 Facilitator's Summary Report and meeting minutes and January 22, 2015 meeting minutes. Commissioner Schilling seconded the Motion. The motion passed unanimously.

Chairman's Discussion Issues and Recommendations:

Appointments:

Chairman Browdy stated that there are three re-appointments and one appointment but he is unable to announce them today.

Recognition of Departmental Dignitaries:

Chairman Browdy asked that the Commission please welcome Drew Winters, Deputy Director, DBPR Division of Professions. He said that Drew will be assigned direct responsibility for the Office of Codes and Standards within the Department of Business and Professional Regulations. Chairman Browdy said that the Commission is honored to have him present at the meeting and invited him to speak to the Commission.

Mr. Winters said he appreciated the opportunity to be at the meeting and that Chairman Browdy has been very welcoming and that he greatly appreciated that from everyone he has had the opportunity to meet and looks forward to meeting the rest of the group. He stated the Department with the Division of Professions houses many of the regulatory boards that the Commission may work with through their different professions. Mr. Winters said that Building Commission and Office of Codes and Standards section has been a unique opportunity. He said the staff has been great to work with and the Department is excited to have an entity such as the Building Commission, as each one of the Commissioners bring a knowledge to the Commission that the Department appreciates and collectively have become a well know presence in the industry and the State. Mr. Winters said that they welcome the Commissions participation with the Department and he hopes that the Department will continue to be a support to them and a tool that they can use. He further stated Secretary Lawson has been very supportive of all of the agency and has been active in knowing that they want to reach out to the Commission to support them in their role as it is an important role and they recognize that with the State of Florida and

Chairman's Discussion Issues and Recommendations (cont.):

with the agency. Mr. Winters said he wanted to thank them again for their collective wisdom and if there is anything that the Department can do help support the Commission and the Codes and Standards section the Department will continue to do that. He advised them to give him a call if there is anything he can do to assist them. Mr. Winters again thanked Chairman Browdy for his welcoming and staff and the help in assisting them to understand the process.

Chairman Browdy then introduced Will Spicola as the new General Counsel for the Department of Business and Professional Regulation succeeding Layne Smith and it is a pleasure to have in attendance today.

Mr. Spicola thanked the Chairman and said he appreciated the opportunity to speak to the Commission. He said echoing what Mr. Winter's said, the Department appreciates what the Commission does in this industry and for our state. Mr. Spicola stated from the General Counsel's Office, they want to be a resource for the Commission. He stated that April does a fantastic job being a great support and he appreciates her hard work. Mr. Spicola said they do appreciate the Commission's hard work for they want to be a resource for them in fulfilling their objective. He asked that they contact him or let April know of any needs they may have.

Chairman Browdy said that with April representing the Commission they feel very well protected.

Additional Issues:

Chairman Browdy advised the Commissioners that going forward we will be taking roll-call at the beginning and end of each telephonic commission meetings. Please do not sign-off until the roll-call at the end of the meeting is complete.

Legislative Call Schedule:

Chairman Browdy advised each year the Commission schedules a series of teleconference meetings to receive updates and provide any needed guidance and/or recommendations to staff pertaining to proposed legislation of interest to the Commission. He advised typically the calls are on Mondays and start at 10:00 AM and that it will be important that Commissioners participate, and we also need to ensure we have a quorum for each meeting. Chairman Browdy thanked the Commission in advance for their commitment. He provided the following proposed schedule for the 2015 Legislative Session Commission teleconference meetings schedule:
March 9, March 23, April 6, April 27 and May 4 with a wrap-up call scheduled for May 11.

Legislative Call Schedule (cont.):

Chairman Browdy stated if there is no further discussion, Commissioners I would ask for a Motion to approve the schedule for the 2015 Legislative Session Commission teleconference meetings.

A motion was entered a motion to approve the schedule by Commissioner Schock. The motion was seconded by Commission Schiffer, the motion passed unanimously.

Court Reporter:

Chairman Browdy advised the Commission that there is a Court Reporter present today at the meeting and he asked that for benefit of record to state your name as the Court Reporter may not be able to see your name.

Effective Date of the Florida Building Code:

Chairman Browdy announced that Rule 61G20-1.001, which adopts by reference the 5th Edition (2014) Florida Building Code, has been filed for adoption with the Department of State. He stated the effective date for the new code is June 30, 2015. Chairman Browdy said congratulations to all.

Accessibility Waivers:

Chairman Browdy advised that the Commission will now consider this month's requests for accessibility waivers. April Hammonds will serve as legal counsel and present the Accessibility Advisory Council's recommendations.

April Hammonds, Esq. advised that there was not a quorum during the Accessibility Council Meeting the recommendations being presented are from the individuals that were present.

[Harding Hotel, 210 63rd Street, Miami Beach FL;](#) - - Council recommended granting based on technical infeasibility and historic nature of the building.

Commissioner Schiffer entered a motion to accept the recommendation of approval. Commissioner Schilling seconded the motion. The motion passed unanimously.

Accessibility Waivers (cont.):

Harry's Pizzeria, 2996-2998 McFarlane Road, Coconut Grove FL; - Council recommended conditional approval based on technical infeasibility with the condition that signage is placed at the inaccessible entrance guiding people to the accessible entrance.

Commissioner Schilling entered a motion to accept the recommendation of conditional approval. Commissioner Meyer seconded the motion.

Park Central Hotel, 626-650 Ocean Drive, Miami Beach FL; - Council recommended conditional approval based on historic nature and technical infeasibility with the condition that signage is placed in multiple locations directing people to the accessible routes and facilities.

Commissioner Schilling entered a motion to accept the recommendation of conditional approval. Commissioner Schiffer seconded the motion.

Royal Polo, 2940 Collins Av, Miami Beach FL; - Council recommended granting based on technical infeasibility and historic nature of the building.

Robert Fine, Esq. was present to represent the Royal Polo. Mr. Fine stated they support the recommendation of the Council and would defer any comment pending the vote of the Commission.

Commissioner Schilling entered a motion to accept the recommendation of approval. Commissioner Schiffer seconded the motion. The motion passed unanimously.

Mr. Fine, Esq. thanked the Commission and had no further comments.

