

**FLORIDA BUILDING COMMISSION
THE SHORES RESORT AND SPA
2637 ATLANTIC AVENUE
DAYTONA BEACH SHORES, FLORIDA 32118**

**Plenary Session
June 13, 2017
8:30 AM**

MINUTES

COMMISSIONERS PRESENT:

Dick Browdy, Chairman
Hamid Bahadori
James Batts
Steve Bassett
Donald Brown
Bob Boyer
Kelley Smith Burk
Oscar Calleja
Jay Carlson
Nan Dean
Charles Frank

Shane Gerwig
David Gilson
Jeff Gross
Bradley W. Schiffer
Frederick Schilling
Drew Smith
Jeff Stone
Brian Swope
James Schock
Diana Worrall

COMMISSIONERS NOT PRESENT:

David Compton
Richard Goff
Brian Langille

Kevin Flanagan
Robert Hamberger

OTHERS PRESENT:

Thomas Campbell
Mo Madani
Chris Burgwald
Jim Hammers

Nick DuVal
Justin Vogel
Norman Bellamy

MEETING FACILITATION:

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

Welcome:

Time: 8:34 am

Chairman Browdy welcomed Commissioners, staff, and members of the public to Daytona Beach Shores and the June 13, 2017 plenary session of the Florida Building Commission. He stated that in addition to considering regular procedural issues including product and entity approvals, applications for accreditor and course approvals, petitions for declaratory statements, accessibility waivers, and recommendations from our various committees and workgroups, the primary focus of the June meeting is to conduct a final rule adoption hearing on the 6th Edition (2017) Florida Building Code, and to adopt the Commission's FY 2016 – 2017 Annual Report to the Legislature.

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

Chairman Browdy stated that there are also buff colored "*Public Comment Forms*" on the speakers' table that can be used to provide written comments. He said all written comments will be included in the Facilitator's Summary Report and asked that they please give their completed "*Public Comment Forms*" to Jeff Blair.

Chairman Browdy advised 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 and stated if your board participates you may sign-in on the kiosk laptop provided in the meeting room.

Roll Call:

Chairman Browdy asked that Jeff Blair perform roll call, a quorum was met with 20 members present.

Agenda Review and Approval:

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

Jeff Blair welcomed participants to the June Plenary Session and introduced the agenda.

A motion was entered by Commissioner Schilling to approve the agenda as posted. The motion was seconded by Commissioner Schiffer. The motion passed unanimously 20 to 0 in favor.

Approval of the April 4, 2017 and May 12, 2017 Facilitator's Summary Report and Meeting Minutes and April 28, 2017 teleconference minutes:

Chairman Browdy requested a motion for approval of the April 4, 2017 and May 12, 2017 Facilitator's Summary Report and Meeting Minutes and April 28, 2017 teleconference minutes

Commissioner Schilling entered a motion to approve the April 4, 2017 and May 12, 2017 Facilitator's Summary Report and Meeting Minutes and April 28, 2017 teleconference minutes as presented. The motion was seconded by Commissioner Schiffer. The motion passed unanimously with a vote of 20 to 0 in favor.

Chairman's Discussion Issues and Recommendations:

Chairman Browdy welcomed everyone to the Commission Meeting particularly the members from BOAF that were present. He stated their attendance, input and valuable experience has been critical to the Florida Building Commission and that we appreciate what they do.

Chairman Browdy stated in addition, he would like to welcome Tim Tolbert as a guest. He said Mr. Tolbert was a Commissioner and served with the Commission for many years and that his input was very valuable and that he was pleased to see him in attendance.

Commission Vacancy:

Chairman Browdy stated that Commissioner Darrel Phillips resigned from the Commission effective April 6, 2017. He said that this leaves a vacancy for the Public Education position and temporarily reduces the number of Commissioners to 26. Chairman Browdy stated that he wanted to take this opportunity to appreciate Darrell's service to the citizens of Florida. He advised that Darrell served from August 27, 2013 through April 6, 2017. Chairman Browdy advised that in addition Darrell chaired the Special Occupancy TAC. He thanked Darrell for his service.

TAC/POC Appointments

Roofing TAC:

Chairman Browdy appointed Gaspar Rodriguez to the Roofing TAC to fill a vacant position. He welcomed Mr. Rodriguez.

