



FLORIDA BUILDING COMMISSION

"STRONGER CODES THROUGH SCIENCE AND CONSENSUS"

Florida Department of
Business
Professional
Regulation

FACILITATOR'S SUMMARY REPORT OF THE JUNE 19, 2015 FLORIDA BUILDING COMMISSION MEETING GAINESVILLE, FLORIDA

PROCESS DESIGN, CONSENSUS-BUILDING AND FACILITATION BY



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FLORIDA BUILDING COMMISSION
JUNE 19, 2015 FACILITATOR’S MEETING SUMMARY REPORT

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OVERVIEW OF COMMISSION'S KEY ACTIONS AND DECISIONS

FRIDAY, JUNE 19, 2015

WELCOME AND INTRODUCTIONS

Chairman Browdy welcomed the Commission, DBPR staff and the public to Gainesville and the June 19, 2015 plenary session of the Florida Building Commission. The Chair noted the primary focus of the June meeting, 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 the Commission's various committees, was for the purpose of conducting rule development on the Accessibility Procedures Rule, consideration of fire service access elevator and blower door test and mechanical ventilation requirement issues, and approval of the Draft FY 2014-2015 Commission Annual Report.

The Chair explained that if one wished to address the Commission on any of the issues before the Commission they should sign-in on the appropriate sheet(s), and as always, the Commission will provide an opportunity for public comment on each of the Commission's substantive discussion topics. The Chair explained that if one wants to comment on a specific substantive Commission agenda item, they should come to the speaker's table at the appropriate time so the Commission knows they wish to speak. The Chair noted that public input is welcome, but should be offered before there is a formal motion on the floor.

Chairman Browdy explained that 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. Participants whose board participates may sign-in on the laptop kiosk station located in the meeting room.

I. PLENARY SESSION SUMMARY AND OVERVIEW

At the June 19, 2015 meeting conducted in Gainesville the Commission considered and decided on Chair's issues and recommendations, product and entity approvals, applications for accreditor and course approvals, petitions for declaratory statements, accessibility waivers, and recommendations from the Commission's various committees. The Commission received a briefing regarding legislation of interest to the Commission resulting from the 2015 Legislative Session regarding low-voltage alarm systems; an update on the Workplan for the Florida Building Code, 6th Edition (2017); and, an update regarding the progress of the *Code Coordination and Implementation Workgroup*. Specific actions included: voting to extend the period for the public to propose modifications to the 2015 I Codes and the Preliminary Supplement to six months, by providing a window for submitting modifications of from July 1, 2015 – January 1, 2016, and adjusting the schedule for development of the Florida Building Code, 6th Edition (2017) accordingly; voting to initiate emergency rulemaking to approve the suggested emergency rule language presented by the petition regarding the date of enforcement of the blower door test and mechanical ventilation requirements contained within the 5th edition of the Florida Building Code as emergency rule number 61G20ER15-2, and finding that this language is only that language necessary to alleviate the immediate danger to the health safety or welfare, and that the Department shall only file the approved emergency language if a legislative solution is not effective before June 30, 2015; voting to initiate non-emergency rule development to promulgate appropriate rules to address the date of enforcement of the blower door test and mechanical ventilation requirements contained within the 5th edition of the Florida Building Code; voting to initiate non-emergency rule development to promulgate appropriate rules to address the second fire service access elevator requirement contained within the Florida Building Code-Building, 5th Edition (2014); voting to approve the proposed rule text for revisions to Rule 61G20-4.001, Procedures, the SERC, and to proceed with rule adoption for Rule 61G20-4.001, Procedures, conducting a rule adoption hearing only if requested; voting to approve the Energy Code Compliance Software for the 5th Edition (2014) Florida Building Code, Energy Conservation, specifically EnergyGauge Summit 5.1 for demonstrating compliance with commercial building energy requirements and EnergyGauge USA 4.0.01 for demonstrating compliance with residential building energy requirements; voting to move forward with the recommendations and incorporated comments regarding the report titled: *Florida Accessibility Code for Building Construction Review and Recommendations*; and, voting unanimously to adopt the Commission's Fiscal Year 2014 - 2015 Draft Annual Report. In addition, the Commission voted to dismiss the complaint and related investigation regarding Zion Tile Corporation of Miami's product FL 16057-R1, on the basis there is insufficient evidence demonstrating a Florida approved product (FL 16057-R1) is deficient, and therefore the Commission has no jurisdiction on the matter.

(Attachment 1—Meeting Evaluation Results)

II. COMMISSION ATTENDANCE

The following Commissioners attended the Friday, June 19, 2015 meeting:

Dick Browdy (Chair), Hamid Bahadori, Steve Bassett, James Batts, Bob Boyer, Donald Brown, Oscar Calleja, Jay Carlson, David Compton, Nan Dean, Kevin Flanagan, Charles Frank, David Gilson, Richard Goff, Jeff Gross, Robert Hamberger, Brian Langille, Beth Meyer, Darrell Phillips, Brad Schiffer, Frederick Schilling, Jim Schock, Drew Smith, Jeff Stone, and Brian Swope.

(25 of 25* seated Commissioners attended).

** Commissioner Tolbert resigned from the Commission to take a position in Louisiana.*

Absent Commissioners: None

DBPR STAFF PRESENT

Robert Benbow, Chris Burgwald, Jim Hammers, April Hammonds, Mo Madani, and Drew Winters.

MEETING FACILITATION

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



PROJECT WEBPAGE

Information on the Florida Building Commission project, including agenda packets, meeting reports, and related documents may be found at the Commission Webpage. Located at the following URL: <http://floridabuilding.org/c/default.aspx>

III. AGENDA REVIEW AND APPROVAL

The Commission voted unanimously, 25 - 0 in favor, to approve the agenda for the June 19, 2015 meeting as amended*. Following are the key agenda items approved for consideration:

- To Consider Regular Procedural Issues: Agenda Approval and Approval of the April 14, 2015 Facilitator's Summary Report and Meeting Minutes, and April 27, 2015 and May 4, 2015 Telephonic Meeting Minutes.
- To Consider/Decide on Chair's Discussion Issues/Recommendations.
- To Consider "Fire Service Access Elevator and Blower Door Test" Issues.
- To Review and Discuss Workplan for the 6th Edition (2017) Florida Building Code Update.
- 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 on Legislation.
- To Consider Proposed Rule 61G20-4.001, F.A.C., Procedures.
- To Consider/Decide on Technical Advisory Committees (TACs) and Workgroups: Accessibility, Code Administration, Energy, Mechanical, Roofing, and Structural TACs, and Code Coordination and Implementation Workgroup Report/Recommendations.
- To Consider/Decide on Program Oversight Committees (POCs): Education and Product Approval POC Reports/Recommendations.
- To Consider Approval of Energy Code Compliance Software for the 5th Edition (2014) Florida Building Code, Energy Conservation.

- To Review and Approve Draft FY 2014-2015 Annual Report.
- To Receive Public Comment.
- To Discuss Commissioner Comments and Issues.
- To Review Committee Assignments and Issues for the Next Meeting—August 18, 2015 in Daytona Beach, Florida.

Amendments to the Posted Agenda:

The Agenda was amended to switch the order of certain agenda items as reflected in the agenda order listed in the Objectives above.

(Attachment 4—June 19, 2015 Commission Agenda)

IV. APRIL 14, 2015 FACILITATOR’S SUMMARY REPORT AND MEETING MINUTES, AND APRIL 27, 2015 AND MAY 4, 2015 TELEPHONIC MEETING MINUTES

MOTION—The Commission voted unanimously, 25 - 0 in favor, to approve the April 14, 2015 Facilitator’s Summary Report and Meeting Minutes, and April 27, 2015 and May 4, 2015 Telephonic Meeting Minutes as presented/posted.

Amendments: There were no amendments offered.

V. CHAIR’S DISCUSSION ISSUES AND RECOMMENDATIONS

Resolution of Commendation for Mary-Kathryn Smith

The Chair noted that Mary-Kathryn Smith, the Commission’s resident Accessibility Code expert, was retiring after 29 years of outstanding service to the citizens of Florida. Mary-Kathryn was a senior staff-person who in her role as Community Planner has been with the Building Codes and Standards Office for over 29 years, and with the Commission since their inception in 1998. Since the creation of the Florida Accessibility Code for Building Construction (FACBC), Mary-Kathryn has been the lead staff responsible for the Accessibility Code’s development and maintenance, as well as for providing technical assistance on the Accessibility Code to consumers and interest groups. In addition, Mary-Kathryn has been the lead staff-person working with the Accessibility Advisory Council and the Accessibility Technical Advisory Committee (TAC). With Mary-Kathryn’s leadership and commitment, Florida through adoption of the 2012 FACBC, was the first state that’s Accessibility Code was ready for certification concurrent with the effective date of the new ADA Standards for Accessible Design (SAD 2010). On behalf of the Commission the Chairman thanked Mary-Kathryn Smith for her hard work and over 29 years of outstanding service to the citizens of Florida, and noted that she would be missed.

Commission Actions:

MOTION—The Commission voted unanimously, 25 – 0 in favor, to adopt the Resolutions of Commendation for retiring DBPR staff person Mary-Kathryn Smith.

Appointments and Reappointments

Resignation of Commissioner Tim Tolbert. The Chair reported that Tim Tolbert informed him that he has resigned from the Commission. Tim accepted a position as the building official for Lafayette, Louisiana. The Chair expressed that Tim will be missed and his outstanding service is greatly appreciated. The Chair noted that the Commission would honor him appropriately with a Resolution of Appreciation at the August meeting.

TAC Appointments. The Chair appointed Doug Melvin to the Special Occupancy TAC to fill the vacancy left by Mark Boutin as the DBPR Bureau of Elevators representative. The Chair welcomed Doug to the TAC and offered appreciation to Mark for his service to the citizens of Florida.

The Chair appointed Scott Waltz to the Special Occupancy TAC to fill the vacancy left by Wayne Young as the Agency for Health Care Administration (ACHA) representative. The Chair welcomed Scott to the TAC and offered appreciation to Wayne for his service to the citizens of Florida.

The Chair appointed Ken Castronovo to the Electrical TAC to fill the vacancy left by the retirement of Lou Mark as the Broward County Board of Rules and Appeals representative. The Chair welcomed Ken to the TAC and offered appreciation to Lou for his service to the citizens of Florida.

Update on Jim Richmond, FBC Executive Director. Drew Winters reported that Jim had been involved in an accident approximately six weeks earlier, and was now home and in the process of recovering. Drew noted that Jim would return to work as soon as feasible.

Commission Member Recognition. The Chair reported that Steve Bassett received an award from the Florida Engineering Society (FES) for “Outstanding Service to the Engineering Profession”. The Commission appreciated Steve for his award.

VI. CONSIDERATION OF RELIEF REGARDING “FIRE SERVICE ACCESS ELEVATOR AND BLOWER DOOR TEST” ISSUES

Chairman Browdy introduced the agenda item by noting that the Commission had received a Petition for Emergency Rulemaking and consequentially a separate Petition for Rulemaking. The Chair expressed that the Petitioners before the Commission were familiar to the Commission, and were both private for profit and not-for-profit entities representing developers, contractors and trade associations across the State of Florida. Specifically, the Petitioners were requesting the Commission delay the implementation and enforcement of two (2) separate and unrelated Code provisions, dealing with the number of fire service elevators required in high rise buildings pursuant to Section 403.6.1 of the Florida Building Code-Building, 5th Edition (2014), and the thermal envelope testing utilizing blower door tests pursuant to Section R-303.4 of the Florida Building Code-Residential, Fifth Edition (2014) and Section 402.4.1.2 of the FBC-Energy Conservation Code, 5th Edition (2014).

The Chair noted that because of this unusual request for emergency relief from these specific provisions of the 5th Edition of the Florida Building Code, the Commission’s technical and legal staff had numerous meetings with the Petitioners and their counsel to discuss: (1) the receptivity of the Commission to address the industry’s concern at this time; (2) the statutory authority of the

Commission to act on the requests; (3) what formats are available to the Commission to address the industry's concern; and lastly (4) the appropriateness of the format.

The Chair also reported that earlier in the week he had received word that the issue was of such concern to members of the Legislature that it was reconsidered in the midst of the concluding days of the Special Session. The industry's concerns were heard and there was a funding line in the budget to address that concern in the form of a \$35,000 budget allocation to study the three code issues. The pending legislation puts code implementation and enforcement on hold for up to one year until such time as the Florida Building Commission could through their technical processes study, evaluate and make whatever changes are appropriate to address these critical issues. In view of the pending approval of this legislation and the consequential timing, the industry was faced with a choice to either to withdraw the petition for Emergency Rule Making relying solely on the legislative process or to proceed with their presentation.