Make Your Mark, 1931 19th Place, Vero Beach FL; - Council recommend deferral.

Larry Schneider, Architect, stated he contacted the owner, Linda Allen to offer pro-bono assistance to resolve issues with the local jurisdiction thus requesting the deferral.

Commissioner Schiffer entered a motion to accept the recommendation of deferral. Commissioner Schilling seconded the motion. The motion passed unanimously.

Ms. Hammonds went on record to thank Mr. Schneider for his assistance with this owner.

Accessibility Waivers (cont.):

[Jacqueline, 1321 15 Street, Miami Beach FL;](#) - Council recommended approval based on disproportionate cost.

Commissioner Schiffer entered a motion to accept the recommendation of approval.
Commissioner Schilling seconded the motion. The motion passed unanimously.

[1330, 1330 15th St, Miami Beach FL;](#) - Council recommended approval based on disproportionate cost.

Commissioner Meyer entered a motion to accept the recommendation of approval.
Commissioner Schiffer seconded the motion. The motion passed unanimously.

[QOL Medical LLC, 3405 Ocean Drive, Vero Beach FL.](#) - Council recommended approval based on disproportionate cost.

Larry Schneider stated he was available for any questions.

Commissioner Meyer entered a motion to accept the recommendation of approval.
Commissioner Schilling seconded the motion. The motion passed unanimously.

Product and Entity Approval:

Chairman Browdy advised Commissioner Stone will present the POC's recommendations for entity approvals and the consent agenda for products recommended for approval, and Jeff Blair will present the POC's recommendations for product approvals with discussion and/or comments. He stated we will start with entity approval applications, followed by the consent agenda of product approval applications recommended for approval, and conclude with product approval discussion items.

Commissioner Stone stated there were fifteen entities approved by consent agenda.

Commissioner Stone entered a motion to approve the consent agenda for fifteen entities.
Commissioner Compton seconded the motion, the motion passed unanimously.

Commissioner Stone advised there were one hundred five products approved on the consent agenda.

Commissioner Stone entered a motion to approve the consent agenda for one hundred five products on the consent agenda. Commissioner Compton seconded the motion, the motion passed unanimously.

Product and Entity Approval (cont.):

Commissioner Stone advised there were three products for discussion that will be introduced by Jeff Blair.

Mr. Blair presented the following products for discussion:

16980-R1 – Commissioner Stone entered a motion to conditionally approve as recommended by the POC, Commissioner Compton seconded the motion passed unanimously.

17238 - Commissioner Stone entered a motion to conditionally approve as recommended by the POC, Commissioner Compton seconded the motion passed unanimously.

17220 - Commissioner Stone entered a motion to conditionally approve as recommended by the POC, Commissioner Compton seconded the motion passed unanimously.

Applications for Accreditor and Course Approval:

Chairman Browdy advised that Commissioner Nan Dean will present the Education POCs recommendations for course applications will provide recommendations as needed.

Commissioner Dean stated there were no accreditors today; however there are three courses for approval on the consent agenda, those courses are **679.0, 680.0 and 621.0**. She stated if there were no objections, the POC recommends approval.

Commissioner Dean entered the motion to approve **679.0, 680.0 and 621.0**. Commissioner Schock seconded the motion; the motion passed 23 to one. Commissioner Schiffer abstained and stated he is an author in one of the courses.

Commissioner Dean presented the following courses for individual approval.

676.0 - Commissioner Dean entered a motion to conditional approval; Commissioner Flanagan seconded the motion, the motion passed unanimously.

681.0 - Commissioner Dean entered a motion to conditional approval; Commissioner Flanagan seconded the motion, the motion passed unanimously.

Commissioner Dean presented the following self-affirmed courses for individual approval.

317.1 - Commissioner Dean entered a motion to conditional approval; Commissioner Flanagan seconded the motion, the motion passed unanimously.

Applications for Accreditor and Course Approval (cont.):

593.0 - Commissioner Dean entered a motion for conditional approval; Commissioner Flanagan seconded the motion, the motion passed unanimously with amendment stating that the course number will be updated to 593.0 to 593.1 in BCIS and that the Commissioners understand they are voting on the correct course number 593.1.

April Hammonds, Esq. provided explanation with the course number change and that the issue is in the BCIS system. She stated the correct course number will change in BCIS to reflect 593.1.

Petitions for Declaratory Statement - [Legal Report](#)

Chairman Browdy stated that prior to the declaratory statements; April Hammonds, Esq. will be providing information on one legal matter to report.

April Hammonds, Esq. advised that during this month's meeting of the Accessibility TAC, they recommended approval of the proposed enhancements to the online accessibility waiver application form. She stated they previously had approved the language and at this meeting they wanted changes to the form, they saw the changes and they approved the form. Ms. Hammonds advised that after this meeting we will be taking it further into the rule adoption process and the Commission will be considering the TACs recommendations at the April 14, 2015 meeting and move to proceed with rule adoption and conducting a rule adoption hearing only if it is requested.

Chairman Browdy requested Ms. Hammonds to now present the declaratory statements.

[DS 2014-129 by David Kramer of the University of Florida;](#)

Ms. Hammonds read the petition from Mr. Kramer with response

Commissioner Schiffer entered a motion to accept the staff and Accessibility TAC recommendation. Commissioner Gross seconded the motion, the motion passed 23 in favor and one opposed.

[DS 2014-152 by Bryce Brandon of Euramax International Inc.;](#)

Ms. Hammonds read the petition from Mr. Brandon with response. She advised The Product Approval POC voted unanimously to recommend the Commission approve the POC's recommendations on the Petition, to approve staff's analysis/recommendation as amended with staff's analysis/recommendation that this product is outside the scope of the state product approval program. Ms. Hammonds said the staff further stated the product in question must meet the requirements of the Florida Building Code and is subject to approval by the local authority having jurisdiction.

Petitions for Declaratory Statement (cont.):

[DS 2014-152 by Bryce Brandon of Euramax International Inc.; - \(cont.\)](#)

Chairman Browdy stated he was a little confused about the amendment and asked for clarification.