Special Occupancy TAC:

Chairman Browdy appointed Charles Frank who is already a committee member as chair of the Special Occupancy TAC to replace the vacancy created by the resignation of Darrell Phillips. He thanked Charles for agreeing to serve and to Darrell for his service as the previous chair. Chairman Browdy stated he was appointing Tony McNeal to the Special Occupancy TAC to replace Gene Chalecki who retired and rolled off of the TAC. He thanked Gene for his service, and welcomed Tony. Chairman Browdy stated he was appointing Michelle Comingore to the Special Occupancy TAC to replace Doug Melvin who retired and rolled off of the TAC. He thanked Doug for his service, and welcomed Michelle.

Plumbing TAC:

Chairman Browdy appointed Isaac Kovner to the Plumbing TAC to replace George Seiler who has rolled off of the TAC. He thanked George for his service, and welcomed Mr. Kovner. Chairman Browdy appointed Jorge Rojas to the Plumbing TAC to replace Jim Bickford who has rolled off of the TAC. He thanked Jim for his service, and welcomed Mr. Rojas. Chairman Browdy appointed Otto Vinas to the Plumbing TAC to replace Joseph Kajak who has rolled off of the TAC. He thanked Joseph for his service, and welcomed Mr. Vinas.

Accessibility Advisory Council:

Chairman Browdy stated that Lois Darlene Laibl-Crowe was just appointed by the Secretary of DBPR to be a member of Accessibility Advisory Council as a representative for the hearing impaired. He said that Ms. Crowe currently serves on the Department of Health's Florida Coordinating Council for Deaf and Hard of Hearing. Chairman Browdy advised that her term will run from July 1, 2017-June 30, 2021. He said with this appointment all seats on the Council are now occupied.

Commission Milestones:

Chairman Browdy reminded everyone that the updated Commission Milestones documents are linked to the Agenda.

Executive Director Announcements and Discussions:

Chairman Browdy advised that Tom Campbell, Executive Director will provide the Commission with information regarding FY 2016-2017 travel processing, a new technology processing contract, and a change in payment processing on the BCIS.

Mr. Campbell advised that the end of the fiscal year is June 30, so all travel needs to be in by the end of the week if possible but can take them in next week. He said if we miss the cutoff date we will not be able to process them until next fiscal year and this causes issues for our Finance Department.

Mr. Campbell also reminded the Commissioners that their financial disclosure forms are due by July 1st. He said if they have not be completed and turned in to please do so and send to the Department of Ethics as soon as possible.

Mr. Campbell stated we just entered into a new contract with ISF for the maintenance of the BCIS. He said in the past, the contract with ISF, has been mainly a maintenance contract. Mr. Campbell advised that over the last few years, it has become apparent that the BCIS is in need of a modernization. He said in fact, the database which serves as the foundation for the system has not been upgraded in 7 years. Mr. Campbell said the BCIS and its web interface also has not been updated in about 7 years. He advised that a request for quote was put out for the BCIS in May and our current vendor ISF won the quote. He said inside the request we outlined a path for modernization over the course of three or four years. Mr. Campbell said the modernization will make the BCIS compatible with all web browsers, mobile friendly, update reporting services, revamp the code modification page to include publicly available reports, and redo the BCIS's fundamental programming to allow the system to function more efficiently. He said it will also allow the BCIS, at some point in the future, to be stored in the cloud which should reduce maintenance and server costs for the system. Mr. Campbell said the modernization is more

Executive Director Announcements and Discussions (cont.):

expensive than the maintenance contract that we have had in the past, so, the staff has submitted a legislative budget request to the Department of \$150,000.00 over the course of three years. He said since that Legislative budget was submitted a few weeks ago it would be for the 2018/2019 FY. Mr. Campbell said that we believe through budget transfers and reprioritization of the work completed on the BCIS the modernization should be able to begin this year.

Mr. Campbell stated there has been a change in payment processing on the BCIS. He said that the BCIS is currently undergoing a change of payment processor due to a disagreement between Bank of America and their payment processor. Mr. Campbell advised that The Department of Financial Services administers a state contract that handles all financial transactions for state agencies. He said hopefully, by the end of June, the BCIS will be up and running with a new payment processor. As part of this change the BCIS will now be able to accept Visa, this has been an ongoing problem for our customers, he said there will charge a flat \$2.00 fee for all transactions on the system. He said in the past, the BCIS had charged a percentage based fee on the total amount of the transaction and charged no fee if payment was made by electronic check. The \$2.00 flat pays for the service fees charged to the Department by the credit card companies and the e-check provider when their form of payment is used on the BCIS.

Legislative Report/Update:

Chairman Browdy asked Mr. Campbell to provide an update for the Commission.