The Chair explained that in the event the efforts of the industry were successful with the Commission Emergency Rule Making would not go into effect until June 30th and then be in place for a period of 90 days. If the legislative path is not successful, the Commission would then proceed with their standard rule making procedures. If the legislative path is successful, notwithstanding the Commission's action, there would be no need for the Commission to invoke the Emergency Rule on June 30, 2015. The Chair noted that the Petitioners wished to proceed with the request, and that the Commission would consider the two issues separately (blower door testing and mechanical ventilation and fire service elevators).

The Chair explained that presentations and subsequent Commission discussions would be limited to the merits of the petition for relief, and not the technical issues of the Code that are the subject of the Code provisions from which relief is being sought. The Petitioners would be asked to present to the members of the Commission what they believe to be the compelling evidence to support their request for relief utilizing the Commission's Emergency Rulemaking authority.

The Chair explained further, that after the Commission heard from their legal staff and the Petitioners made their full and uninterrupted presentation to the Commission, the Commission would then hear any public comment, and then Commissioners would be able to ask questions of both staff and the Petitioners. Subsequently the Commission would be asked to vote on the request to initiate Emergency Rulemaking on the specific issues. If the Commission voted by super majority (75% or greater in favor) in the affirmative regarding the Emergency Rule it would be necessary for the Commission to vote again to initiate Rulemaking under the standard procedures of Florida administrative law since the Emergency Rule would only be effective for 90 days.

The Chair expressed that the format for consideration of the issue was not meant to be adversarial in any way but rather legally necessary for the Commission to timely and authoritatively respond to the request. The Chair exclaimed that in the future, he hoped that the Commission could have these discussions at the designated times to alleviate the "emergency" nature of the request. The Commission is more accessible than the Legislature and has the professional and technical expertise available to properly evaluate and act timely on such technical matters.

The Chair stated that as the Chairman of the Florida Building Commission, he wanted to express to the Petitioners the Commission's receptivity to the concerns of the industry and the Commission's desire to be the industry's preferred path for Code development.

Finally, the Chair expressed to the Commission that the decision to either grant or deny this request for Emergency Rule Making belongs exclusively to the Florida Building Commission, and he was confident that the Commission was up to the task.

Next, Brittany Griffith, DBPR rules attorney, provided legal guidance to the Commission and explained the actions that would need to be taken regarding the Petitions. Brittany explained that Section 120.54(4), F.S., provides the statutory authority and criteria under which to consider Emergency rulemaking, and Section 120.54(7), F.S., provides the requirements for a petition to initiate rulemaking by a person regulated by an agency or having substantial interest in an agency rule. Following are the statutory provisions relevant to Emergency Rules and Petitions to Initiate Rulemaking:

Emergency Rules. Section 120.54(4)(a) provides that: If an agency finds that an immediate danger to the public health, safety, or welfare requires emergency action, the agency may adopt any rule necessitated by the immediate danger. The agency may adopt a rule by any procedure which is fair under the circumstances if:

1. The procedure provides at least the procedural protection given by other statutes, the State Constitution, or the United States Constitution.
2. The agency takes only that action necessary to protect the public interest under the emergency procedure.
3. The agency publishes in writing at the time of, or prior to, its action the specific facts and reasons for finding an immediate danger to the public health, safety, or welfare and its reasons for concluding that the procedure used is fair under the circumstances. In any event, notice of emergency rules, other than those of educational units or units of government with jurisdiction in only one or a part of one county, including the full text of the rules, shall be published in the first available issue of the Florida Administrative Register and provided to the committee along with any material incorporated by reference in the rules. The agency's findings of immediate danger, necessity, and procedural fairness shall be judicially reviewable.

Petition To Initiate Rulemaking. Section 120.54(7)(a) provides that: Any person regulated by an agency or having substantial interest in an agency rule may petition an agency to adopt, amend, or repeal a rule or to provide the minimum public information required by this chapter. The petition shall specify the proposed rule and action requested. Not later than 30 calendar days following the date of filing a petition, the agency shall initiate rulemaking proceedings under this chapter, otherwise comply with the requested action, or deny the petition with a written statement of its reasons for the denial.

Brittany explained that for each of the two issues (thermal envelope testing utilizing blower door tests, and number of fire service elevators required in high rise buildings) the Commission would have to, by motion, find that there was sufficient evidence to establish an immediate danger to the public health, safety, or welfare if the relevant requirement contained in the 5th Edition of the Florida Building Code were to become enforceable on June 30th, 2015. The motion must include specific facts that the Commission find constitute immediate danger to the health, safety, or welfare. The Commission would then have to, by motion, find that the procedure used was fair under the circumstances. The motion must include specific facts that the Commission finds makes this procedure fair under the circumstances. The Commission would then have to, by motion, approve language for the emergency rule. This language must be only the language that is necessary to alleviate the immediate danger to the public health, safety, or welfare. Finally, the Commission

would need to move to initiate non-emergency rule development to promulgate appropriate rules to address the relevant requirement contained in the 5th Edition of the Florida Building Code.

Blower Door and Mechanical Ventilation Petition:

The Commission next heard from the Petitioner(s) regarding the request for relief from the implementation date for the thermal envelope testing utilizing blower door tests and mechanical ventilation requirements pursuant to Section R-303.4 of the Florida Building Code-Residential, Fifth Edition (2014) and Section 402.4.1.2 of the FBC-Energy Conservation Code, 5th Edition (2014). The Petitioner(s) provided an overview of their request and rationale regarding why the request necessitated initiation of an emergency rule. There were multiple presenters for the Petitioner(s), and extensive public comment. Subsequently the Commission asked clarifying questions of the Petitioner(s), public, and FBC legal staff. Following extensive discussion the Commission took the following actions regarding the thermal envelope testing utilizing blower door tests and mechanical ventilation requirements pursuant to Section R-303.4 of the Florida Building Code-Residential, Fifth Edition (2014) and Section 402.4.1.2 of the FBC-Energy Conservation Code, 5th Edition (2014):

Commission Actions Regarding Blower Door and Mechanical Ventilation Petition:

MOTION—The Commission voted, 18 – 6* in favor (75% in favor), to find that there was sufficient evidence to establish an immediate danger to the public health, safety, or welfare if the requirements for blower door testing and mechanical ventilation became enforceable on June 30, 2015. The Commission moved to find that the following facts established an immediate danger to the public health safety or welfare: the Petition itself holds the proof of a danger to health, safety, or welfare, particularly the last paragraph of page 15 of the amended Petition; the testimony provided during the meeting; the fact that the greater portion of the industry has not had a chance to receive proper training to comply with the Code; the Commission finds that there is an economic impact to homeowners who will experience increased costs without this emergency rule; testimony during the meeting regarding indoor environmental health issues resulting from humid outside air being introduced into homes; more time is needed to study the environmental health issue; and the new Code will go into effect June 30, 2015, and there is not sufficient time to correct the issue without emergency rulemaking.

MOTION—The Commission voted unanimously, 24 – 0* in favor (100% in favor), to find that the procedures followed as outlined by the Commission’s counsel were fair under the circumstances. The procedures included the following findings: the Commission provided substantial notice to the public regarding the emergency rulemaking (the Rule’s limited scope and the exigent circumstances presented to the Commission mitigate any perceived shortcomings related to notice); the Commission properly noticed its June 19, 2015 meeting on June 1, 2015 in the Florida Administrative Register (FAR); the June 1st notice included in its description of the meeting that the Commission would consider, among other items, “relief regarding fire service access elevator and blower door test issues;” the Commission also listed the Petition for Emergency Rulemaking, the Amended Petition for Emergency Rulemaking, and the supplement to the petition on its meeting agenda, which was properly and timely posted to the Commission’s website; the online agenda also included a link to these documents; during the June 19, 2015 meeting, the Commission accepted further testimony and public comment regarding the proposed emergency rule; the emergency rule is a minimal procedural administrative change that does not prohibit anyone from applying the new standard or his or her current business model; the emergency rule only has a permissive effect that permits additional activities under the 5th Edition of the Florida Building Code; and, it is necessary to address this issue as an emergency rule because of the implementation timeline of the 5th Edition of

the Florida Building Code. The Code becomes effective on June 30, 2015, which would not allow the Commission to address the issue through traditional rulemaking.

MOTION—The Commission voted unanimously, 24 – 0* in favor (100% in favor), to approve the suggested emergency rule language presented by the petition as emergency rule number 61G20ER15-2 and find that this language is only that language necessary to alleviate the immediate danger to the health safety or welfare, and that the Department shall only file the approved emergency language if a legislative solution is not effective before June 30, 2015.

MOTION—The Commission voted unanimously, 24 – 0* in favor (100% in favor), to initiate non-emergency rule development to promulgate appropriate rules to address the date of enforcement of the blower door test and mechanical ventilation requirements contained within the 5th Edition of the Florida Building Code.

** Commissioner Brown recused himself from the discussion and vote citing a potential conflict resulting from his representation of a client impacted by the issue.*

Fire Service Elevators Required in High Rise Buildings Petition:

Next, the Commission heard from the Petitioner(s) regarding the request for relief from the implementation date for the number of fire service elevators required in high rise buildings pursuant to Section 403.6.1 of the Florida Building Code-Building, 5th Edition (2014). The Petitioner(s) provided an overview of their request and rationale regarding why the request necessitated initiation of an emergency rule. There were multiple presenters for the Petitioner(s), and extensive public comment. Subsequently, the Commission asked clarifying questions of the Petitioner(s), public, and FBC legal staff. Following extensive discussion the Commission took the following actions regarding the number of fire service elevators required in high rise buildings pursuant to Section 403.6.1 of the Florida Building Code-Building, 5th Edition (2014):

Commission Action Regarding Fire Service Access Elevators Required in High Rise Buildings Petition:

MOTION—The Commission voted, 16-9* in favor (64% in favor), to find that there was sufficient evidence to establish an immediate danger to the public health, safety, or welfare if the requirement for a second fire service access elevator contained in the 5th Edition of the Florida Building Code were to become enforceable on June 30, 2015. The Commission moved to find that the following facts established an immediate danger to the public health safety or welfare: the Petition itself; the testimony provided during the meeting; significant economic impact to the economy; a loss of jobs and tax revenue to cities, counties and the state; and the Code’s effective date of June 30, 2015 requires an Emergency Rule in order to seek relief prior to the Code’s effective date.

** The motion failed as a result of not achieving the required threshold of 75% or more in favor for approval. The motion achieved a 64% in favor vote.*

Commission legal counsel requested that the rationale for not approving the Petition should be articulated. Commission members on the prevailing side of the motion (those voting no) indicated that providing an additional 90 days before implementation of the requirement would not alleviate the emergency. The requirement has been in the base code for sufficient time and the Florida Building Code-Building, 5th Edition (2014) has been published and available for sufficient time so that the industry should have known and been able to comply with the Code provision they are

seeking relief from when the Code becomes effective on June 30, 2015. The economic impact does not outweigh the greater health and safety concerns presented to the Commission. In summary, the Commission was not convinced by the evidence presented that this situation constitutes an immediate danger to the public health, safety, or welfare.

MOTION—The Commission voted unanimously, 25 – 0 in favor (100% in favor), to initiate non-emergency rule development to promulgate appropriate rules to address the second fire service access elevator requirement contained within the Florida Building Code-Building, 5th Edition (2014).

VII. FBC 6TH EDITION WORKPLAN UPDATE

Chairman Browdy noted that at the April 14, 2015 meeting the Commission approved a Workplan for the 2017 Code Update Process for development of the Florida Building Code, 6th Edition (2017). Mo Madani then provided an update regarding the Workplan for the 2017 Code Update Process.

Following the presentation on the Code Update schedule there was extensive public comment in support of providing at least six months between the effective date of the 5th Edition of the Code and the closing date of when modifications must be proposed for the 6th Edition of the Code. Stakeholders proposed several options for providing additional time with the majority expressing a preference for expanding the window for submitting proposed modifications to the Florida Building Code, 6th Edition (2017) from the current schedule of from July 1, 2015 – August 3, 2015 to a revised schedule of from July 1, 2015 - January 1, 2016, effectively providing the requested six months between the effective date of the 5th Edition of the Code and the closing date of when modifications must be proposed for the 6th Edition of the Code.