Commissioner Stone stated during the meeting of Product Approval POC this was discussed and the POC voted to approve this amendment, however, he was opposed. He further stated this is a roof whether it is louvered or not and probably part of the lateral force resistance system and thus he disagreed.

Commissioner Compton stated the reason for the additional language from the POC is to cover the wind load provisions. He stated it was intended to meet the wind load requirements and has to be approved by the Building Official in that jurisdiction.

Commissioner Gilson said that it has come up several times where something is not included in product approval and therefore cannot be approved. He said for local building departments these same questions are going to be asked at each jurisdiction. He asked if there is a mechanism to put something in writing to show that it is not subject to product approval.

Ms. Hammonds stated the declaratory statement is usually the process with the issues that have come up where there have been areas of high wind zones and they want to advertise the product is safe under the wind load requirements which are where the issue comes in with this declaratory statement. She further stated under Florida Statutes 553.8425 if you are going to have a product or advertise a product that can be wind resistant or hurricane protectant, you have to obtain one or the other. Ms. Hammonds stated unless there is a modification to the code, they will need to come through the declaratory statement process in order to determine the particular facts and circumstances of each product.

Commissioner Gilson said this would be the mechanism for this issue.

Ms. Hammonds advised yes.

Commissioner Gilson asked if there is something they can show the building departments or will it have to be reflected back in the minutes.

Petitions for Declaratory Statement (cont.):

[DS 2014-152 by Bryce Brandon of Euramax International Inc.; - \(cont.\)](#)

Ms. Hammonds stated that each petitioner, their representatives and the local building department receive a copy of the petition and of the order. She further advised that there is a statute that requires the building officials throughout the State whereas if the facts or material are the same to interpret the declaratory statements in like kind in order to provide uniformity which is different than what is standard for declaratory statements under the Administrative Procedures Act. Ms. Hammonds advised if someone comes with another product that is almost identical with this, it would be under the building officials determination as to whether the material is the same then they could use this declaratory statement. She said the declaratory statement does give the answer, also if it is not in the jurisdiction that is involved in the declaratory statement, they are all posted online and they are categorized by subject matter.

Commissioner Schock stated that he is not sure that he agrees that it falls outside of the product approval program, he said that it is a component subject to wind loads and from that stand point it should have product approval, but that does not negate the requirement of the engineer to be designing the system, as it will impose loads on the building unless it is standalone. He stated again he felt it needed product approval.

Commissioner Compton stated the way it was presented to the POC was as a standalone, such as picnic pavilion or something of that nature, and that is where they did struggle with it, but it was presented as standalone and it was not anchored to a building structure.

Commissioner Bassett stated it appears to be similar to a pergola or a screen enclosure for a pool which do not require product approval but do require a signed and seal drawing each time they are built.

Chairman Browdy added for wind load approval.

Mr. Madani stated the program is voluntary and has a specific scope and is limited to the building envelope and frame, it is very specific. He said it is not used for these structures and this is outside of the scope for the program, but does have to meet code and the local jurisdiction and make sure it has proper engineering. Mr. Madani stated they are staying within the scope of the program.

Commissioner Schock stated he feels he is on board now looking at the pictures and that it is not part of the habitual structure.

Commissioner Stone entered a motion to accept the POC recommendation. Commissioner Compton seconded the motion. The motion passed with twenty two in favor and two opposed.

Petitions for Declaratory Statement (cont.):

**[DS 2014-163 by Robert S. Fine representing All Aboard Florida – Operations, LLC.](#)
[\(Supplement \)](#)**

Ms. Hammonds advised the Code Administration TAC voted unanimously to recommend the Commission approve the POC's recommendations on the Petition to approve staff's analysis/recommendation including the Petitioner's proposed answers to the questions posed in the Petition. She presented the following questions with responses to the Petition.

Question 1: Is All Aboard Florida, the passenger rail system being constructed and to be operated by the Petitioner (including the ancillary facilities associated with it) a railroad that is exempt from the FBC (including but not limited to Section 105 of the FBC) by the language itself at Section 102.2(b), and as mandated by Section 553.73(10)(b) of the Florida Statutes?

Answer: Yes, the passenger rail system being constructed, and to be operated and maintained by the Petitioner is a railroad and ancillary facilities associated with the railroad as set forth in Section 102(b) of the FBC and Section 553.73(10)(b) of the Florida Statutes and is therefore exempt from the provisions of the FBC, including but not limited to Section 105 of the FBC's permitting requirements.

Question 2: Do structures such as rail lines, rail beds, guideway structures, switches, parking facilities, power relays, switching houses and (notably) rail stations that are essential to the operation of the rail line fall within either the definition of railroad, or the definition of ancillary facilities associated with the railroad as set forth in Section 102.2 (b) of the FBC and therefore exempt from the FBC including its permitting requirements?

Answer: Yes. As set forth in Section 341.8203, Florida Statutes, structures such as rail lines, rail beds, guideway structures, switches, parking facilities, power relays, switching houses and rail stations that are essential to the operation of the rail line fall within the definition of railroad and are therefore exempt from the FBC and its permitting requirements based on the exemptions provided in Section 102.2 (b) of the FBC and Section 553.73(10)(b) of the Florida Statutes.

Petitions for Declaratory Statement (cont.):

**[DS 2014-163 by Robert S. Fine representing All Aboard Florida – Operations, LLC.](#)
[\(Supplement\)](#) (cont.):**

Question 3: Do some or all of the following elements of the rail stations included in the response to Question 2 of the Petition fall within the definition of railroad and ancillary facilities associated with the railroad as set forth on Section 102.2(b) of the FBC and Section 553.73(10)(b) of the Florida Statutes and are therefore exempt from the provisions of the FBC including Section 105 of the FBC’s permitting requirements:

- buildings and facilities designed to accommodate the movement of passengers from one mode of transportation to another including platforms and facilities at which passengers board or disembark from transportation conveyances (e.g., trains);
- ticketing facilities, information stands, waiting areas, sanitary facilities for passengers and staff, and offices for railroad staff;
- demised areas and other spaces intended to contain retail sales and/or service establishments, and restaurants and/or other food or beverage service establishments;
- retail sales and/or service establishments, restaurants and/or other food or beverage service establishments that will be tenants in the rail stations’ “demised areas and other spaces” mentioned immediately above;
- surface or structured parking serving the passengers and railroad staff may be adjacent to, or integral with the rail stations;
- crew and other train staff rest areas; and
- facilities to service the trains including food supply (including kitchen) facilities.