HB 741

Mr. Campbell stated that this bill reduces the surcharge from 1.5% to 1 % and will be effective July 1, as it was signed into law. He advised that these changes will not be made immediately to allow jurisdictions time to pay their current 4th quarter fees prior to implementation on the system. Mr. Campbell advised the Commission that there will need to be website updates to allow the change to become effective for the jurisdictions.

HB 241

Mr. Campbell stated this bill relates to fences and alarm systems changes and there were some changes in the statute that impact the fence portion of the Code, so we will incorporate those changes into draft code and will put them on the website for the 5th Edition to allow everyone to be aware of the changes in this provision.

Legislative Report/Update (cont.):

HB 727

Mr. Campbell stated this bill has not been signed and as of yesterday it still had not been presented to the Governor for his signature. He said there are about 69 bills to be sent over and this is one of them. Mr. Campbell said if this bill is signed it will require DBPR to create a registry for remediation plans and conformity. He advised that the registry will be housed on the BCIS under the Accessibility page. Mr. Campbell stated he has already begun to work on the contracts terms and if this is signed into law and becomes effective July 1st we will send out request for bids around the first week of July to meet our obligations under the bill.

SB 1634

Mr. Campbell said this bill relates to a change in residential elevators and it does require an amendment to the code by October of this year. He said that there have been provisions made already to the draft code that incorporate the required changes and we will need to work on changes for the current code once the bill is signed. Mr. Campbell said this bill has been presented and action should be taken by June 15, 2017, so we should know then if the bill is going to be signed.

HB 1021:

Mr. Campbell advised this bill has not been presented to the Governor yet and when presented he will have 15 days to take action. He said the bill requires amendments to the building code for various items. Mr. Campbell stated that we have set some of the items out in the supplement of the draft code that the Commission approved in May. He said that we will continue to work to get them in the new code as well.

Mr. Campbell stated on action the Commission passed in May on this bill and what we were operating under the assumption of was that the bill would be law on July 1, 2017. He advised that if the bill is not law on July 1st based on the motion passed in May, the supplement will not be part of the draft code because it will not be law.

Mr. Campbell said that we are still waiting to see if the bill is sent to the Governor in the next few days and should it not get to the Governor until July 1st he will still have 15 days to sign the bill. He further stated that we could be placed in a situation where we have to pull this from the draft code and it becomes law the middle of July.

Mr. Campbell said that an e-mail was sent to schedule a conference call for June 27th but we will need to move that call to either the 29th or the 30th. He then asked if there were any Commissioners present that would not be available on either of those days. Commissioner

Legislative Report/Update (cont.):

Schock stated he would not be available on the 29th. Mr. Campbell advised the Commission that we would send another e-mail out to ensure we had quorum and then determine which date would work best.

Mr. Campbell advised the Commission that one of the specific amendments to the code from HB 1021 was to remove duplicative Commission requirements. He said staff has looked at the code and was not able to readily identify any duplicative requirements in the code so once the bill is law we will need to reconvene the TAC and discuss the issue and then send it back before the Commission in August and advise if we were able to determine any duplicative requirements in the code.

Commissioner Comments:

Commissioner Schock asked if HB 741 regarding the .5 % reduction of the surcharge affect each charge individually so that it is a 1% total reduction.

Mr. Campbell stated this bill only affects the Commission portion of the surcharge. The charge going to the BCAIB will not be affected.

Public Comment:

Arlene Stewart, AZS asked if the supplements are posted and if so where they are located on the BCIS.

Mr. Madani advised that the supplements are posted on the code modification page under the April workshop.

Implementation and Amendments to the Florida Building Code Pursuant to HB 1021ER and SB 1634ER:

Chairman Browdy on May 12, 2017 we voted to amend the adopted version of the 6th Edition Florida Building Code (2017) in order to incorporate legislative Code changes pursuant to SB 1634, HB 241, and HB 1021 for inclusion in the 6th Edition.

He advised that Mr. Campbell explain the preferred implementation path for incorporating the Legislative Code changes pursuant to 2017 Legislation into the Florida Building Code, 5th Edition (2014).

Implementation and Amendments to the Florida Building Code Pursuant to HB 1021ER and SB 1634ER (cont.):

Mr. Campbell explained the process for implementation to incorporate the changes into the current edition of the code, the Commission will need to initiate a separate rule development process as Rule 61G20-1.005. He said the purpose for this process is that the current rule is occupied with the draft code so no amendments can be made through this rule as the draft is attached. Mr. Campbell further explained that HB 1021 changes some of the processes that the Commission is using for developing the building code. He said staff would like the opportunity to update Rules 61G20-2.001 and 61G20-2.002 to reflect the changes. Mr. Campbell stated that 61G20-2.002 may need to be re-vamped to better reflect the statutory processes for amending the code. He said that it currently is a combination of the various amendment processes that are outlined in section 553.73 of the Florida Statutes. Mr. Campbell stated what the staff would like is for the Commission to allow them to open the development of the rule so that they can work on what they consider to be legal necessities inside the rule and any other items that the Commission made need and prepare for the August meeting discussion.