Commission Actions:

MOTION—The Commission voted, 22 – 3 in favor, to extend the period of time for the public to propose modifications to the 2015 I Codes and the Preliminary Supplement to six months, by providing a window for submitting modifications of from July 1, 2015 – January 1, 2016, and adjusting the schedule for development of the Florida Building Code, 6th Edition (2017) accordingly. Staff was charged with revising the Code development schedule for Commission review at the August 18, 2015 meeting.

(Attachment 6—Code Update Workplan)

VIII. CONSIDERATION OF ACCESSIBILITY WAIVER APPLICATIONS

April Hammonds, Accessibility Advisory Council legal advisor, presented the Accessibility Advisory Council's recommendations for all applications, and the Commission reviewed and decided on the Waiver applications submitted for their consideration.

Commission Actions Regarding Accessibility Waiver Applications:

1. CrossFit PSI, 708 Commerce Way, Jupiter

MOTION—The Commission voted unanimously, 20 - 0 in favor, to grant the waiver based on disproportionate cost.

2. The Freckled Fin, 101 Bridge St, Bradenton Beach

MOTION—The Commission voted unanimously, 22 - 0 in favor, to defer action on the waiver to receive additional information (including better quotes for the cost of an elevator).

3. Cavalier Hotel, 1320 Ocean Drive, Miami Beach

MOTION—The Commission voted unanimously, 23 - 0 in favor, to grant the waiver based on the historic significance of the building.

4. 801 Tamiami Trail, 801 Tamiami Trail, Nokomis

MOTION—The Commission voted, 18 - 5 in favor, to grant the waiver based on historic significance and technical infeasibility.

5. Miami Lakes Automall, 16600 NW 57th Avenue, Miami

MOTION—The Commission voted unanimously, 23 - 0 in favor, to grant the waiver to the extent a waiver is needed based on technical infeasibility.

6. Community Leadership Academy, 3210 Thomasville Road, Tallahassee

MOTION—The Commission voted, 22 - 1 in favor, to grant the waiver based on disproportionate cost.

7. Spruce Creek HS, 801 Taylor Rd, Port Orange

MOTION—The Commission voted unanimously, 23 - 0 in favor, to defer action on the waiver to receive additional information.

8. 336 Collins Av., 336 Collins Av., Miami Beach

MOTION—The Commission voted unanimously, 23 - 0 in favor, to defer action on the waiver to receive additional information.

IX. CONSIDERATION OF APPLICATIONS FOR PRODUCT AND ENTITY APPROVAL

Commissioner Stone presented the Product Approval Oversight Committee’s recommendations for entities and product approvals on consent agendas for approval, and Jeff Blair presented the recommendations for product approvals with comments and/or discussion.

Commission Actions on the Consent Agendas for Approval:

MOTION—The Commission voted unanimously, 22 - 0 in favor, to approve the consent agenda of product approval entities as posted/presented.

MOTION—The Commission voted unanimously, 22 - 0 in favor, to approve the consent agenda of products recommended for approval to the 2010 Code as posted/presented.

MOTION—The Commission voted unanimously, 20 - 0 in favor, to approve the consent agenda of products recommended for approval to the 2014 Code as posted/presented.

Commission Actions Regarding Product Approval Applications With Comments:

MOTION—The Commission voted unanimously, 20 – 0 in favor, to approve product FL 8363 R-5.

MOTION—The Commission voted unanimously, 20 – 0 in favor, to conditionally approve product FL 11217 R-2 based on the condition(s) recommended by the POC.

MOTION—The Commission voted unanimously, 20 – 0 in favor, to conditionally approve product FL 15214 R-1 based on the condition(s) recommended by the POC.

MOTION—The Commission voted unanimously, 21 – 0 in favor, to approve product FL 15534 R-2.

MOTION—The Commission voted unanimously, 21 – 0 in favor, to conditionally approve product FL 16326 R-1 based on the condition(s) recommended by the POC.

MOTION—The Commission voted unanimously, 22 – 0 in favor, to approve product FL 17632.

MOTION—The Commission voted unanimously, 22 – 0 in favor, to approve product FL 17633.

MOTION—The Commission voted unanimously, 22 – 0 in favor, to conditionally approve product FL 17678 based on the condition(s) recommended by the POC.

MOTION—The Commission voted unanimously, 22 – 0 in favor, to conditionally approve product FL 17679 based on the condition(s) recommended by the POC.

MOTION—The Commission voted unanimously, 22 – 0 in favor, to conditionally approve product FL 17733 based on the condition(s) recommended by the POC.

MOTION—The Commission voted unanimously, 23 – 0 in favor, to approve product FL 17734.

MOTION—The Commission voted unanimously, 23 – 0 in favor, to conditionally approve product FL 9190-R3 based on the condition(s) recommended by the POC.

MOTION—The Commission voted unanimously, 23 – 0 in favor, to conditionally approve product FL 9103-R3 based on the condition(s) recommended by the POC.

Commission Actions Regarding DBPR Applications:

MOTION—The Commission voted unanimously, 22 – 0 in favor, to defer action on FL 12875-R2 to provide time for the applicant to comply with the relevant conditions required for approval of the product.

The complete results of Commission decisions regarding applications for product and entity approval are available on the BCIS.

(See BCIS Website for Linked Committee Report)

X. CONSIDER APPLICATIONS FOR ACCREDITOR AND COURSE APPROVAL

Commissioner Dean presented the applications, and the Commission reviewed and decided on the accreditor and course applications submitted for their consideration as follows:

Commission Actions:

MOTION—The Commission voted unanimously, 25 – 0 in favor, to approve the consent agenda for approval of advanced accredited courses #s: 712.0, 713.0, 708.0, 711.0, 710.0, 709.0, 715.0, 718.0, 717.0, 720.0, 719.0, 716.0, and 714.0.

MOTION—The Commission voted unanimously, 25 – 0 in favor, to conditionally approve administratively approved updated course #281.2.

MOTION—The Commission voted unanimously, 25 – 0 in favor, to approve administratively approved updated courses #s: 588.1 and 349.3.

(See Committee's Next Agenda for Linked Committee Report)

XI. LEGAL REPORT

April Hammonds reported that she made numerous attempts to contact the DOJ regarding the status of the DOJ's certification of the Florida Accessibility Code for Building Construction and has not received a response to date. April indicated that she would continue to contact the DOJ for a response.

CONSIDERATION OF PETITIONS FOR DECLARATORY STATEMENTS

Petitions For Declaratory Statements

April Hammonds, Commission Legal Counsel, presented each declaratory statement in turn. Following are the actions taken by the Commission regarding the petitions for declaratory statements.

a. DS 2015-048 by Clinton Arsenault of Monroe County Building Department

Motion—The Commission voted unanimously, 25 - 0 in favor, to approve the Fire TAC's recommendations on the Petition as amended by the Commission (to approve staff's analysis/recommendation and the Fire TAC's recommendations as amended: ...the motorized device...).

b. DS 2015-055 by Robert Fine of Greenberg Traurig, P.A.

Motion—The Commission voted unanimously, 24 - 0 in favor, to approve the Structural TAC's and Special Occupancy TAC's recommendations on the Petition for Questions 1 and 5 (to approve staff's analysis/recommendation).

Motion—The Commission voted, 14 - 10 in favor, to approve the Structural TAC's recommendation on the Petition regarding Question 2.

Motion—The Commission voted, 3 - 21* in favor, to approve the Structural TAC's recommendation on the Petition regarding Question 3.

**The motion failed for failure to achieve a vote of 51% or more in favor.*

Motion—The Commission voted, 22 - 2 in favor, to approve the Special Occupancy TAC's recommendation on the Petition regarding Question 3 (To approve staff's recommendation for Question 3 as provided).

Motion—The Commission voted, 18 - 4 in favor, to reconsider the action taken regarding Question 2 of the Petition.

Motion—The Commission voted, 22 - 2 in favor, to approve the Special Occupancy TAC's recommendation on the Petition regarding Question 2 (To approve staff's recommendation for Question 2 as provided).

Motion—The Commission voted, 20 - 4 in favor, to approve the Special Occupancy TAC's recommendation on the Petition regarding Question 4 (To approve staff's recommendation for Question 4 as provided).

XII. LEGISLATIVE REPORT

Chairman Browdy noted that the 2015 Legislature passed and the Governor signed CS/SB 466, and Mo Madani provided the Commission with a report on how this Legislation impacts the Commission. Mo reported that the 2015 Legislature passed one Bill impacting the Commission. CS/SB 466 amended Section 553.793, F.S. regarding low-voltage alarm systems. The amendment revises the definition of the term "low-voltage alarm system project" and added the definition of the

term “wireless alarm system”; provided that a permit is not required to install, maintain, inspect, replace, or service a wireless alarm system and its ancillary components; reduced the maximum price for permit labels for alarm systems; prohibited a local enforcement agency from requiring the payment of any additional fees, charges, or expenses associated with the installation or replacement of a new or existing alarm system; authorized a local enforcement agency to coordinate the inspection of certain alarm system projects; and provided an effective date of July 1, 2015. The Commission will need to amend the Florida Building Code, 5th Edition (2014) to conform the Code to the statutory requirements.

XIII. RULE DEVELOPMENT WORKSHOP RULE 61G20-4.001, F.A.C., PROCEDURES

Chairman Browdy indicated that the Accessibility TAC had previously recommended that the Commission revise Rule 61G20-4.001, Procedures (Accessibility Code waiver application form) to provide for an electronic accessibility waiver application submittal process and form, and the relevant rule language. The Chair explained that the Commission would conduct a rule development workshop to review the rule, take public comment, and then vote to proceed with rule adoption. The Chair noted that the Workshop would provide an opportunity for public comment on proposed revisions to the Procedures Rule for Accessibility Waiver Applications to update the form for accessibility waiver requests prior to the Commission proceeding with rulemaking.

There were no public comments or Commission member questions or discussion.

Following the opportunity provided for questions and answers, public comment and discussion, the Commission took the following action:

Commission Actions:

MOTION—The Commission voted unanimously, 24 – 0 in favor, to approve the proposed rule text for revisions to Rule 61G20-4.001, Procedures, the SERC, and to proceed with rule adoption for Rule 61G20-4.001, Procedures, conducting a rule adoption hearing only if requested

XIV. COMMITTEE REPORTS AND RECOMMENDATIONS

Chairman Browdy requested TAC and POC chairs to confine their reports to a brief summary of any key recommendations, emphasizing any issues requiring an action from the Commission. The Chair requested if the TAC/POC requires Commission action, to frame the needed action in the form of a proposed motion. This will ensure that the Commission understands exactly what the TAC/POC's are recommending, and the subsequent action requested of the Commission. Committee reports are linked to the following URL (linked to Commission's June 19, 2015 Agenda): http://www.floridabuilding.org/fbc/commission/FBC_0615/index.htm

Accessibility TAC

Commissioner Gross presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 23 – 0 in favor, to accept the TAC's report as presented/posted (June 5, 2015).

MOTION—The Commission voted unanimously, 23 – 0 in favor, to move forward with the recommendations and incorporated comments regarding the report titled: *Florida Accessibility Code for Building Construction Review and Recommendations*.

(See Agenda for Linked Committee Report)

Code Coordination and Implementation Workgroup

Jeff Blair, Workgroup Facilitator, presented the Workgroup’s report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 23 – 0 in favor, to accept the Workgroup’s report as presented/posted (June 18, 2015).

(See Workgroup Page for Linked Committee Report)

Education POC

Commissioner Dean presented the POC’s reports and any recommendations.

Commission Actions:

MOTION—The Commission voted unanimously, 23 – 0 in favor, to accept the POC’s report as presented/posted (June 19, 2015).

(See Agenda for Linked Committee Report)

Energy TAC

Commissioner Smith presented the TAC’s reports and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 24 – 0 in favor, to accept the TAC’s reports as presented/posted (June 11, 2015 and June 15, 2015).

(See Agenda for Linked Committee Report)

Fire TAC

Commissioner Schiffer presented the TAC’s report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 24 – 0 in favor, to accept the TAC’s report as presented/posted (June 9, 2015).

(See Agenda for Linked Committee Report)

Product Approval POC

Commissioner Stone presented the Committee’s report and any recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 24 – 0 in favor, to accept the POC’s report as presented/posted (June 4, 2015).

MOTION—The Commission voted unanimously, 24 – 0 in favor, to dismiss the complaint and related investigation regarding Zion Tile Corporation of Miami’s product FL 16057-R1, on the basis there is insufficient evidence demonstrating a Florida approved product (FL 16057-R1) is deficient, and therefore the Commission has no jurisdiction on the matter.