Answer: The elements of the rail stations proposed by Petitioner that are exempt from the FBC pursuant to Sec 102.2(b) and Section 553.73(10)(b), Florida Statutes are:

- buildings and facilities designed to accommodate the movement of passengers from one mode of transportation to another including platforms and facilities at which passengers board or disembark from transportation conveyances (e.g., trains);
- ticketing facilities, information stands, waiting areas, sanitary facilities for passengers and staff, and offices for railroad staff;
- demised areas and other spaces intended to contain retail sales and/or service establishments, and restaurants and/or other food or beverage service establishments;
- surface or structured parking serving the passengers and railroad staff adjacent to, or integral with the rail stations; and
- crew and other train staff rest areas; and
- facilities to service the trains including food supply (including kitchen) facilities.

Petitions for Declaratory Statement (cont.):

**DS 2014-163 by Robert S. Fine representing All Aboard Florida – Operations, LLC.
(Supplement) (cont.):**

Retail sales and/or service establishments, restaurants and/or other food or beverage service establishments that will be tenants in the rail stations’ “demised areas and other spaces” are not exempt from the FBC pursuant to Section 102.2(b). However, ticketing facilities, information stands, waiting areas, sanitary facilities, and offices for railroad staff—elements that are “essential to the operation of the railroad occupying the “demised and other spaces” are exempt from the FBC pursuant to Section 102.2(b) and Section 553.73(10)(b) of the Florida Statutes.

Ms. Hammonds stated that she also wanted to make note that the Petition only deals with the Florida Building Code not the Fire Prevention Code, and other statutes, etc. as the Commission does not have jurisdiction and that language will be included in the order.

Chairman Browdy acknowledged Mr. Fine representing the Petitioner.

Robert Fine, Esq. introduced himself stating he was representing the Petitioner. He stated with him today was Jose Gonzalez, VP of All Aboard Florida Operations, LLC in case you have questions for him. Mr. Fine stated if the Commission is comfortable with the recommendation of the TAC and does not have questions, they are happy to just move, but are prepared for a presentation and questions from the Commission or public comment. He said that they will be glad to address any questions or concerns.

Chairman Browdy asked if there was any public comment.

Bill Dumbaugh introduced himself and stated speaking on behalf of Broward County Board of Rules and Appeals and the City of Ft. Lauderdale Building Department. He stated he is a member of the Administrative TAC and when they voted on this there was some confusion that he felt led to a wrong vote. Mr. Dumbaugh further stated he would like to bring this to the Commission’s attention before they vote on it so that this does not happen again. He stated he may be wrong, but felt they should hear this, he said based on the last paragraph or last two sentences of the staff opinion, we voted to approve this. Mr. Dumbaugh said that since then speaking with Mo Madani it was his opinion they could build a multi-story building shell that is exempt from the Florida Building Code and would not have to have any permits or meet any codes and then when a tenant moves in that is non-essential to the railroad, they would have to obtain a permit. He said he is afraid that we would allow them to build a multi-story building exempt from the Code and then tenants are going to get permits for tenant improvement, but the building may not meet the code.

Petitions for Declaratory Statement (cont.):

**[DS 2014-163 by Robert S. Fine representing All Aboard Florida – Operations, LLC.](#)
[\(Supplement\)](#) (cont.):**

Chairman Browdy asked if there were any other public members or members of the TAC that would like to address the questions and issues.

Commissioner Boyer stated he is a member of the TAC and after the meeting, he kept thinking as it was bothering him. He stated he did some research on the Florida Railroad Statute, where it talks about the DOT shall adopt rules to maintain railroad tracks and supported equipment. Commissioner Boyer stated there was a reference that DOT will employ inspectors to do this and his concern was what National Standards are used and who is inspecting it and how do we know it is safe. He said he is like Mr. Dumbaugh, he is questioning that we have a structure out there that has never been permitted and now we are gone to get a permit from the tenant for a build out. Commissioner Boyer said that he sees this as a problem as he read the Federal Regulations they only referenced supporting or attached tracks and supported related equipment, it does not sound like the same equipment that is similar to the one we have here and that is one of his concerns. He said his point is that if we agree to the petition response and that the locals do not have jurisdiction, so who will be inspecting these on the National Standards and how do we have oversight.

Chairman Browdy asked for any further comments from the Commission.

Commissioner Flanagan stated he understands what All Aboard Florida is trying to do and he understands the logistics going from city to city with train tracks, but he it is hard to believe that we will not have the ability to have a building permit on the train station itself. He further stated he does not understand how we can allow this. Commissioner Flanagan stated as he reads the report, is anything that the train or All Aboard wants to do will not require a permit, however, if a tenant moves in and wants to open a restaurant, they will need a permit, so that means the shelter would not comply with the Building Code and he is not in support of that.

Commissioner Gilson stated he is inclined to have a clear point where they are building entirely everything in the building as exempt. He stated he looks at this similar to a military base, he said he was recently on a base, you go on any military base, there are lease spaces on the base and is within the city limits and it is all exempt. Commissioner Gilson said he understands this is a different rules however, for the same reasons, he feels that once they build presumably it will be built to high standards like the Army Code of Engineers, similar to Disney World, they have their own code and we just presume that they will do a very good job and he is not sure of the investment, but he feels that they will hold their tenants to a high standard.

Petitions for Declaratory Statement (cont.):

**[DS 2014-163 by Robert S. Fine representing All Aboard Florida – Operations, LLC.](#)
[\(Supplement\)](#) (cont.):**

Commissioner Schock stated the Department of Emergency Management, Flood Plain State Model Ordinance does not recognize a building code exemption for projects that are exempt from the Florida Building Code. He said therefore you still have to require the FEMA requirements and the Flood Plain Requirements in the Florida Building Code be met.