Commission Comment: None

Chairman Browdy stated if there is no further discussion, he would ask for a motion to authorize the Department of Business and Professional Regulation to initiate rulemaking for Rules 61G20-1.005, 61G20-2.001, and 61G20-2.002 for the purpose of incorporating Legislatively mandated Code amendments to the Florida Building Code, and to make necessary changes to the Commission's processes for developing the Florida Building Code; and to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Chairman of the Florida Building Commission.

Commissioner Schilling entered a motion to authorize the Department of Business and Professional Regulation to initiate rulemaking for Rules 61G20-1.005, 61G20-2.001, and 61G20-2.002 for the purpose of incorporating legislatively mandated Code amendments to the Florida Building Code, and to make necessary changes to the Commission's processes for developing the Florida Building Code; and to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Chairman of the Florida Building Commission. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 20 to 0.

Consideration of Accessibility Waiver Applications:

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

Madeira Villa Dune Walkover #232 – The applicant withdrew the application on the Council conference call.

Mr. Vogel stated no Commission action was necessary.

Change of Use #231 – The Council recommended granting based on economic hardship.

Mr. Vogel presented the waiver.

Commissioner Worrall entered a motion to accept the recommendation of the Council to grant based on economic hardship. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 20 to 0.

1200 Ocean Drive Change of Use #210 – The Council recommended deferment as requested by the applicant.

Mr. Vogel stated the applicant had requested additional time to obtain requested information.

Commissioner Schilling entered a motion to accept the recommendation of the Council to defer. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 20 to 0.

Vero Beach High School - Citrus Bowl Remodeling #184 - The Council recommended granting as unnecessary and unreasonable.

Mr. Vogel presented the waiver.

Commissioner Worrall entered a motion to accept the recommendation of the Council to grant as unnecessary and unreasonable. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 20 to 0.

Consideration of Accessibility Waiver Applications (cont.):

Caribbean Shores Residential Detox and Treatment Facility #243 – The Council recommended granting based on economic hardship.

Mr. Vogel presented the waiver.

Commissioner Schilling entered a motion to accept the recommendation of the Council to grant based on economic hardship. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 20 to 0.

Le Pain Quotidien #16 - The Council's recommendation was to grant based on economic hardship.

Mr. Vogel presented the waiver.

Robert Fine, Esq. was present as legal counsel for Le Pain Quotidien.

Commissioner Worrall entered a motion to accept the recommendation of the Council to grant based on economic hardship. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 20 to 0.

Dr. Stern Lab/Warehouse Project #244 - The Council recommendation to grant to the extent necessary pursuant to 553.509(c) Florida Statutes.

Mr. Vogel presented the waiver.

Commissioner Worrall entered a motion to accept the recommendation of the Council to grant the extent necessary. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 20 to 0.

Commissioner Worrall asked if there is a report of the number of approvals and denials from the Council and Commission.

Mr. Madani stated no, but the staff could put one together for her.

Product and Entity Approval:

Chairman Browdy advised that Commissioner Stone would present the POC's recommendations for entity approvals and the consent agenda for products recommended for approval, and Jeff Blair would present the POC's recommendations for product approvals with discussion and/or comments.

Product and Entity Approval:

Commissioner Stone entered a motion to approve the 21 product approval entities as posted. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 18 to 0 with 2 Commissioners out of the room at the time of the vote.

Commissioner Stone entered a motion to approve the 96 products on the amended consent agenda list. Commissioner Swope seconded the motion. The motion passed unanimously with a vote of 18 to 0 with 2 Commissioners out of the room at the time of the vote.

Jeff Blair presented the POC's recommendations for product approvals with discussion and/or submitted public comments.

16503-R-2 - Commissioner Stone entered a motion for conditional approval of 16503-R-2. Commissioner Swope seconded the motion. The motion passed unanimously with a vote of 18 to 0 with 2 Commissioners out of the room at the time of the vote.

17955-R-2 – Commissioner Stone entered a motion for conditional approval of 17955-R-2. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 18 to 0 with 2 Commissioners out of the room at the time of the vote.