(See Committee’s Next Agenda for Linked Committee Report)

Special Occupancy TAC

Commissioner Phillips presented the TAC’s report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 24 – 0 in favor, to accept the TAC’s report as presented/posted (June 9, 2015).

(See Agenda for Linked Committee Report)

Structural TAC

Commissioner Schock presented the TAC’s report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 24 – 0 in favor, to accept the TAC’s report as presented/posted (June 10, 2015).

(See Agenda for Linked Committee Report)

XV. APPROVAL OF THE ENERGY CODE COMPLIANCE SOFTWARE FOR THE 5TH EDITION (2014) FLORIDA BUILDING CODE, ENERGY CONSERVATION

Chairman Browdy reported that with the implementation of the 5th Edition (2014), Florida Building Code becoming effective on June 30, 2015 the Commission needed to approve the Energy Code Compliance Software for the 5th Edition (2014) Florida Building Code, Energy Conservation. Commissioner Smith indicated that the Energy TAC voted to recommend the Commission approve the software as proposed.

Following an opportunity for questions and answers, public comment and discussion, the Commission took the following action:

Commission Actions:

MOTION—The Commission voted unanimously, 24 – 0 in favor, to approve the Energy Code Compliance Software for the 5th Edition (2014) Florida Building Code, Energy Conservation, specifically EnergyGauge Summit 5.1 for demonstrating compliance with commercial building energy requirements and EnergyGauge USA 4.0.01 for demonstrating compliance with residential building energy requirements.

XVI. REVIEW AND APPROVAL OF COMMISSION'S FISCAL YEAR 2014 -2015 ANNUAL REPORT

Chairman Browdy explained that the Commission received a Summary of Issues and Recommendations for Inclusion in the Annual Report at the April meeting. At the June meeting the Commission would consider approving the Draft Commission 2014-2015 Annual Report, and the plan as always, with the Commission's support and approval, is for the Chair to review and approve the final draft of the Annual Report, ensure completeness and accuracy, and approve the Report for submittal to the Legislature and Governor.

Jeff Blair reviewed the Draft FY 2014 2015 Annual Report with the Commission, and following questions and answers, public comment, and discussion, the Commission took the following action:

Commission Actions:

MOTION—The Commission voted unanimously, 24 – 0 in favor, to adopt the Commission's Fiscal Year 2014 – 2015 Annual Report, including any Commission actions taken during the June 19, 2015 meeting, and to charge the Chair with reviewing and approving the Final Report prior to submittal to the Legislature and Governor.

(Attachment 7—FY 2014-2015 Annual Report Executive Summary)

OTHER COMMISSION ACTIONS

There were no additional Commission actions.

XIV. GENERAL PUBLIC COMMENT

Members of the public were offered an opportunity to provide comment during each of the Commission's substantive discussion agenda items. In addition, Chairman Browdy invited members of the public to address the Commission on any issues under the Commission's purview.

Public Comments:

- Linda Patrick: commented on a Declaratory Statement regarding a six-month waiting period.
- Jamie Gascon, Miami-Dade County: expressed concern that FL 12875 R2 which was not ratified for approval by the Commission at the April meeting and deferred during the June meeting, still reflects an approved status on the BCIS since it was submitted for DBPR approval.

XV. COMMISSION MEMBER COMMENT AND ISSUES

Chairman Browdy invited Commission members to offer any general comments to the Commission, or identify any issues or agenda items for the next Commission meeting.

Commission Member Comments:

- Commissioner Bassett: indicated that he had received redline versions of the two ICC codes relevant to the two TACs he is a member of, and he would like to receive other codes.
- Commissioner Schock: expressed a similar request regarding ICC redline codes.
- Mo Madani, DBPR: explained that TAC member only receiving the relevant codes in redline is consistent with the arrangement DBPR worked out with the ICC to receive free redline versions

of codes needed by TAC members. Mo noted that any special requests should be submitted to him.

- Commissioner Bassett: requested that in the future the projector be adjusted to fit on the screens.
- Commissioner Schiffer: stated that the Commission had a tough issue to deal with regarding the Petition for emergency rulemaking, and that Chairman Browdy did a good job leading the Commission through the issue.
- Commissioner Gross stated that he received a letter from the Building Department where he lives and works. The notice referenced a City Ordinance that is not a local technical amendment to the Florida Building Code per Florida Statutes 553.73, F.S. Commissioner Gross will work with staff and the City to assist them in compliance with the regulations.
- Drew Winters, DBPR: informed Commissioners that with the end of the fiscal looming, they should submit their travel no later than Tuesday, June 23, 2015 in order to be reimbursed in a timely manner.
- Chairman Browdy: thanked stakeholders and the Commission for their dedicated and excellent service to the citizens of Florida. The Chair thanked Commissioners for working through tough and complex issues in a collegial manner during the meeting.

XVI. NEXT COMMISSION MEETING OVERVIEW AND ISSUES

The August 18, 2015 meeting in Daytona Beach will focus on the Commission's regular procedural and substantive issues, and any needed rule development initiatives.

(Attachment 5—Commission Meeting Schedule)

STAFF ASSIGNMENTS FROM THE APRIL 2015 MEETING

- Send a letter of appreciation to Rusty Carroll.
- Send a letter of condolences to the family of Bob Gerwe.
- Research the possibility of a Commission social prior to a Commission meeting.

ADJOURNMENT

The Chair thanked Commission members and the public for their attendance and participation, and adjourned the meeting at 5:05 P.M. on Friday, June 19, 2015, following a vote of 23 – 0 in favor of adjournment.

ATTACHMENT 1
FLORIDA BUILDING COMMISSION MEETING EVALUATION RESULTS

JUNE 19, 2015—GAINESVILLE, FLORIDA

Average rank using a 0 to 10 scale, where 0 means totally disagree and 10 means totally agree.

Number of Respondents: 20 of 22 Commissioners present completed meeting evaluations.

1. OVERALL MEETING ASSESSMENT.

- 9.6 The background information was very useful.
- 9.4 The agenda packet was very useful.
- 9.7 The objectives for the meeting were stated at the outset.
- 9.7 Overall, the objectives of the meeting were fully achieved.

2. MEMBERS LEVEL OF AGREEMENT THAT THE MEETING OBJECTIVES WERE ACHIEVED.

- 9.8 Chairs Issues and Recommendations.
- 9.7 Accessibility Waiver Applications.
- 9.7 Approvals of Products and Product Approval Entities.
- 9.7 Applications for Accreditor and Course Approvals.
- 9.4 Petitions for Requests for Declaratory Statements—Legal Report.
- 9.4 Workplan for the 6th Edition (2017) Florida Building Code Update Revisions.
- 9.3 Fire Service Access Elevator and Blower Door Test Petitions Decision.
- 9.5 Legislative Issues Report.
- 9.6 Rule 61G20-4.001, F.A.C., Procedures, Rule Development.
- 9.6 Energy Code Compliance Software for the 5th Edition (2014) FBC Approval.
- 9.6 FY 2014-2015 Annual Report Adoption.
- 9.6 TAC, POC, Committee, and/or Workgroup Reports and Recommendations.

3. HOW WELL THE FACILITATOR HELPED THE MEMBERS ENGAGE IN THE MEETING.

- 9.8 The members followed the direction of the Facilitator.
- 9.8 The Facilitator made sure the concerns of all members were heard.
- 9.8 The Facilitator helped us arrange our time well.
- 9.7 Participant input was documented accurately in Facilitator's Report (previous meeting).

4. MEMBERS LEVEL OF SATISFACTION WITH THE MEETING.

- 9.8 Overall, I am very satisfied with the meeting.
- 9.8 I was very satisfied with the services provided by the Facilitator.
- 9.6 I am satisfied with the outcome of the meeting.

5. HOW WELL THE NEXT STEPS WERE COMMUNICATED.

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

6. WHAT MEMBERS LIKED BEST ABOUT THE MEETING.

- Meeting was very well conducted with new protocol that was experienced.

7. COMMENTS REGARDING HOW THE MEETING COULD HAVE BEEN IMPROVED.

- Discussion on blower door, ventilation and fire elevator should have been expedited. Too long.

8. OTHER GENERAL COMMENTS.

None were offered.

COMMENTS ON SPECIFIC AGENDA ITEMS

None were offered.

PUBLIC-MEETING EVALUATION AND COMMENT RESULTS

None were offered.

ATTACHMENT 2
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

ATTACHMENT 3

FLORIDA BUILDING COMMISSION HISTORY AND OVERVIEW

HISTORY

Following Hurricane Andrew in 1992, Florida experienced record-breaking insurance losses resulting in a crisis affecting every homeowner in the state. The Governor appointed a Building Code Study Commission, The Florida Conflict Resolution Consortium designed and facilitated a two-year study and deliberation process with the 28 members representing a range of interests in the public and private sectors, through which the Commission evaluated the building code system.

The study revealed that building code adoption and enforcement was inconsistent throughout the state and even local codes thought to be the strongest proved inadequate when tested by major hurricane events. The consequences were devastation to lives and economies and a statewide property insurance crisis. The Commission recommended reform of the state building construction system which placed emphasis on uniformity and accountability.

The legislature enacted the consensus recommendations into law in 1998. In late 1998, the Consortium was asked by the Commission's chair to assist the newly created Florida Building Commission in its effort to build consensus for a uniform building code proposal. A complex consensus building process was put in place that included designing and facilitating meetings of 12 balanced technical advisory groups of 11 members each appointed by the Commission, as well as the Commission's meetings. The FCRC Consensus Center at FSU continues to work with the Commission by providing facilitation and consensus-building services.

OVERVIEW

COMMISSION REPRESENTATION. The Florida Building Commission is a 27 member representative stakeholder group who successfully created, implemented, and maintains the new statewide Florida Building Code. The Commission is comprised of the Chair, and 26 members appointed to represent specific stakeholder groups. They are as follows: four code officials, two state government representatives, a local government representative, a representative of persons with disability, a structural engineer, a mechanical engineer, representatives of fire protection technology, the building management industry, and the insurance industry, a general contractor, residential contractor, mechanical contractor, plumbing contractor, electrical contractor, roofing/sheet metal/air conditioning contractor, a manufactured building representative, a building product manufacturer, a swimming pool contractor, a representative of the green building industry, a natural gas system distribution representative, and a member representing the Department of Agriculture and Consumer Services' Office of Energy.

CONSENSUS PROCESS. The Florida Building Commission (FBC) 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 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 period provided for each substantive issue under consideration, as well as general public comment periods provided at the end of each day's meeting. In addition to these opportunities for public input, most complex substantive issues before the Commission go through a consensus process where recommendations are developed by appointed representative stakeholder groups.

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 decisions for the citizens of Florida. Through its committees and workgroups comprised of experts, the Commission has always developed its decisions based on the results of the best engineering and science available. Since 1999 the Commission has convened 59 special issue stakeholder workgroups to develop broad based consensus recommendations on issues of concern to stakeholders. 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.

ATTACHMENT 4
JUNE 19, 2015 MEETING AGENDA

FLORIDA BUILDING COMMISSION
PLENARY SESSION

JUNE 19, 2015
HILTON UNIVERSITY OF FLORIDA CONFERENCE CENTER
1714 SW 34TH STREET
GAINESVILLE, FLORIDA

MEETING OBJECTIVES

- To Approve Regular Procedural Topics (Agenda and 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/Decide on Legal Issues: Petitions for Declaratory Statement.
- To Consider Applications for Accreditor and Course Approval.
- To Review and Discuss Workplan for the 6th Edition (2017) Florida Building Code Update.
- To Consider "Fire Service Access Elevator and Blower Door Test" Issues.
- To Receive a Report on Legislation.
- To Consider Proposed Rule 61G20-4.001, F.A.C., Procedures.
- To Consider Approval of Energy Code Compliance Software for the 5th Edition (2014) Florida Building Code, Energy Conservation.
- To Review and Approve Draft FY 2014-2015 Annual Report.
- Receive/Decide on Reports and Recommendations from Committees.
- To Hear Public Comment.
- To Identify Needed Next Steps, Assignments, and Agenda Items For Next Meeting.