Commissioner Compton said that the exemption is not limited to railroads, there is also within this same section for utility companies. He advised that he has been involved in a couple of projects with the power industry where they had the exemption and they did not have to pull a permit to do switching in buildings. Commissioner Compton stated even though they were exempt, they still made sure that it met the Florida Building Code but we did not have to pull permits. He said that he agrees, understanding that there needs to be some regulation as to how the building is designed, but as for the exemption it is pretty clear that railroads are exempt.

Commissioner Schilling stated that he understands that the buildings and facilities and the structures be relative to the operation of the train system, but his problem is with not being comfortable when we get away from the train tracks and start building other buildings whether they are restrooms or restaurants it sounds like there will be no codes or standards and no requirements. He said at this we will have to assume they will do a good job and trust that they will build to a high standard and who will monitor and at the end of the day the public will be moving in and out of the buildings and he is not completely comfortable that without a standard or some code, and some form of inspection and oversight of the construction of the buildings that we are doing the proper service to the public to occupy those buildings.

Commissioner Gross stated that as Commissioner Compton mentioned, remembering the light pole issue, there was a declaratory statement on those regarding the highway and right away. He said on the public right away used the highway code and on private property they had to follow the Florida Building Code and the petitioner wanted to follow the same for both and it was explained the difference with public and private right away. Commissioner Gross stated he is a big fan of the trains and gave background riding and involvement with the rail system and he feels it is an excellent project needed for the state. He said that it is exempt and should be under the Railway Administration and the NFPA. Commissioner Gross said that the FEMA and those requirements will kick in and no one is going to build a building without some code as they would not be able to get insurance. He said as they might be aware when the Seminoles built the Hardrock they were exempt as Indians from the Building Code, however, they voluntarily followed the Code and set up their own building department.

Petitions for Declaratory Statement (cont.):

**[DS 2014-163 by Robert S. Fine representing All Aboard Florida – Operations, LLC.](#)
[\(Supplement\)](#) (cont.):**

Commissioner Hamberger stated if no requirement is very clear in the building code for the All Aboard Florida, then what parameters would be followed and he would like the petitioner to respond.

Commissioner Meyer said she understands the exemption, this is public transportation for our citizens and unlike a military base it is open to the public and we must ensure accessibility to all of the people that will be using the rail system and it is critical that the features are accessible to all people, that is her fear as it is open to the public. She said they need to be sure all out buildings are accessible.

Commissioner Gilson said as he recalls on the submitted documents that they were going to use a private provider service plan review and inspection services. He said once again we can assume they are going to use the Florida Building Code or National Code. Commissioner Gilson said that all the statements are fantastic concerns especially the accessibility and he feels that will all be worked out and if there is a mechanism in place that although are exempt from the building permits from the local jurisdiction, that they should have some oversight for the facilities.

Chairman Browdy stated it is unfortunate that the master permit is no longer available. He said that it would have addressed this issue.

Jim Richmond said that he would like to provide one comment to perhaps try and focus their consideration. He said what he has heard today is a very strong concern for a valid policy issue, but as well as the Florida Statute is over and above the Florida Building Code and specifically states that railroad and ancillary facilities are exempt from the Building Code. Mr. Richmond further advised that the policy debate occurred in Tallahassee when that statute was passed, whether it occurred on the floor or in committee or in the individual offices of legislators, he said he did not know. He advised what the Commission needed to focus on was the Legislative intent and what scope that exemption is to cover aside from the policy concerns that are raised, aside from concerns of what it might be built to, as well as the regulatory scheme that should be applied, we have been clear this has been focused on the building code and building permitting being used as a tool to enforce that code. Mr. Richmond further stated the development permits, the zoning approvals and any other number of things are still there and are beyond our scope of consideration and discussion.

Petitions for Declaratory Statement (cont.):

[DS 2014-163 by Robert S. Fine representing All Aboard Florida – Operations, LLC. \(Supplement \) \(cont.\):](#)

Commissioner Bassett said he would like someone to answer what is considered ancillary buildings for the railroad, can they go two city blocks around and be considered ancillary buildings or is it just directly what is needed to load and unload passengers.

Commissioner Calleja said he is sympathetic to the idea of the privately funded transportation, but he feels there is potential conflict when the parts are not exempt from the Building Code, like mechanical systems. He said if they built a ten story building around the station and they are going to be occupied by tenants that have a central a/c or chiller system, what happens when we try to impose the Mechanical Code on the tenants that would have to be planned when they build the shell. He said he is hoping to hear that they are going to use the Florida Building Code which resolves some of the issues.

April Hammonds, Esq. said that she would like to address the question from Commissioner Bassett in regards to ancillary. She said the Florida Building Code does not define what ancillary is and when the Florida Building Code does not define it, we are instructed to go to the Webster's Third New International dictionary and that was included in the staff analysis. Ms. Hammonds stated that the definitions for an ancillary are "subordinate, subsidiary, auxiliary, related, subordinate or auxiliary to a primary or principle legal document preceding officer.

Commissioner Bassett stated this did not answer his question.

Commissioner Swope referenced Commissioner Calleja's concerns referencing the high velocity wind zones as this project is in South Florida. He stated with ancillary buildings, this would be his concern and would like for this to be addressed.

Chairman Browdy stated there being no further questions at this time, he would like to turn the floor over to Mr. Fine to address questions of the Commission.

Mr. Fine stated the good news is that virtually every concern that has been raised around the table all of which are valid he feels can be resolved to the Commission's satisfaction. He said that All Aboard Florida you have probably heard of it is in the news and press will be a route that will provide high speed rail service from Miami to Orlando International Airport with stops in Ft Lauderdale and West Palm. Mr. Fine also said it is approximately a 235 mile long route and runs along a 100 plus year old corridor that was built by Henry Flagler. He stated All Aboard Florida could really be looking at as a single 200 mile plus long construction project that runs through eight counties and at least thirty five municipalities most of which have their own building code permitting and enforcement jurisdictions. Mr. Fine further stated in 1998 the Legislature

Petitions for Declaratory Statement (cont.):

**DS 2014-163 by Robert S. Fine representing All Aboard Florida – Operations, LLC.
(Supplement)(cont.):**

adopted SB 1190 which established the Florida Building Code and it was in that Bill the the exemption for railroads was codified. He said that based upon that mandate from the Legislature this Commission included this exemption of the original edition of the Florida Building Code in 2001 in Section 101.4.2 and today it is in 2010 Edition of the Code in Section 102.2 (b). Mr. Fine reiterated as mentioned by Ms. Hammonds the issues in this petition only pertain to the Florida Building Code, this petition does not address the Florida Fire Prevention Code which he will address later, he stated this is not part of the petition or any other State Agencies rules and or requirements.