17999-R-2 - Commissioner Stone entered a motion for conditional approval of 17999-R-2. Commissioner Swope seconded the motion. The motion passed unanimously with a vote of 18 to 0 with 2 Commissioners out of the room at the time of the vote.

19958-R-1 - Commissioner Stone entered a motion for conditional approval of 19958-R-1. Commissioner Swope seconded the motion. The motion passed unanimously with a vote of 18 to 0 with 2 Commissioners out of the room at the time of the vote.

21969-R-1 - Commissioner Stone entered a motion for conditional approval of 21969-R-1. Commissioner Swope seconded the motion. The motion passed unanimously with a vote of 18 to 0 with 2 Commissioners out of the room at the time of the vote.

Product and Entity Approval (cont.):

22027 - Commissioner Stone entered a motion for conditional approval of 22027. Commissioner Swope seconded the motion. The motion passed unanimously with a vote of 18 to 0 with 2 Commissioners out of the room at the time of the vote.

22225 - Commissioner Stone entered a motion for conditional approval of 22225. Commissioner Swope seconded the motion. The motion passed unanimously with a vote of 18 to 0 with 2 Commissioners out of the room at the time of the vote.

22248 - Commissioner Stone entered a motion for conditional approval of 22248 Commissioner Swope seconded the motion. The motion passed unanimously with a vote of 18 to 0 with 2 Commissioners out of the room at the time of the vote.

Applications For Accreditor And Course Approval:

Chairman Browdy advised Commissioner Dean would present the Education Program Administrators recommendations regarding applications for accreditor and course approval.

Commissioner Dean entered a motion to approve advanced accredited course 828.0, 822.0, 824.0, and 829.0. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 19 to 0 with 1 Commissioner out of the room at the time of the vote.

Commissioner Dean entered a motion to approve the administratively approved self-affirmed course 317.1. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 19 to 0 with 1 Commissioner out of the room at the time of the vote.

Legal Report:

Chairman Browdy stated that prior to the declaratory statements; Justin Vogel, Esq. will be providing information any legal matter to report.

Mr. Vogel provided the Commission with an update on the Accessibility Code certification. He advised of the new contact established with DOJ on this process. Mr. Vogel said he would keep the Commission informed.

Petitions for Declaratory Statement:

DS 2017-018 by Neil Fimbel of HVAC Designs Inc.

Mr. Vogel read the petition with response. He advised this was reviewed by the Energy TAC and that the Energy TAC voted to recommend the Commission approve the TAC's recommendation on the Petition which was to approve staff's recommendation with one minor modification to clarify that existing air handlers can be checked as existing without any additional requirement or having to complete a whole house energy calculation.

Commissioner Schiffer entered a motion to approve the Energy TAC recommendation (for the Energy TAC as amended). Commissioner Smith-Burk seconded the motion. The motion passed unanimously with a vote of 20 to 0.

DS 2017-019 by Robert Shumake of Shumake Architecture, PA

Mr. Vogel read the petition with response. He advised this was reviewed by the Fire TAC, the TAC voted to recommend the Commission approve the TAC's recommendation with amendment to change exit access to the stairway.

Commissioner Schiffer entered a motion to approve the Fire TAC recommendation with an additional modification to make stairway plural. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 20 to 0.

Binding Interpretation # 134:

Chairman Browdy stated that Binding Interpretation #134 was petitioned regarding a Pasco County BO's interpretation pursuant to Chapter 4 - Special Detailed Requirements Based on Use and Occupancy; Section 454.1.2.5.3; 454.1.6.5.3.1; 454.1.6.5.3.1.1 regarding a commercial swimming pool. He said the issue involves a petition for a binding interpretation on the BO's interpretation regarding how to apply the Code for the project's open-type perimeter overflow gutter where it abuts to the top of the pool stairs.

Mr. Madani provided the Commission with brief details of the call.

Rule Hearing: Rule 61G20-1.001, F.A.C. (6th Edition (2017) Update to the Florida Building Code):

Chairman Browdy advised that the final rule adoption hearing regarding Rule 61G20-1.001, Florida Building Code, is for the purpose of concluding rulemaking regarding the Commission's adopted package of approved Code modifications for the 6th Edition Florida Building Code

Rule Hearing: Rule 61G20-1.001, F.A.C. (6th Edition (2017) Update to the Florida Building Code) (cont.):

(2017). He stated that the Commission received additional public comments regarding the Draft Code and they are posted to the BCIS. Chairman Browdy said that the Commission will decide whether to approve any of the comments during the hearing.