Committee and Workgroup Meetings held in conjunction with the Plenary Session

Meetings are held by teleconference and webinar unless otherwise indicated by site identification

June 5	10:00 a.m.	Product Approval Program Oversight Committee
June 5	2:00 p.m.	Accessibility Technical Advisory Committee
June 8	2:00 p.m.	Accessibility Advisory Council
June 9	10:00 a.m.	Fire Technical Advisory Committee
June 9	2:30 p.m.	Special Occupancy Technical Advisory Committee
June 10	10:00 a.m.	Structural Technical Advisory Committee
June 11	10:00 a.m.	Education Program Oversight Committee
June 11	1:30 p.m.	Energy Technical Advisory Committee
June 18	12:30 p.m.	Code Coordination and Implementation Workgroup [Citra]
June 19	8:30 AM	Education Program Oversight Committee [Gainesville]

MEETING AGENDA—JUNE 19, 2015

All Agenda Times—including Adjournment—are Approximate and Subject to Change

8:30 a.m.	1.)	Welcome and Opening, Roll Call
	2.)	Review and Approval of Meeting Agenda
	3.)	Review and Approval of Previous Meeting Minutes and Summary Report Minutes: April 14, 2015 ; April 27, 2015 [Telephonic Meeting] ; and May 4, 2015 [Telephonic Meeting] . Facilitator’s Summary Report: April 14, 2015
	4.)	Chair’s Discussion Issues: Resolution of Appreciation, Mary-Kathryn Smith Appointment of Doug Melvin to the Special Occupancy Technical Advisory Committee to fill vacancy left by Mark Boutin representing Bureau of Elevators of DBPR. Appointment of Ken Castronovo to the Electrical Technical Advisory Committee to fill vacancy left by the retirement of Lou Mark representing Broward County Board of Rules and Appeals. Appointment of Scott Waltz to the Special Occupancy Technical Advisory Committee to fill vacancy left by Wayne Young representing Agency for Health Care Administration
	5.)	Accessibility Waiver Applications 1 CrossFit PSI 708 Commerce Way, Jupiter 2 The Fickled Fin 101 Bridge St, Bradenton Beach 3 Cavalier Hotel 1320 Ocean Drive, Miami Beach 4 801 Tamiami Trail 801 Tamiami Trail, Nokomis 5 Miami Lakes Automall 16600 NW 57th Avenue, Miami 6 Community Leadership Academy 3210 Thomasville Road, Tallahassee 7 Spruce Creek HS 801 Taylor Rd, Port Orange

	8	336 Collins Av 336 Collins Av. , Miami Beach
	6.)	Applications for Product and Entity Approval
	7.)	Applications for Accreditor and Course Approval
	8.)	Petitions for Declaratory Statement
		a.) DS 2015-048 by Clinton Arsenault of Monroe County Building Department b.) DS 2015 – 055 by Robert Fine of Greenberg Traurig, P.A.
	9.)	6 th Edition (2017) Florida Building Code Update - Work Plan
	10.)	Consideration of Relief Regarding “Fire Service Access Elevator and Blower Door Test” Issues PETITION FOR EMERGENCY RULEMAKING BY THE FLORIDA BUILDING COMMISSION PETITION FOR RULEMAKING BY THE FLORIDA BUILDING COMMISSION
	11.)	Legislative Report
	12.)	Rule 61G20-4.001 - Consideration of the Proposed Rule 61G20-4.001, F.A.C., Procedures - Review and Approval of SERC
	13.)	Review and Approval of FY 2014-2015 --- Annual Report
	14.)	Consider Approval of Energy Code Compliance Software for the 5 th Edition (2014) Florida Building Code, Energy Conservation (Commercial) (Summit Software) (Residential) (EG Summit Software)
	15.)	Committee Reports: a.) Accessibility Technical Advisory Committee; b.) Fire Technical Advisory Committee; c.) Special Occupancy Technical Advisory Committee d.) Energy Technical Advisory Committee e.) Code Coordination and Implementation Workgroup ; f.) Education Program Oversight Committee; g.) Product Approval Program Oversight Committee. h.) Structural Technical Advisory Committee
	16.)	Public Comment
	17.)	Commissioner Comment
	18.)	<i>Adjourn</i>

ATTACHMENT 5
COMMISSION’S UPDATED MEETING SCHEDULE AND WORKPLAN

(UPDATED JUNE 19, 2015)

COMMISSION MEETING SCHEDULE

FY 2015 - 2016	LOCATION
August 18, 2015	Daytona Beach
October 14, 2015	TBD
December 15, 2015	TBD
February 9, 2016	TBD
April 12, 2016	TBD
June 8, 2016	TBD

ACCESSIBILITY COUNCIL	EDUCATION POC	PRODUCT APPROVAL POC
		August 10, 2015
		October 5, 2015
		December 8, 2015

ATTACHMENT 6
FBC 6TH EDITION (2017) WORKPLAN

6TH EDITION (2017) FBC CODE UPDATE DEVELOPMENT TASKS

12. 6TH EDITION (2017) UPDATE TO THE FLORIDA BUILDING CODE—COMBINE PRIMARY UPDATE AND GLITCH REVISIONS IN A SINGLE RULE PROCEEDING	
TASK	SCHEDULE
<i>Primary Code Development Phase:</i>	
2014 NEC published and available to the public;	08/2013
2015 International Codes published and available to the public;	05/2014
Commission selects 2015 I Codes and 2014 NEC as foundation for 6 th Edition (2017) FBC	04/14/2015
Staff evaluates Florida amendments resulting from direction of the Legislature and Commission initiatives to propose for inclusion in the 6 th Edition (2017) FBC and publish “ Preliminary Supplement ”.	3/2015 – 6/2015
2015 I Codes plus the Preliminary Supplement – posted online	6/30/2015
Period for public to propose modifications to the 2015 I Codes and the Preliminary Supplement	7/1/2015 – 1/3/16 8/3/2015
TACs consider proposed modifications (1 st 45 day comment period) TACs meetings - 4-day on-site meetings in conjunction with the October Commission meeting	10/12-16/2015
TACs consider public comments on their actions on the proposed mods TACs meetings – 4-day meetings [2-day on-site (Gainesville) and 2 – day via conference/webinar]	1/4-8/2016
Commission considers TAC recommendations (2 nd 45 day comment period) Commission – 2-day meeting	2/9-10/2016
Draft 6 th Edition (2017) FBC (Florida Supplement plus I Codes) posted online	3/15/2016
<i>Glitch Correction Phase:</i>	
Period to propose glitch modifications to draft 6 th Edition (2017) FBC	4/1/2016 – 5/3/2016
Post Tracking/Detail reports online	6/28/2016
TACs consider proposed glitch modifications and develop public comment via conference call/Webinars	7/18-22/2016
Commission considers proposed glitch mods and TAC comments (Rule Development Workshop) Commission – 2-day meeting	8/22-23/2016
Draft 6 th Edition (2017) FBC posted online Provide Supplements to ICC for integration into the 2015 I-Code	10/20/2016
Final Rule Hearing on 6 th Edition (2017) FBC/Commission approves final	6/8/2017

version of Code 6 th Edition (2017) Florida Fire Prevention Code available in final format	Generate integrated Code.
Rule Submitted to Secretary of State and Supplement/Integrated posted online – subject to addressing all JAPC’s concerns	TBD
Printed Code available - subject to negotiation with ICC	TBD
2017FBC (6 th edition) effective date (6 – months after publication)	12/31/2017
553.73(7)(e) A rule updating the Florida Building Code in accordance with this subsection shall take effect <u>no sooner than 6 months</u> after publication of the updated code. Any amendment to the Florida Building Code which is adopted upon a finding by the commission that the amendment is necessary to protect the public from immediate threat of harm takes effect immediately.	

ATTACHMENT 7

COMMISSION FY 2014 – 2015 ANNUAL REPORT EXECUTIVE SUMMARY

I. EXECUTIVE SUMMARY AND RECOMMENDATIONS

OVERVIEW. The primary focus of the Florida Building Commission during the reporting period of July 1, 2014 – June 30, 2015 (fiscal year 2014 – 2015) was completing the development and adoption of the *5th Edition of the Florida Building Code (2014)* with an adopted effective date of Midnight, June 30, 2015. In addition to maintaining the efficiency of the Florida Energy Code and its merger with the format of the national model energy code, major components of the *5th Edition of the Florida Building Code (2014)* include enhancements to the wind, water intrusion and hurricane protection provisions of the Florida Building Code. Entering its seventeenth 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.

PROCESS. During the reporting period the Commission once again focused on consensus-building efforts regarding the implementation of Commission policy, with extensive input from building construction industry stakeholders and interests affected by Commission policy. Chairman Richard Browdy encouraged and led the Commission's consensus-building efforts supported by DBPR.

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 did not experience nearly as severe damage as older buildings.

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 subsequent version, the *5th Edition Florida Building Code (2014)* maintains this commitment.

The Commission has been funding hurricane resistance research based on legislatively approved spending authority since the formation of the Commission's Hurricane Research Advisory Committee in January of 2005. The Commission currently funds research projects pertaining to hurricane resistance and other Code related topical areas to ensure the development of code amendments that make Florida's structures, and the products that comprise them, more resistant.

During the reporting period—based on recommendations from the Commission’s technical advisory committees (TACs)—the Commission established three key criteria for evaluating the proposed funding of research projects. In order to be considered for funding proposed research projects shall: 1.) Meet the adopted definition of research and/or technical enrichment; 2.) Address an urgent and/or immediate need relevant to the 2014 FBC; and, 3.) Full or partial funding must be available for the project.

As a result of evaluating proposed research projects in the context of the key evaluation criteria, the Commission sponsored important research projects on the following topics: effectiveness of whole-house mechanical ventilation systems, development of exhaust air energy recovery credits for the Florida Energy Code, assessment of energy efficient methods of indoor humidity control in Florida housing, impact of spray foam insulation on the durability of plywood and OSB roof decks, investigation of corrosion of fasteners for both roofing and screen enclosures, wind study of screen enclosure connectors, and development of an engineering method regarding structural wood panel performance and attachment to masonry wall systems.

CODE UPDATE. Florida law requires the Commission to update the Florida Building Code every three years, and the *Florida Building Code Fifth Edition (2014)* represents the fourth update of the Code. The update process is based on the code development cycle of the national model building codes, which serve as the “foundation” codes for the Florida Building Code. The development of the *Florida Building Code Fifth Edition (2014)* was initiated in 2012 with the Commission selecting the 2012 International Codes as the foundation codes for the *Florida Building Code Fifth Edition (2014)*. The Commission completed the primary components of the Code amendment review and adoption process including incorporation of Glitch amendments during 2013, and the final rule adoption hearing on the Code was conducted in January of 2015. Rule 61G20-1.001, which adopts by reference the *5th Edition (2014) Florida Building Code*, was filed for certification with the Department of State, and the effective date for the new Code is June 30, 2015. During the 2014 Code Update process the Commission focused on reviewing Florida specific requirements to the Code, achieving the goal of minimum variation from the foundation codes. In addition, at the April 2015 meeting the Commission initiated the 2017 Code Update process by voting to adopt the 2015 International Codes and 2014 NEC as foundation codes for the Florida Building Code, 6th Edition (2017). In response to stakeholder requests to provide at least six months between the effective date of the 5th Edition of the Code (2014) and the closing date of when modifications must be proposed for the 6th Edition of the Code (2017), the Commission voted to extend the period of time for the public to propose modifications to the 2015 I Codes and the Preliminary Supplement to six months, by providing a window for submitting modifications of from July 1, 2015 – January 1, 2016, and adjusting the schedule for development of the Florida Building Code, 6th Edition (2017) accordingly.

The Code update process included integration of the Florida Energy and Conservation Code (FECC) and the International Energy Conservation Code (IECC) maintaining the efficiencies of the FECC. On a related note, the Commission voted to maintain the requirement for local governments to submit forms submitted to certify compliance with the Energy Code through the adoption of a separate rule from the Building Code Rule. This action ensured that important energy data continues to be available for research purposes.

In addition, the Commission revised Rule 61G20-4.001, Procedures (Accessibility Code waiver application form) to provide for an electronic accessibility waiver application submittal process and form.

Finally, during the reporting period, using its authority granted in 2014 to interpret the Florida Accessibility Code for Building Construction (FACBC), the Commission issued their first interpretations regarding petitions for declaratory statements on the Accessibility Code.

PRODUCT APPROVAL. The product approval system is an internet-based system operated and administered by the Department of Business and Professional Regulation. During the reporting period the Commission voted to move the Product Approval application submittal completion deadline back by one week to the current preliminary review deadline date for the product approval application cycle, providing additional time for applicants to resolve any issues with their product approval applications. Since January 1, 2014 DBPR staff has been administering the Product Approval System, and stakeholders 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 2003, the Commission has approved 22,232 product applications and 98,252 products for statewide use within limitations established by the approvals.**

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, the Commission completed adoption of Rule 61G20-6.002, F.A.C. (Commission Approval and Accreditation of Advanced Building Code Training Courses) including providing for approval of courses that are based on Commission approved changes to the Code that are not yet formally adopted by rule.