Mr. Fine stated while the reasons behind the Legislature exempting railroads from the Florida Building Code appeared to involve permitting delays and inconsistencies in code interpretations from jurisdictions and other possible reasons, the Legislative history is actually silent on rational, but there is a history of these kinds of exemptions around the country and that is what it tends to go on. Mr. Fine said however, in the end the Legislation does clearly state that railroad and ancillaries are exempt from the Florida Building Code. He said if the legislation and the corresponding code requirement is clear then why are we here. Mr. Fine advised this project is an enormous very expensive and notably completely private undertaking. He said the project has certain deadlines it needs to meet and as you know delays in constructions projects even for code interpretation issues and other things like that, once a project is mobilized and moving forward those delays can be painfully expensive and have big impacts on completion dates. Mr. Fine said All Aboard Florida as a private entity cannot take the risk that one of the numerous jurisdictions that it's system will be running through will take a position on its construction that differs from other jurisdictions and creates inconsistencies in the project that is being created as a single system. He further stated in addition, there may be questions as to the breath of the exemption in the Building Code and so for reasons such as that we come to the Commission seeking this declaratory statement.

Mr. Fine advised in essence for some of the other questions that came out, the statutory definitions clarify the coverage of the statutory exemption, and actually ancillary facilities are defined with the railroad are defined in the Florida Statutes which he said he would cover later. He stated it is all in the Statutes and the Florida Building Code is an Administrative Rule that effectuates the building code statutes.

Petitions for Declaratory Statement (cont.):

[DS 2014-163 by Robert S. Fine representing All Aboard Florida – Operations, LLC. \(Supplement\)](#) (cont.):

Mr. Fine said that there are some very important things that he would like the Commission to know and for the record. He said first while the petition asked that you confirm that All Aboard Florida is exempt from the Florida Building Code, it will in fact be constructed subject to the Florida Building Code including where applicable the high velocity hurricane requirements. Mr. Fine said this is not about skirting the Code this is about time and costs and avoiding the risk of inconsistent interpretations of the Code and the timing delays that go along with it. He further said that All Aboard Florida is running 235 miles through 35 municipalities and 8 counties so you have 43 permitting potential jurisdictions and that is a lot of jurisdictions to be permitting all at the same time when you need consistency and code interpretations and you need to make sure you do not have timing issues.

Mr. Fine stated as some people have mentioned, some jurisdictions are not thrilled that the railroad is going through it, not accusing anyone of anything, however, to extend politics suggests not that a building official would do anything he would not otherwise do, but maybe there are priorities and it is risk that these people cannot take.

Mr. Fine said again this is private entity, there is no public money here so that if any delays happen it is not like they can go back to the tax payers, this is all out the companies pocket. He said this is the first privately funded railroad in the last 50 years and is being looked around the country as a model.

Mr. Fine stated the company has made a determination that they are going to be complying with the Florida Building Code and have employed two prominent private provider services, one of which provides building departments with plan reviewers and inspectors in dozens of jurisdictions around the State. He said so the people that will be reviewing plans and doing inspections are the inspectors in the jurisdictions you are coming from as they work for the jurisdictions and private provider services. Mr. Fine stated he would be glad to supply a list of providers and the jurisdictions that they will be working in.

Mr. Fine advised the Commission that All Aboard Florida is spending their own money and when they hire a contractor they want their monies worth, they do not want five years from now to have cracking walls or other issues because it was lesser quality and did not comply with code. He said the interest of his client is the same as the Commission and even more so, they want to get their monies worth out of the construction and they want it designed right and safely. Mr. Fine stated that also as was mentioned they have to insure these properties and the operation and insurers are not going to cover structures and operations moving thousands of people through them if they are built to appropriate code standards.

Petitions for Declaratory Statement (cont.):

**[DS 2014-163 by Robert S. Fine representing All Aboard Florida – Operations, LLC.](#)
[\(Supplement\)](#) (cont.):**

Mr. Fine stated they have a provider for enforcement, the contractor's contract say that the private provider is the final authority. He said the normal permitting; the red tag is the final authority, here the private purposes this is what it is, they can argue, they can try and work it out, if they can't they have to do it, the only remedy is at the end they can ask for a change order. Mr. Fine said it will get done the way these inspectors and plan reviewers instruct the work must be done.

Mr. Fine again stated the declaratory statement does not cover the Fire Prevention Code. He said that All Aboard Florida has been working with numerous Fire Marshalls throughout these jurisdictions. Mr. Fine stated from the Fire Prevention point of view they have a couple of issues regarding the same issue of inconsistencies and with that they would like the opportunity to meet with the State Fire Marshalls Office so that they have something in the event that something like that happen. He said from the Fire Prevention Code point of view they are not asking that this be considered as it is not the Florida Building Commission's jurisdiction and also because they are not asking for. He said the first responders and the fire prevention bureaus along the line will all be involved.

Mr. Fine said the law as Mr. Richmond stated gives the exemption. He said the breath of what is in the declaratory statement comes straight out of Florida Statutes. Mr. Fine said to clarify, rail stations is included in the definition of railroads and within those definitions it talks about all of those facilities they listed in the declaratory statement saying are they covered so that the local jurisdictions understood they are in there. He said the ones that are not covered were listed in the staff analysis, they put them forward knowing they did not meet the exemption they wanted it in there so when the order came out they did not want questions what is and what is not, they tried to cover everything they could.