Chairman Browdy stated that he would like to encourage the Commission to only make changes deemed as critical at this juncture in the process. He said as a reminder the public has had eight opportunities to provide code amendments and comments in the form of four TAC meetings (April 2016, July 2016, January/February 2017, and March/April 2017), and four opportunities before the Commission (August 2016, February 2017, April 2017, and May 2017) in the form of meetings, workshops and hearings. Chairman Browdy stated that we are proceeding with a schedule designed to meet the adopted effective date of December 31, 2017 for the 6th Edition Florida Building Code (2017).

Chairman Browdy advised that today's public hearing provides a final opportunity for public comment before the Commission votes to proceed with rule adoption on the 6th Edition Florida Building Code (2017). He said that once the rule adoption hearing is opened and public comment concludes, the Commission will vote to incorporate any of the changes they approve regarding proposed amendments into the final version of the Code and to proceed with the adoption of Rule 61G20-1.001.

Chairman Browdy stated that he will open and close the hearing and Jeff will facilitate the Commission's discussions and serve as the moderator for the public comment portion of the hearing. He stated unless Commissioners have questions the rule adoption hearing on Rule 61G20-1.001, Florida Building Code, is now open.

Chairman Browdy advised members of the public if they wish to speak on proposed amendments to Rule 61G20-1.001, Florida Building Code, they should come forward to the speaker's table when the relevant comment is introduced, and when it is their turn, they should identify their name and representation for the record, as well as the specific component of the draft rule they wish to address. He stated if they agree with other's statements they should say so, add new points, and avoid repeating the same comments. Chairman Browdy said that the Commission is interested in hearing the full range of views, as well as whether they agree with what has already been stated, but prefers not to have the same idea(s) repeated without new points being added. Chairman Browdy thanked them for their cooperation. He then asked Mr. Blair to explain the process and sequence of the rule development workshop.

Rule Hearing: Rule 61G20-1.001, F.A.C. (6th Edition (2017) Update to the Florida Building Code) (cont.):

Mr. Blair stated the Commission's adopted Code review process to be followed is:

- He will introduce each comment
- Mo will provide staff analysis/summary
- Proponent (3 minutes)
- Additional Pro comments (3 minutes each)
- Con comments (3 minutes each)
- He will allow collective rebuttal opportunity for pro and con perspectives (3 minutes pro and con)

Mr. Blair stated there are a number of written comments.

Modification E6460 (Section 2703.1 Lightning Protection): Comment #1

Mr. Blair advised that it should be noted the Staff's original posted comment has been revised to the Staff Comment currently posted to the BCIS/linked to Agenda. He said in addition, the UF Report posted as background has been revised from the original draft report posted to the Final Report currently posted to the BCIS/linked to Agenda. Mr. Blair stated Mr. Madani will provide staff comments.

Mr. Madani stated that the Staff recommendations are based on a review of the comments submitted. He further stated that they were overwhelmed with the number of comments submitted over the past two weeks thus making it very difficult to go with any one recommendation therefore there are three options. Mr. Madani then provided the three options.

Option #1: No change – keep as is

Section 2703 Lightning Protection

2703.1 Lightning Protection. A lightning protection system shall be provided for all new buildings and additions in accordance with NFPA 780, Standard for the Installation of Lightning Protection Systems.

2703.2 Where additions are constructed to existing building, the existing building's lightning protection system, if connected to the new lightning protection system, shall be inspected and brought into compliance with current standards.

2703.3 Surge protection devices shall be installed for all normal and emergency electrical systems in accordance with NFPA 70, National Electrical Code.

Rule Hearing: Rule 61G20-1.001, F.A.C. (6th Edition (2017) Update to the Florida Building Code) (cont.):

Exceptions:

1. One- and two-family dwellings
2. Lightning protection shall not be required for any building or addition where shown unnecessary by evaluation using the *Risk Assessment Guide* in NFPA 780, Standard for the Installation of Lightning Protection Systems or an alternative method approved by the authority having jurisdiction.

Option #2: Revise as follows:

Section 2703 Lightning Protection

2703.1 Lightning Protection. A lightning protection system shall be provided for all new buildings and additions in accordance with NFPA 780, Standard for the Installation of Lightning Protection Systems, UL 96A, Installation Requirements for Lightning Requirement, HBP-21 or other alternative equivalent standard for the installation of lightning protection systems.

2703.2 Where additions are constructed to existing building, the existing building's lightning protection system, if connected to the new lightning protection system, shall be inspected and brought into compliance with current standards.

2703.3 Surge protection devices shall be installed for all normal and emergency electrical systems in accordance with NFPA 70, National Electrical Code.