CODE COORDINATION AND IMPLEMENTATION WORKGROUP PROJECT. During the reporting period, the Commission in collaboration with Building Code System stakeholders, voted unanimously to convene a *Code Coordination and Implementation Workgroup* charged with reviewing and evaluating all of the regulatory requirements currently impacting the code development process (code update process), and to propose a legislative path to a more efficacious timetable for the implementation of the Florida Building Code update process going forward. The Workgroup is meeting regularly, and evaluating the following key issues: code printing and publication, Commission authority to issue errata, the Code amendment process (triennial, annual and glitch), Florida Specific amendments, statutory timeline requirements, adoption of standards and codes by reference, and Commission participation with the ICC code development process. It is expected that any recommendations for statutory changes, once approved by the full Commission, will be delivered to the 2016 Florida Legislature.

BINDING INTERPRETATION PROCESS. In order to maintain the Binding Interpretation process as it must be lawfully implemented, the Commission appointed a panel of eight experienced building code administrators from geographically diverse regions of Florida to serve as an Interim Binding Interpretations Panel. The Panel heard one binding interpretation during the reporting period.

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 amendment(s) 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. The Commission's recommendations for 2016 legislative actions designed to improve the system's effectiveness are summarized below:

THE FLORIDA BUILDING COMMISSION'S RECOMMENDATIONS FOR LEGISLATIVE ACTIONS DESIGNED TO IMPROVE THE SYSTEM'S EFFECTIVENESS ARE SUMMARIZED AS FOLLOWS:

The Commission currently has no recommendations for statutory changes. However, it is anticipated that the Commission will have statutory recommendations for the 2016 Legislature resulting from the Code coordination and implementation evaluation project.

II. INTRODUCTION

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 hurricane season.

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.

III. COMMISSION REPRESENTATION AND PROCESS

COMMISSION REPRESENTATION. The Florida Building Commission is a 27 member representative stakeholder group who successfully created, implemented, and maintains the new statewide Florida Building Code. The Commission is comprised of the Chair, and 26 members appointed to represent specific stakeholder groups. They are as follows: four code officials, two state government representatives, a local government representative, a representative of persons with disability, a structural engineer, a mechanical engineer, representatives of fire protection technology, the building management industry, and the insurance industry, a general contractor, residential contractor, mechanical contractor, plumbing contractor, electrical contractor, roofing/sheet metal/air conditioning contractor, a manufactured building representative, a building product manufacturer, a swimming pool contractor, a representative of the green building industry, a natural gas system distribution representative, and a member representing the Department of Agriculture and Consumer Services' Office of Energy.

CONSENSUS PROCESS. The Florida Building Commission (FBC) 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 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 period provided for each substantive issue under consideration, as well as general public comment periods provided at the end of each day's meeting. In addition to these opportunities for public input, most complex substantive issues before the Commission go through a consensus process where recommendations are developed by appointed representative stakeholder groups.

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 decisions for the citizens of Florida. Through its committees and workgroups comprised of experts, the Commission has always developed its decisions based on the results of the best engineering and science available. Since 1999 the Commission has convened 59 special issue stakeholder workgroups to develop broad based consensus recommendations on issues of concern to stakeholders. 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.

IV. LEGISLATIVE ASSIGNMENTS

The Florida Legislature through consideration of HB 915 proposed a package of legislation effecting the Commission and the Florida Building Code. Due to the early adjournment of the Florida House of Representatives the Senate was not able to support the Building Code Bill without amendment and as a result the Bill was not passed. However, the 2015 Florida Legislature through the passage of SB 466 charged the Commission with one assignment impacting the Florida Building Code. In general, the Commission works with stakeholders and effected interests to address legislative assignment through facilitated processes yielding consensus-based recommendations and Commission decisions.

2015 LEGISLATIVE CODE ASSIGNMENTS STATUS UPDATE

The 2015 Florida Legislature through the passage of SB 466 charged the Commission with one assignment impacting the Florida Building Code. The Commission is in the process of implementing the assignment through appropriate actions. Following is an implementation summary of 2015 Legislative assignment:

Action Required: An amendment to Section 553.793, F.S. regarding low-voltage alarm systems revised the definition of the term “low-voltage alarm system project” and added the definition of the term “wireless alarm system”; provided that a permit is not required to install, maintain, inspect, replace, or service a wireless alarm system and its ancillary components; reduced the maximum price for permit labels for alarm systems; prohibited a local enforcement agency from requiring the payment of any additional fees, charges, or expenses associated with the installation or replacement of a new or existing alarm system; authorized a local enforcement agency to coordinate the inspection of certain alarm system projects; and provided an effective date of July 1, 2015.

Status: The Commission will amend the Florida Building Code, 5th Edition (2014) to conform the Code to the statutory requirements.

2014 LEGISLATIVE CODE ASSIGNMENTS STATUS UPDATE

The 2014 Florida Legislature through the passage of HB 7147 charged the Commission with assignments impacting the Florida Building Code. The Commission implemented each assignment through appropriate actions. Following is an implementation summary of 2014 Legislative assignments:

Action Required: An amendment to Section 553.73 (15), F.S., required the Commission to amend the Code to clarify that existing mechanical equipment located on or above the surface of a roof be installed in compliance with the requirements of the Florida Building Code, except when the equipment is being required to be removed or replaced or moved during reroofing and is not in

compliance with the provisions of the Florida Building Code relating to roof-mounted mechanical units.

Status: The Commission amended the Code through adoption of the *Florida Building Code Fifth Edition (2014)* to implement this provision.

Action Required: An amendment to Section 553.73 (18), F.S. required the Commission to amend the Code to provide that in single-family dwellings make up air is not required for range hood exhaust systems of a specified size and capacity.

Status: The Commission amended the Code through adoption of the *Florida Building Code Fifth Edition (2014)* to implement this provision.

Action Required: A new Section 553.883, F.S. required the Commission to amend the Code to provide that for one-family and two-family dwellings and townhomes undergoing a repair, or a level 1 alteration as defined in the Florida Building Code, it is permissible to use smoke alarms powered by 10-year nonremovable, nonreplaceable batteries in lieu of retrofitting such dwelling with smoke alarms powered by the dwelling's electrical system. Also, effective January 1, 2015, a battery-powered smoke alarm that is newly installed or replaces an existing battery-powered smoke alarm must be powered by a nonremovable, nonreplaceable battery that powers the alarm for at least 10 years.

Status: The Commission amended the Code through adoption of the *Florida Building Code Fifth Edition (2014)* to implement this provision.

Action Required: An amendment to Section 553.37, F.S. required the Commission to amend the Code to provide for specific inspection criteria for construction of manufactured buildings or modules.

Status: The Commission amended the Code through adoption of the *Florida Building Code Fifth Edition (2014)* to implement this provision.

An amendment to Section 553.77, F.S. required the Commission to amend the Code to require building officials to recognize and enforce variance orders issued by the Department of Health with regard to the provisions of the Florida Building Code specifically pertaining to public swimming pools and bathing places as authorized by Section 514.0115, Florida Statutes.

Status: The Commission amended the Code through adoption of the *Florida Building Code Fifth Edition (2014)* to implement this provision.

An amendment to Section 553.79, F.S. required the Commission to amend the code to prohibit a local enforcing agency from issuing a building permit for a public swimming pool without proof of application for an operating permit before a certificate of completion of occupancy or occupancy is issued.

Status: The Commission amended the Code through adoption of the *Florida Building Code Fifth Edition (2014)* to implement this provision.

V. The FLORIDA BUILDING CODE

Florida law requires the Commission to update the Florida Building Code every three years, and the *Florida Building Code Fifth Edition (2014)* represents the fourth update of the Code. Completing the triennial code update process for the *Florida Building Code Fifth Edition (2014)* was a major focus of the Commission during the reporting period. The Commission conducted the 2013 Code Update process during 2012 and 2013, and completed rule adoption in January of 2015. The new Code is adopted with an effective date of June 30, 2015. The code update process is based on the code development cycle of the national model building codes, which serve as the “foundation” codes for the Florida Building Code, and 2012 represented the second time the Commission adopted the International Energy Conservation Code (IECC) as the foundation for the 2014 Florida Energy Code. National model building codes and most engineering standards are updated every three years and the intent is to keep the Code up-to-date with evolving national standards of health, safety and welfare of the public.

The 2014 Update process (development of the *Florida Building Code Fifth Edition (2014)*) was initiated with selection of the 2012 I Codes as foundation for the 2013 Florida Building Code. The 2014 Code Update marked the first time that modifications to the foundation code remain effective only until the effective date of a new edition of the Florida Building Code every third year per Section 553.73(7)(g), F.S. With the exception that modifications related to state agency regulations, and wind-resistance design of buildings and structures within the high-velocity hurricane zone of Miami-Dade and Broward Counties which are adopted to an edition of the Florida Building Code do not expire and shall be carried forward into the next edition of the code. In addition, provisions of the foundation codes, including those contained in referenced standards and criteria, relating to wind resistance or the prevention of water intrusion may not be modified to diminish those construction requirements. Based on technical staff's recommendations the Commission's technical advisory committees conducted the preliminary review and developed recommendations for which to retain based on statutory requirements. In addition, the Fire TAC reviewed and developed recommendations regarding overlaps and correlation issues between the Florida Fire Prevention Code and the Florida Building Code.

For the 2014 Code Update process proposed Code modifications to the Florida Building Code were reviewed by the Commission's TACs in meetings conducted in October 2012. The TACs' recommendations regarding proposed Code modifications were posted to the Commission's website for a minimum of 45 days and the public was provided an opportunity to comment on the TACs' recommendations during this time-frame (second 45-day review period). The TACs met in January 2013 to review the public comments, and provided TAC comments to the Commission regarding whether the submitted public comments addressed TAC concerns relative to their original recommendations on proposed Code modifications (TAC feedback on public comments to the Commission). During the February 2013 meeting the Commission considered the TACs' recommendations and comments on public comments regarding proposed modifications for the *Florida Building Code Fifth Edition (2014)*. Once the Commission made decisions on all of the proposed Code modifications and local technical amendments submitted for statewide approval, the Commission voted unanimously to adopt the Commission's package of recommendations of approved Code modifications for the 2014 Code Update, and to proceed with rule making. In August of 2013 the Commission conducted a rule development workshop pertaining to Rule

61G20-1.001(1), Florida Building Code to consider changes to the *Florida Building Code Fifth Edition (2014)* regarding 2014 Building Code “Glitch” fixes proposed pursuant to the statutory criteria allowing adoption without Code development processes, using Chapter 120 rulemaking procedures only. The proposed changes can only be approved if they meet the statutory requirements for “Glitch” Amendments pursuant to Section 553.73 (8), Florida Building Code. In August of 2013 the Commission voted unanimously to adopt approved Glitch modifications, the “Supplement” and approved comments, and to proceed with rule adoption for Rule 61G20-1.001(1), Florida Building Code. For the 2014 Code Update the Commission integrated the 2014 Code Update and the Glitch amendment process into a single rule development initiative eliminating the need for a supplement to the Code and resulting in a fully integrated set of the nine volumes comprising the *Florida Building Code Fifth Edition (2014)*.

Although the 5th Edition was primarily developed during 2012 and 2013, the final rule adoption hearing on the Code was conducted in January of 2015 due to statutory constraints regarding coordination with the development of the Florida Fire Prevention Code. To finalize the 2014 Code development process the Commission conducted a final rule adoption hearing on Rule 61G20-1.001, which adopts by reference the 5th Edition (2014) *Florida Building Code*, and filed the Rule for certification with the Department of State, with an effective date for the new Code of June 30, 2015. During the 2014 Code Update process the Commission focused on reviewing Florida specific requirements to the Code, achieving the goal of minimum variation from the foundation codes.

Highlights of *Florida Building Code Fifth Edition (2014)* enhancements include: incorporating IRC high wind area requirements, Florida specific wind resistance water infiltration requirements for Building and Residential codes, Flood requirements integration, swimming pool energy standards inclusion, roofing provisions, wind load provisions, and integration of windows and doors testing and labeling requirements into the Code.