Mr. Fine said to circle back this project will be built to the Florida Building Code, so that when a tenant builds in a demise space they will be building into a space that was built to the Florida Building Code and the standards these contractors and architects know. He said the architects just for information are Skidmore, Owings and Merrill SOM out of New York working with a prominent self-Florida architect firm as associated, very high quality architectural services, top private providers because it is their money and they will be running this for the next 50 and hopefully 100 years and they want it to be successful and possibly expands beyond Orlando and they want it done right. Mr. Fine stated again why are we here and why are we saying we are exempt; it is about the permitting requirement not about the substance of building, even if Florida says they do not have to, they are willing to go on the record they will be building to code.

Petitions for Declaratory Statement (cont.):

**[DS 2014-163 by Robert S. Fine representing All Aboard Florida – Operations, LLC.](#)
[\(Supplement\)](#) (cont.):**

Mr. Fine turned the floor over to Mr. Gonzalez.

Mr. Gonzalez introduced himself as not only the VP of All Aboard Florida, but the Senior VP of Florida East Coast Industries, the parent company of All Aboard Florida. He stated that he has been dealing with the building industry for quite a while, where they built mostly warehouses and rail ancillary facilities and they are familiar with the private provider process mainly because they have used it before on other railroad projects. Mr. Gonzalez stated that since railroads are exempt they had not gone to building departments, but typically they build to the Florida Building Code, and he is saying typically because they are standard for the Federal Rail Administration that they have to follow rail operations. He further stated the lack of regulation is not the issue it is basically for them over \$4 Billion reasons to do it right, it is a major project for them they want to make sure they hired the right professionals, not only the architects they are using have built rail stations around the country and they are very familiar with how to integrate the National and International Codes and now with the Florida Building Code and the hurricane zones that they are in, mainly because as the owners this is the standard they expect. Mr. Gonzalez stated that they expected this not only from their architects, but they expected the same from their contractors and it is in their contracts that these are the standards they shall follow. He further stated that they brought in the prior providers at this stage of designing, and as the architects are designing the private providers are actually working hand and hand with them so as the design goes and questions come up particularly because they have gotten a NY architect and they are all Florida PEs and Florida architects, they have a local firm and they are trying to make sure the belt and suspenders are there as they cannot mess this up from a timing perspective. He said they do not have time for debate, so as they go the designing and reviewing are happening in a parallel process. Mr. Gonzalez stated this is the same for their contractors, Suffolk Construction is building the Miami Station, Moss Construction is building West Palm and Ft. Lauderdale and it is all being done to the standards because they are also intertwined with the design professionals.

Mr. Gonzalez said one thing that is paramount with them is safety, he said one of the things they are doing and can say is that they have the first world's fully accessible train and it will be level boarded. He stated they are making the investment where the platforms board right into the train, he said not only will a person that needs accessibility be able to board the train, they will have fully accessible bathrooms and the isle on the train sets. He said these are things that are not required and it is a first time in the world that a company has ordered trains like that. Mr. Gonzalez stated the trains will be manufactured by Siemens out of Sacramento, CA, designed

Petitions for Declaratory Statement (cont.):

**DS 2014-163 by Robert S. Fine representing All Aboard Florida – Operations, LLC.
(Supplement)(cont.):**

in Germany but built in the US. He said this is an important milestone for them and they want to get it right. Mr. Gonzalez stated when questions do not have clarity, that is why we are here, here said we want to be sure there is full clarity, he further said they are not trying to hide anything. He said if there is a question that they get an answer and that is the point of them attending the meeting today to make sure they are doing it right.

Chairman Browdy thanked Mr. Gonzalez. He then asked Ms. Hammonds to give a response to Mr. Fine and Mr. Gonzalez's presentation and then he will go back to the Commissioners for questions or further responses.

Mr. Fine asked that prior to do this, he had stated he would address all questions and Commission Bassett had a question that was not answered. He addressed Commissioner Bassett's question "what is ancillary facilities associated with the railroad" he said in a sense it does not matter because everything we have put in there ultimately falls under the definition of railroad. Mr. Fine said there is a concept in transportation today called Transit Oriented Development where you get to a train stop and they have built office buildings, hotels and sometimes multi-family residential which sometimes makes sense when you have transportation right there. He said sometimes you see major buildings, office buildings and hotels, and under the Florida Statutes this is called associated development under the rail road statutes, Mr. Fine said this project is not and we are not asking for that, this is not a part of this. He said the things that are in the rail stations themselves customarily there may be food service, a place to buy magazine. He said if All Aboard Florida wants to build those they would not be under the rail road exemption, he said those would not be included in this project.

Ms. Hammonds said she would like to summarize, although the declaratory statement would exempt the railroad and the ancillary facilities from the Florida Building Code and the permitting requirements, from what she understands from the statements today, the only actual exemption in the practical matter they intend to exercise is from the permitting that you intend to follow the code.

Mr. Fine responded yes that is correct.

Chairman Browdy asked if there were any further comments from the Commission.

Petitions for Declaratory Statement (cont.):

**DS 2014-163 by Robert S. Fine representing All Aboard Florida – Operations, LLC.
(Supplement)(cont.):**

Commissioner Boyer stated he has listened and heard everything they were saying. He said that you talk private providers in his jurisdiction; they do oversight on the private providers. Commissioner Boyer stated they require a sit down , they have to explain the job and they inspect their jobs. He stated there may be some hometown issues in some of the counties.

Commissioner Carlson stated he would like to make a motion and that motion would be in regards to declaratory statement DS2014-163 a motion to accept staff analysis including the petitioner's answers to the questions provided. Commissioner Brown seconded the motion.

Commissioner Gilson asked to make a final comment, he stated he viewed this the same as a military base, highway rest stop, or public school system, we do not go into those, we have no business in those. He said he has been in all of those and has found they build above and beyond and does not feel some of the concerns are not valid. Commissioner Gilson stated he feels there needs to be a clear delineation point if they have a train station, it does not matter what goes inside that train station it belongs to them and they are the ultimate jurisdiction.

Commissioner Schiffer, asked if they would note on the plans as they offered to do so, add these plans meet the technical requirements of the Florida Building Code.

Mr. Fine stated they do not have a problem doing that at all, however, under a declaratory statement order in terms of underlying facts the profit that they are complying with the code, he believes that is fine, he does not think it is appropriate to say it is a condition, that would violate the statute but it is in the underlying facts as declaratory statements are based on fact.