Exceptions:

1. One- and two-family dwellings
2. Lightning protection shall not be required for any building or addition where shown unnecessary by evaluation using the Risk Assessment Guide in NFPA 780, Standard for the Installation of Lightning Protection Systems or an alternative method approved by the authority having jurisdiction.

Rule Hearing: Rule 61G20-1.001, F.A.C. (6th Edition (2017) Update to the Florida Building Code) (cont.):

Option #3: Delete Section 2703 as follows:

~~**Section 2703 Lightning Protection.**~~

Section 2703 Lightning Protection

~~**2703.1 Lightning Protection.** A lightning protection system shall be provided for all new buildings and additions in accordance with NFPA 780, Standard for the Installation of Lightning Protection Systems.~~

~~**2703.2** Where additions are constructed to existing building, the existing building's lightning protection system, if connected to the new lightning protection system, shall be inspected and brought into compliance with current standards.~~

~~**2703.3** Surge protection devices shall be installed for all normal and emergency electrical systems in accordance with NFPA 70, National Electrical Code.~~

Exceptions:

- ~~1. One and two family dwellings~~
- ~~2. Lightning protection shall not be required for any building or addition where shown unnecessary by evaluation using the Risk Assessment Guide in NFPA 780, Standard for the Installation of Lightning Protection Systems or an alternative method approved by the authority having jurisdiction.~~

Public Comment:

Mr. Blair stated now that the staff comments have been provided that the public will now have an opportunity to address Code Modification E6460 in the draft 6th Edition Florida Building Code (2017).

Mr. Blair reminded the public of the requirement to state their name and representation and also of the time limit to speak.

Commissioner Brown inquired about option 1 in reference to NFPA or alternative method making it a moot point.

Rule Hearing: Rule 61G20-1.001, F.A.C. (6th Edition (2017) Update to the Florida Building Code) (cont.):

Mr. Madani responded how this process would work.

Commissioner Brown stated elimination of the language would affect costs and would that be correct.

Mr. Madani provided the information for Commissioner Brown on the cost analysis and the basis. He also provided examples of costs.

Joe Belcher, FHBA, Masonry Association of Florida, Florida Independent Concrete Products Association, and Aluminum Association of Florida, stated they are in support of Option #3 with addition of having a workgroup to review this issue. Mr. Belcher stated if the Commission votes to keep the language they would support Option #2, however, UL 96A is not a standalone.

Linda Joseph, Heary Brothers Lightning Protection Co., Inc. stated that they are in support of Option # 2 as Option #1 could cause antitrust issues. Ms. Joseph provided detail of the reasoning for their support.

John Barber, Windemuller Technical Services stated they support Option #2 providing reasoning for this choice. He stated if Option #2 is not accepted by the Commission they then would support Option #3.

Jon Roberts, UL stated they support Option #2 and provided reasoning for this choice.

Mark Morgan, East Coast Lightning Equipment, Inc. stated they support Option# 1 and provided reason for this choice.

Bob Levitt, TPS Solutions, stated they are supporting Option #2 and provided reason for this choice.

Mitchell Guthrie, Technical Advisor of USNC/IEC TC81 Technical Advisory Group stated they support Option #1 and provided background and reason for this choice.

Guy Maxwell, Lightning Safety Alliance Corporation stated they are in support of Option #1 and provided the reasons for this choice.

Carlos Mata, Scientific Lightning Solutions, stated they were supporting Option #1 and provided reasoning for this choice.

Rule Hearing: Rule 61G20-1.001, F.A.C. (6th Edition (2017) Update to the Florida Building Code) (cont.):

Public Comment (cont.):

Joseph Salzverg with the Firm of Gray-Robinson on behalf of National Lightning Protection Corp., advised they support Option #3 and provided detailed comments on the reason for their choice.

Elizabeth Gilson, East Coast LP/Bonded LOP stated she is speaking in support of Option # 1 and provided her reasons for this choice.

Dennis Dillon, Bonded Lighting and Protection, stated he is in support of Option #1 and provided his reasons for this choice.

Mat Forrest, Ballard Partners stated they are in support of Option #1 and provided reasoning for this choice.

Doug Buck, FHBA stated they were in support of Option #3 and provided reason for this choice.

Larry Dickey, AIA, stated he is in support of #3 table decision and send to a committee. He stated Option #2 was okay but not their top choice and provided reasons for these choices.

Mike Fischer, Kellum stated he urged the Commission not to accept non consensus standard into the code. He provided detail on why he was making this statement.

Chairman Browdy asked Mr. Madani for the full TAC vote on this issue.