Section 553.73 (7)(a), F.S., requires that every three years the Commission shall update the Florida Building Code selecting the most current version of the International Codes. In order to comply with this statutory requirement, at the April 2015 meeting, the Commission voted to initiate the 2017 Code Update Process by selecting the 2015 International Codes and 2014 NEC as foundation codes for the *Florida Building Code, 6th Edition (2017)*. The Commission also approved the workplan for development of the *Florida Building Code, 6th Edition (2017)*, including selecting a proposed effective date of December 31, 2017.

In response to stakeholder requests to provide at least six months between the effective date of the 5th Edition of the Code (2014) and the closing date of when modifications must be proposed for the 6th Edition of the Code (2017), the Commission voted to extend the period of time for the public to propose modifications to the 2015 I Codes and the Preliminary Supplement to six months, by providing a window for submitting modifications of July 1, 2015 – January 1, 2016, and adjusting the schedule for development of the Florida Building Code, 6th Edition (2017) accordingly.

Of interest regarding the code development process, are several factors impacting the time that is required to adopt an updated Florida Building Code edition even after the development of the specific code amendments and rule development. An evaluation of the delays experienced in adopting the Florida Building Code Fifth Edition (2014) revealed that there are regulatory requirements that constrain the Commission in being able to complete a code update in the most efficacious manner possible. Some of the statutory constraints include the requirement to coordinate

with the adoption of the updated version of the Florida Fire Prevention Code, and the requirement to have the Florida Building Code published for 6 months after publication before it becomes effective. Other constraints include duplicative procedural requirements between the rulemaking requirements of Chapter 120, F.S and the code development requirements mandated by Section 553.73, F.S. Additional considerations are the schedule for the IBC code updates, the NEC code schedule, and the schedule for other important reference documents that must be finalized before incorporation by reference into the Florida Building Code Rule. There are also other built-in time constraints that serve to delay the implementation of a code update cycle. At the recommendation of Chairman Browdy the Commission decided to review all of the critical path milestones in the code development process and determine what should be done to make the process as efficient as possible. In order to address this issue the Commission convened a Code Coordination and Implementation Workgroup to review and evaluate all of the regulatory requirements currently impacting the code development process (code update process), and to propose a legislative path for a more efficacious process and timetable for the implementation of the Florida Building Code update process. It is anticipated that the Commission will have proposed statutory recommendations for consideration by the 2016 Florida Legislature.

(Attachment 5—Code Coordination and Implementation Workgroup Process)

INTEGRATION OF FLORIDA ACCESSIBILITY LAW INTO THE NEW ADAAG ADOPTED BY THE U.S. DEPARTMENT OF JUSTICE

The fundamental guidelines the ADA Standards are based on, the Americans with Disabilities Act Accessibility Guidelines, were updated in 2004 and in June 2008 the U.S. Department of Justice published its Notice of Proposed Rule, "*Proposed ADA Standards for Accessible Design, June 2008.*" The DOJ completed its adoption of revised regulations 28 CFR 35 and 28 CFR 36 establishing the 2010 ADA Standards for Accessible Design, September 15, 2010. In anticipation of the revised ADA Standards for Accessible Design the Commission convened an Accessibility Code Workgroup of stakeholders that developed recommendations to the Commission for changes to the Code as well as for statutory changes needed to conform Florida Law to the Federal Law. The Commission amended the Accessibility Code, and made recommendations for changes to law essential to conforming to the 2010 ADA Standards that were implemented by the Florida Legislature. As a result of the Commission's proactive initiative Florida's 2012 Accessibility Code for Building Construction fully integrates Florida Specific Requirements with the final 2010 ADA Standards for Accessible Design issued September 15, 2010.

As previously reported, Florida's Accessibility Code was ready for certification concurrent with the effective date of the new ADA Standards for Accessible Design (SAD), and it is currently under review for certification by the DOJ. The last report from the DOJ indicated that the FACBC is in the final stages of review and only has to be reviewed by the Access Board before certification from DOJ. It should be noted that Florida's Accessibility Code is the first code in the Nation submitted for certification to the new SAD.

VI. ENERGY EFFICIENCY INITIATIVES AND CODE CHANGES

During the development of the *Florida Building Code Fifth Edition (2014)* the Commission incorporated the International Energy Conservation Code (IECC) as the foundation code for the *Florida Energy Efficiency Code for Building Construction* while maintaining existing Florida efficiencies. Also consistent with 2013 statutory changes to Section 553.901, F.S., the Commission adopted the Florida Building Code–Energy Conservation as a volume of the Code consistent with other the Code sections and based on the International Building Code. Previously the Commission adopted the Florida Energy Efficiency Code for Building Construction within the Florida Building Code.

As with previous editions the *Florida Building Code Fifth Edition (2014)* meets or exceed all Federal energy efficiency requirements. A technical analysis conducted by the University of Central Florida’s Florida Solar Energy Center verified that Florida’s Energy Code exceeds the Federal energy requirements. As a result the Commission certified to the Department of Energy (DOE) that the residential building provisions of the *Florida Building Code Fifth Edition (2014), Energy Conservation*, meets or exceeds the 2012 edition of the *International Energy Conservation Code* for low-rise residential buildings, and the adopted *Florida Building Code Fifth Edition (2014), Energy Conservation*, meet or exceed the 2010 edition of the *Energy Standard for Buildings, Except Low-Rise Residential Buildings*, American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE)/ Illuminating Engineering Society of North America (IESNA) Standard 90.1-2010 for commercial, and the 2012 *International Energy Conservation Code*, for buildings other than low-rise residential buildings.

During the reporting period the Commission voted to maintain the requirement for local governments to submit forms submitted to certify compliance with the Energy Code through the adoption of a separate rule from the Building Code Rule. This action ensured that important energy data continues to be available for research purposes.

Finally, during the reporting period the Commission voted to approve the Energy Code Compliance Software for the 5th Edition (2014) Florida Building Code, Energy Conservation, specifically EnergyGauge Summit 5.1 for demonstrating compliance with commercial building energy requirements and EnergyGauge USA 4.0.01 for demonstrating compliance with residential building energy requirements.

VII. RESEARCH INITIATIVES—HURRICANE RESPONSE AND CODE CHANGES

Overview. The Florida Building Code establishes minimum requirements to protect buildings and their occupants 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 maintain the Code to be up-to-date with the national engineering and product standards. As with each subsequent version, the *Florida Building Code Fifth Edition (2014)* maintains this commitment.

Hurricane Research. The Commission has determined that research is a key to effectively and efficiently preventing or minimizing hurricane damage to buildings. The Commission convened the Hurricane Research Advisory Committee in response to Florida’s 2004 and 2005 hurricane seasons to support code development and identification of studies to address wind-borne debris risks, water intrusion, wind resistance of roof systems, and other construction systems and practices that effect the hurricane resistance of buildings. The Florida Building Commission’s Hurricane Research Advisory Committee (HRAC) will meet on an as needed basis to review research and make recommendations to the Commission regarding proposed code enhancements and research needs regarding proposed code amendments relevant to hurricane and storm protection enhancements. The Commission has been funding hurricane resistance research based on legislatively approved spending authority since the formation of the Commission’s Hurricane Research Advisory Committee in January of 2005.

Building Code System Research. The Commission currently funds research projects pertaining to hurricane resistance and other Building Code System related topical areas to ensure the development of code amendments that make Florida’s structures, and the products that comprise them, more resistant. The Commission’s technical advisory committees (TACs) meet annually to make recommendations on research projects for the next fiscal year, and they meet periodically to review the status and approve interim and annual reports submitted by the research projects’ principal investigators (PIs).

During the reporting period—based on recommendations from the Commission’s technical advisory committees (TACs)—the Commission established three key criteria for evaluating the proposed funding of research projects. In order to be considered for funding proposed research projects shall: 1.) Meet the adopted definition of research and/or technical enrichment; 2.) Address an urgent and/or immediate need relevant to the 2014 FBC; and, 3.) Full or partial funding must be available for the project.

As a result of evaluating proposed research projects in the context of the key evaluation criteria, the Commission sponsored important research projects on the following topics: effectiveness of whole-house mechanical ventilation systems, development of exhaust air energy recovery credits for the Florida Energy Code, assessment of energy efficient methods of indoor humidity control in Florida housing, impact of spray foam insulation on the durability of plywood and OSB roof decks, investigation of corrosion of fasteners for both roofing and screen enclosures, wind study of screen enclosure connectors, and development of an engineering method regarding structural wood panel performance and attachment to masonry wall systems. The TACs will meet during the Summer of

2015 to evaluate, rank and develop recommendations to the Commission regarding which research projects to fund for fiscal year 2015-2016.

Florida Accessibility Code for Building Construction Research Project. During the reporting period the Commission funded a project conducted by the University of Florida (UF) to evaluate the Florida-specific provisions of the Florida Accessibility Code for Building Construction (FACBC). The ADA Standards for Accessible Design establishes design requirements for the construction and alteration of facilities so as to not discriminate against individuals with disabilities. In 2011, the Florida Building Commission (FBC) updated the Florida Accessibility Code for Building Construction to incorporate the 2010 ADA Standards and Florida law, Part II, Chapter 553, Florida Statutes. The FBC has maintained provisions of the Florida law that were thought to be more stringent than the ADA guidelines.

The purpose of the research project was to determine whether these Florida-specific provisions are necessary and to develop a technical basis for these items. The most recent version of the design standards was adopted in 2010 and this was the version used for comparison to the Florida design standards during this project.

In order to determine a technical basis for the Florida-specific items it was important to understand what technical basis was used to develop the 2010 ADA Standards, as well as Chapter 11 of the International Building Code and the ANSI Standards. Through research conducted by the University of Florida and the experience and knowledge of the ADA specialist hired by UF, an explanation and recommendation was made for each of the Florida specific items. In the Report UF concluded that a majority of these items did not need to be changed, however a few provisions either should be expanded or reduced. It was recommended that the provisions for the removal of architectural barriers and parking space widths be reduced. The provisions for curbs adjacent to on-street parking spaces and the removal of parking barriers should be expanded. It was also recommended that the language be changed for clarification of requirements in the following provisions: door opening force, additional hotel and motel features, and vertical accessibility.

The University of Florida research team clarified that they provided recommendations based on data available online and from the knowledge and resources of the ADA contractor. They noted that they conducted a technical study of a politically driven issue so the views of specific contractors and disability organizations were not taken into consideration. It was recommended that the Florida Building Commission meet with contractors and disability organizations in the state of Florida to get their perspectives on the recommendations.

In June of 2015 the Commission voted to carry the evaluation of the project forward, and will be evaluating the next steps for proceeding during the next reporting period.

VIII. PRODUCT APPROVAL

The Florida Building Code establishes standards for products integrated into buildings in addition to standards for the design of buildings themselves. Unlike prescriptive standards in the Code that can be easily verified by building officials, how well products such as windows perform cannot be determined by review of drawings or inspection of the product alone. Yet compliance of the individual products is fundamental to compliance of the overall building. To determine whether products and building systems comply, the building official must rely on engineers and testing laboratories to evaluate performance then rely on the manufacturers to maintain quality control of production to ensure that production products perform like the ones tested. The product approval system framed in law and implemented through rule requires accreditation of the product evaluators and quality assurance monitors and standardizes the information that must be provided to demonstrate code compliance.

The Commission directed a major part of its efforts since its inception in 1998 to developing a standardized system for public regulation from the many combinations of product evaluation and quality control monitoring services provided by private companies. The diversity of approaches used in different industries for product evaluation and quality control monitoring make standardization particularly difficult, and a considerable amount of time and effort have been dedicated to this task. Patience and hard work characterize the contributions of all parties.

Working in collaboration with stakeholders the Commission continues to monitor and fine tune the Product Approval System ensuring that the System is functioning more efficiently and user friendly, and user satisfaction, as determined by System user surveys, is very high.

As reported during the previous reporting period, the Commission voted to charge DBPR staff with assuming administration of the Product Approval System, initially working with the current staffing levels, beginning January 1, 2014. Fiscal-Year 2014 – 2015 represents the first full year under the change in administration, and the system is working well and stakeholders report satisfaction with the process.

During the reporting period the Commission reviewed and approved products and product approval entities, and considered complaints filed against products. Through product revocation, the Commission is authorized to revoke product approvals for products that no longer comply with the requirements of their product approvals, providing a key tool for maintaining the efficacy of the Product Approval System and providing protection for Florida consumers.

During the reporting period the Commission voted to move the Product Approval application submittal completion deadline back by one week to the current preliminary review deadline date for the product approval application cycle, providing additional time for applicants to resolve any issues with their product approval applications.