Chairman Browdy asked if there were any other comments. There being none, he stated Jim would like to clarify the motion given by Commissioner Carlson.

Mr. Richmond stated the primary differentiation you moved the staff recommendation which is the same as the TAC recommendation but what has been delivered to you here today was formally for upon vote of the TAC Committee. He said he wanted to differentiate between the two. Jim said he was assuming the TAC recommendation.

Chairman Browdy stated there was a motion by Commissioner Carlson with a second from Commissioner Brown to approve the recommendation of the Code Administration TAC on DS 2014-163. The motion passed with 23 votes in favor and 1 vote against.

Petitions for Declaratory Statement (cont.):

[DS 2014-163 by Robert S. Fine representing All Aboard Florida – Operations, LLC. \(Supplement\)](#) (cont.):

Mr. Richmond stated for the court reporter the one vote against the motion was from Commissioner Boyer.

Chairman Browdy continued with the agenda to section nine.

Mr. Fine stated All Aboard Florida thanks the Commission and the time spent by staff on this request.

Binding Interpretation:

Chairman Browdy stated there are no binding interpretation requests at this time.

Legislative Report:

Chairman Browdy asked Jim Richmond to provide the Commission with a briefing regarding proposed legislation of interest to the Commission for the 2015 Legislative Session.

Mr. Richmond acknowledged Mr. Olson, Legislative Affairs Director with DBPR and the support he has provided with his support to the Commissions activities.

Mr. Richmond reported that several bills were filed impacting the Commission. Jim noted that it was early in the process, and the Commission would have the opportunity to receive updates and discuss legislation during the scheduled Legislative issues teleconference meetings. Jim reported on the following bills:

- HB 413 and SB 466: Provides that permits not be required to maintain, install, inspect, replace or service a smoke detector that is not hard-wired.
- HB 525 and SB 592: Provides that local water conservation practices adopted into the Code are automatically rolled forward into future editions of the Code.
- HB 795 and SB 926: Provides that the Code is explicitly required to include standards for underwater lights in public and private pools and prohibits installation of lights greater than 15 volts.
- SB 1034: Provides that all residential manufactured buildings must include a, “water heating device capable of using heat trapped from incidental sunlight.”

Committee Reports and Recommendations:

Chairman Browdy asked Committee Chairs to please confine their TAC/POC reports to a brief summary of key issues and recommendations, emphasizing any issues requiring an action from the Commission. He asked that they please frame any needed Commission action in the form of a motion. There is no need to read the TAC/POC minutes since the complete minutes will be linked to the committees' subsequent meeting agendas for approval by the respective committees.

Accessibility Technical Advisory Committee;

Commissioner Gross provided a brief summary of the TAC meeting held via teleconference on February 11, 2015.

Commissioner Gross entered a motion to approve the TAC report, Commissioner Schock seconded the motion, the motion passed unanimously.

Code Administration Technical Advisory Committee;

Commissioner Carlson provided a brief summary of the TAC meeting held via teleconference on February 5, 2015.

Commissioner Carlson entered a motion to approve the TAC report, Commissioner Schock seconded the motion, the motion passed unanimously.

Code Coordination and Implementation Workgroup;

Jeff Blair provided a brief summary of the Code Coordination and Implementation Workgroup from the meeting held January 30, 2015 in Tallahassee.

Commissioner Bassett entered a motion to approve the TAC report, Commissioner Schock seconded the motion, the motion passed unanimously.

Education Program Oversight Committee;

Commissioner Dean provided a brief summary of the POC meeting held via teleconference on February 12, 2015.

Commissioner Dean entered a motion to approve the POC report, Commissioner Flanagan seconded the motion, the motion passed unanimously.

Committee Reports and Recommendations (cont.):

Product Approval Program Oversight Committee.

Commissioner Stone provided a brief summary of the POC meeting held via teleconference on February 5, 2015.

Commissioner Stone entered a motion to approve the POC report, Commissioner Compton seconded the motion, the motion passed unanimously.

General Public Comments:

Nathan Kegel, Integrated Environmental Solutions (IES): requested clarification on how he could get his energy code compliance software approved by the Commission. Indicated that he did not think it was reasonable to demonstrate compliance with the DOE-2 based Building Energy Use and Cost Analysis Software. Noted he felt the software was archaic.

Mr. Madani explained that FSEC developed the compliance manual and Mr. Kegel should discuss the issue with them.

Mr. Richmond recommended that Mr. Kegel discuss this further with staff off-line and indicated that a declaratory statement could be in order, and that the Commission was not in a posture to respond to his questions during general public comment.

Larry Schneider, AIA: noted that now that the Accessibility Waiver Application form is now online, he would like to have a “pdf” or “word” file to use to help clients manually prepare their applications before they are submitted on-line.

Mr. Richmond: indicated that a “pdf” file may be possible. He discussed the possibility of developing a PowerPoint of FAQs.

Commissioner Gross stated a “pdf” checklist regarding what is required for submittal would be helpful.

April Hammonds, Esq: reported that the on-line instructional page has a checklist of exactly what information is needed to complete a waiver application.

Commissioner Comments:

Commissioner Bassett reported that the SJRWMD is interested in the water conservation measures developed by Broward County. Reported that the Broward County E-Permitting Workgroup completed the final draft of a uniform permit application form to be used County wide for voluntary electronic submittal for permits applications.

Commissioner Schock asked when the 5th Edition (2014), Florida Building Code would be published and available.

Mr. Madani indicated that the blue-line draft is almost complete, and he estimates the Code would be available electronically in approximately three weeks.

Next Commission Meeting Overview and Issues:

Chairman Browdy stated the April 14, 2015 meeting in Gainesville will focus on the Commission's regular procedural and substantive issues, and any needed rule development initiatives. In addition, the Commission will receive a preliminary summary of issues for inclusion in the Commission's Annual Report to the Legislature for FY 2014-2015. The Code Coordination and Implementation Workgroup will tentatively meet on April 13, 2015 in Gainesville pending securing a space for the meeting.

Adjournment:

The meeting adjourned at 10:51 am following a unanimous vote from the Commission