The Product Approval system is processing hundreds of applications monthly with efficiency and the satisfaction of the product manufacturers who use the system. The Commission's Product Approval Program Oversight Committee (POC) convenes prior to every Commission meeting, and met six times during the reporting period 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 2003, the Commission has approved 22,232 product applications and 98,252 products for statewide use within limitations established by the approvals.

To date, under the 2010 and 2014 codes the Commission approved 31,980 products and 6,964 product applications under the 2010 Florida Building Code, and 9,804 products and 2,200 product applications under the 2014 Florida Building Code. In addition the Commission approved or revised 379 product approval entities under the 2010/2014 Code including 13 accreditation bodies, 48 certification agencies, 6 evaluation entities, 84 quality assurance entities, 169 testing laboratories, and 59 validation entities (new and renewed/revised).

Following are relevant product approval system statistics on product approvals:

PRODUCT APPROVAL STATISTICS UPDATE

CODE VERSION	2004		2007		2010		2014	
	Apps	Products	Apps	Products	Apps	Products	Apps	Products
Approved	5,593	22,575	5,767	27,529	6,267	29,118	1,021	4,436
Applied For	31	39	103	433	68	323	102	771
Denied	154	482	11	26	5	16	0	0
Validated	15	28	50	184	9	26	111	465
Suspended	0	0	0	0	0	0	0	0
Re-Apply	3	3	19	282	8	19	7	25
Pending FBC Approval	1	1	76	244	7	16	844	3,116
Revoked	6	17	1	1	0	0	0	0
Archived	528	1828	675	2582	542	2,192	112	952
Over 180 Days Old and Not Approved, Denied, Validated, or Pending Status	3	7	32	207	58	270	2	39
TOTALS	6,334	24,980	6,734	31,488	6,964	31,980	2,200	9,804

IX. BUILDING CODE TRAINING PROGRAM

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.

The state building code system, first established in 1974, was overhauled in 1998 to improve its effectiveness. The Legislature recognized that the effectiveness of the Florida Building Code depended on the various participants' knowledge of the codes. The Building Code Training Program was intended to improve compliance and enforcement by providing a focus for code-related education through coordination of existing training resources, including those of universities, community colleges, vocational technical schools, private construction schools and industry and professional associations. As specified in law, the Commission's role is limited to the approval of code related courses, which are developed and submitted by private sector education and training providers to the Commission for approval. The Commission has no authority to determine the number of hours or courses for code related education and training. The licensing board for the respective category of affected licensee makes this determination.

For fiscal year 2014-2015, DBPR and the Florida Building Commission made the decision to contractually separate the activities of the Education Administrator from the current Florida Building Compliance and Mitigation Program. As a result, this report relates to the staffing/administrative activities of the Education Administrator with the Education Program Oversight Committee (ED POC) as well as assisting with the maintenance of the online Building Code Information System (BCIS).

During the reporting period, the Commission, based on recommendations developed by the Commission's Education Program Oversight Committee (POC) in collaboration with the program administrator and other entities, implemented education and outreach initiatives designed to ensure that Florida construction and design industries licensees are informed about Florida Building Code requirements and related specific duties.

The Commission amended and completed adoption of the Education Rule, 61G20-6.002, Florida Administrative Code as follows:

- To clarify the deadline (23 days prior to the next FBC meeting) for course submission and accreditation;
- To clarify the definition of a self-affirmed course;
- To clarify the process of a self-affirmed course reverting to a revised course;
- To clarify when courses can be submitted/accredited/approved, specifically when the building code is approved versus adopted;
- To clarify the requirement of the code edition inclusion in the title of an advanced course;

- To clarify the process for course revisions related to laws and rules changes versus building code changes; and
- To clarify the timelines that apply for any course for which revision(s) is required.

During the reporting period the Education Administrator worked with both training providers and accreditors to assist them with transitioning from using the 2010 Florida Building Code as the source code for developing and accrediting training courses, to using the new 5th Edition of the Florida Building Code (2014).

During the reporting period the Commission's Education Program Oversight Committee conducted six meetings in which it managed the review and approval of course and accretor applications; handled inquiries from licensees, providers and the public; and developed and refined guidelines and information on course development and processing (including BCIS enhancements). The Commission continues to enhance access to committee meetings through the use of webinar technology, in addition to options to attend by telephone conference call or in-person.

Working with the education administrator, the Commission addressed specific education needs as follows:

- Maintained the modifications and subsequent efficiency to the online Building Code Information System (BCIS).
- Administered six meetings and tasks of the Commission's Education and Outreach Program Oversight Committee, including:
 - Conducting meetings; managing, review and approval of 52 total course applications, which breaks down to 43 new courses, 1 administratively approved course, and eight self affirmed courses (from July 31, 2014 to April 9, 2015).
 - Handling 173 inquiries (from July 31, 2014 to April 9, 2015) from licensees, training providers, accreditors, and the public (via phone, email, or both); and developing, refining, and modifying guidelines and information on course development and processing.
 - Approving Mr. Charles Barr as an accretor of advanced courses for the Florida Building Commission.
- Conducted a training session in May 2015, for both accreditors and training providers. The content of the session was to review and possibly improve all of the processes involved with advanced course accreditation practices, and to review and discuss BCIS navigation.

X. FLORIDA BUILDING CODE SYSTEM UPDATES AND COMMISSION ACTIONS

FLORIDA BUILDING CODE SYSTEM

Florida Statute, Section 553.77(1)(b), requires the Commission to make a continual study of the Florida Building Code System and related laws and on a triennial basis report findings and recommendations to the Legislature for provisions of law that should be changed. The Commission conducted the first assessment in 2005 and the second in 2012 for the purpose of evaluating the Florida Building Code System for its successes and deficiencies, and identifying and selecting options for improvement. The Commission is scheduled to conduct the next assessment concurrent with the development of the 6th Edition of the Florida Building Code and will report to the Legislature at the appropriate time in conformance with these provisions.

The Florida Building Code System as envisioned by the Building Codes Study Commission and implemented by the Florida Legislature in 1998 is comprised of five key foundations. Known as the *Five Foundations for a Better Built Environment*, they are: the Code (Florida Building Code), the Commission (Florida Building Commission), Local Administration of the Code, Strengthening Compliance and Enforcement (Education), and Product Approval.

FOUNDATION I—THE FLORIDA BUILDING CODE AND THE CODE DEVELOPMENT PROCESS.

The Florida Building Code is a statewide code implemented in 2001 and updated every three years. The Florida Building Commission developed the first edition of the Florida Building Code from 1999 through 2001, and is responsible for maintaining the Code through annual interim amendments and a triennial foundation code update.

During the reporting period the Commission completed adoption of the *Florida Building Code, Fifth Edition (2014)* with a focus on removing (unnecessary) and maintaining (needed) Florida Specific requirements to the Code, achieving the goal of minimum variation from the foundations codes. Of note, for development of the 5th Edition of the Code the Commission integrated the 2014 Code Update and the Glitch amendment process into a single rule development initiative eliminating the need for a supplement to the Code and resulting in a fully integrated set of the nine volumes comprising *Florida Building Code Fifth Edition (2014)* with the adopted effective date of June 20, 2015. The development of the 2014 Code involved special issue stakeholder workgroups, rule development workshops and rule adoption hearings, all providing extensive opportunity for public participation.

During the reporting period the Commission received a Petition for Emergency Rulemaking and consequentially a separate Petition for Rulemaking. Specifically, the Petitioners were requesting the Commission delay the implementation and enforcement of two (2) separate and unrelated Code provisions, dealing with the number of fire service elevators required in high rise buildings pursuant to Section 403.6.1 of the Florida Building Code-Building, 5th Edition (2014), and the thermal envelope testing utilizing blower door tests pursuant to Section R-303.4 of the Florida Building Code-Residential, Fifth Edition (2014) and Section 402.4.1.2 of the FBC-Energy Conservation Code, 5th Edition (2014). Following extensive public testimony the Commission voted to initiate emergency rulemaking to approve the suggested emergency rule language presented by the Petition

regarding the date of enforcement of the blower door test and mechanical ventilation requirements contained within the 5th edition of the Florida Building Code as emergency rule number 61G20ER15-2, and finding that this language is only that language necessary to alleviate the immediate danger to the health safety or welfare, and that the Department shall only file the approved emergency language if a legislative solution is not effective before June 30th, 2015. The Commission also voted to initiate non-emergency rule development to promulgate appropriate rules to address the date of enforcement of the blower door test and mechanical ventilation requirements contained within the 5th edition of the Florida Building Code. Finally, the Commission voted to initiate non-emergency rule development to promulgate appropriate rules to address the second fire service access elevator requirement contained within the Florida Building Code-Building, 5th Edition (2014).

During the next fiscal year (FY 2015-2016), the Commission will be working to ensure a smooth transition to the updated Code, and the implementation of any Legislative Code amendment assignments. In addition, the Commission will be developing the *Florida Building Code, 6th Edition (2017)*.

Of special interest, during the reporting period, the Commission in collaboration with Building Code System stakeholders, voted unanimously to convene a *Code Coordination and Implementation Workgroup* charged with reviewing and evaluating all of the regulatory requirements currently impacting the code development process (code update process), and to propose a legislative path to a more efficacious timetable for the implementation of the Florida Building Code update process going forward. The Workgroup is meeting regularly, and evaluating the following key issues: code printing and publication, Commission authority to issue errata, the Code amendment process (triennial, annual and glitch), Florida Specific amendments, statutory timeline requirements, adoption of standards and codes by reference, and Commission participation with the ICC code development process. It is expected that any recommendations for statutory changes, once approved by the full Commission, will be delivered to the 2016 Florida Legislature.

FOUNDATION II—THE COMMISSION. The Commission is an appointed representative stakeholder body that develops, amends and updates the Code. The Commission is composed of members representing each of the key interests in the Building Code System. The Commission meets every eight weeks and, in addition to its code development responsibilities, regularly considers petitions for declaratory statements, accessibility waiver requests, the approval of products and entities, and the approval of education courses and course accreditors. The Commission also monitors the Building Code System and reports to the Legislature annually with its recommendations for changes to statute and law.

During the next fiscal year, the Commission will maintain their focus on increasing the capacity of its new members, and working with building construction industry stakeholders to build consensus on relevant aspects of the Florida Building Code System.

FOUNDATION III—LOCAL ADMINISTRATION OF THE CODE. Florida Law requires that the Code be administered and enforced by local government building and fire officials. The Commission has certain authorities in this respect such as the number and type of required inspections.

During the reporting period the Commission continued to work with local building officials to provide support as requested and as appropriate.

During the next fiscal year the Commission remains committed to enhancing communication and collaboration with local building and fire officials for the efficient and seamless functioning of the Florida Building Code System. In addition, the Commission is committed to working with stakeholders to identify and resolve any issues related to the administration and enforcement of the Florida Building Code System.

FOUNDATION IV—STRENGTHENING COMPLIANCE AND ENFORCEMENT. Compliance and enforcement of the Code is a critical component of the system, and the Commission’s emphasis in this regard is on education and training. The Commission’s Education Program Oversight Committee (POC), working with the program administrator and other entities, implemented initiatives collaboratively to ensure Florida construction and design industries licensees are informed about Florida Building Code requirements and aware of related specific duties.

During the reporting period, the Commission reviewed and approved education courses and course accreditors. In addition, the Commission, working in collaboration with stakeholders, implemented changes to enhance the efficacy of the Education System by revising the Education Rule to clarify the following: the deadline for course submission and accreditation; the definition of a self-affirmed course; the process of a self-affirmed course reverting to a revised course; when courses can be submitted/accredited/approved; the requirement of the code edition inclusion in the title of an advanced course; and the process for course revisions related to laws and rules changes versus building code changes.

For the next fiscal year, the Commission will continue to work with stakeholders to identify any issues, and implement any recommended enhancements to the Education System.

FOUNDATION V—PRODUCT EVALUATION AND APPROVAL. To promote innovation and new technologies, a product and evaluation system was determined to be the fifth cornerstone of an effective Building Code System. The product approval process should have specific criteria and strong steps to determine that a product or system is appropriately tested and complies with the Code. Quality control should be performed by independent agencies and testing laboratories that meet stated criteria and are periodically inspected. A quality assurance program was also deemed essential. The Commission adopted a Product Approval System by rule and currently approves products for state approval and product approval entities. Local product approval remains under the purview of local building officials as part of the building permit approval process.

During the reporting period, the first full year of administration of the Product Approval System by DBPR staff has worked well and to the satisfaction of stakeholders.

During the next fiscal year the Commission will continue to work with stakeholders to enhance the Product Approval System including evaluating possible revisions to the Rule requested by industry stakeholders.