Mr. Madani stated the Electrical TAC voted 3 in favor and 6 against thus there was no affirmative recommendation. He provided detail of the discussion within the TAC meeting that brought them to this action. Mr. Madani stated at the July TAC meeting they reviewed additional comments, however the TAC came to the same decision no affirmative recommendation.

Chairman Browdy read the e-mail from the Chairman of the Electrical TAC in support of adding protection to the code.

Chairman Browdy then asked legal counsel to speak on the comments made on antitrust issues.

Mr. Vogel, stated public comment has raised antitrust concerns, the substantial cost discussion and the effectiveness of different systems. He stated with the lack of consensus, legally he said

Rule Hearing: Rule 61G20-1.001, F.A.C. (6th Edition (2017) Update to the Florida Building Code) (cont.):

there could be consequences of leaving this in the code that possibly could lead to a rule challenge or antitrust suit. Mr. Vogel recommended that the Commission weigh this decision carefully and there does not appear to be sufficient information to add to the code at this time.

Commissioner Comment:

Chairman Browdy asked each Commissioner to voice their choice and to provide any additional comment or questions that they felt were needed.

Commissioner Gross stated he would support Option #3 and provided reasoning.

Commissioner Gerwig stated he would support Option #3 and provided reasoning.

Commissioner Schiffer stated he would support Option #3 with reasoning. He asked Mr. Guthrie if alternate provision offered by their council. Mr. Guthrie replied no with detail. Commission Schiffer then asked Mr. Guthrie in 780 where the assessment is made, who would make those assessments? Mr. Guthrie it is not identified, he said anyone could do it, but he had recommendations of who should do the assessment.

Commissioner Swope stated he would support Option #3 and provided reasoning.

Commissioner Boyer stated he would support Option #3 and provided reasoning.

Commissioner Carlson stated he would support Option #3 and provided reasoning.

Commissioner Gilson stated he would support Option #3 and provided reasoning.

Commissioner Brown stated he would support Option #3 and provided reasoning. He asked questions on the Commission's authority. Mr. Salzby responded with detail on his comment of the Commission's authority.

Commissioner Bassett stated he would support Option #1 and appoint a workgroup.

Commissioner Calleja stated he would support Option # 3 and provided reasoning for this choice.

Chairman Browdy expressed his concerns regarding inclusion and urged the stakeholders to work together forming a workgroup. He then stated he would support Option #3. Chairman Browdy called for a motion from the Commission.

Commissioner Gross entered a motion to support Option #3 striking the language and requested the Chairman to form a workgroup. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 20 to 0.

Public Comment:

Jennifer Hatfield, FSPA stated that there was a glitch in the Energy Code, specifically R403.10.

Rule Hearing: Rule 61G20-1.001, F.A.C. (6th Edition (2017) Update to the Florida Building Code) (cont.):

She provided language corrections and stated they would change it on the back page of the document making the 403.5.

Commissioner Batts stated the TAC supported this change.

Commissioner Batts entered a motion to support the change as requested by FSPA. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 19 to 0 with one member out of the room at vote count.

Commissioner Swope entertained discussion on 706; roof diaphragm is going to pass as base code. He asked if the new language could be struck out and a workgroup formed on this issue also.

Mr. Campbell stated that the issues on diaphragms were from the International Code to be added to the Florida Code.

Commissioner Swope stated that there were only two options with no option to strike.

Mr. Madani stated the decision was to add clarification to that change. He asked for clarification of request.

Commissioner Swope said no costs analysis was performed on this and now there is an issue. He stated he is asking for a strike all option.

Mr. Madani asked if this was to remove it totally.

Commissioner Swope yes and perform cost analysis and a possible workgroup.

Mr. Campbell said from a procedural and legal point, in order to enter a code change at this time, we would need a comment to come in for this hearing. He said when the notice of change is posted we are required to list the trigger for the change.

Commissioner Schock stated stakeholders should be present.

Commissioner Bassett asked if this issue could be handled in a glitch.

Mr. Campbell said as long as it meets the requirements it can be done.

Rule Hearing: Rule 61G20-1.001, F.A.C. (6th Edition (2017) Update to the Florida Building Code) (cont.):

Commissioner Calleja stated this glitch should be one that we review all as this will be our base code.

Mr. Campbell stated 1021 is not law yet and it will continue to allow the processes to take place.

Public Comment:

Mark Zehnal, IBHS stated there were two modifications that were not addressed or were missed, they are 6706 and 6678. He asked that staff look into these.

Robert Fine, GT Law, Representing American Wood Association inquiring on proposed amendment 6623 amending section 453.8.3 of Florida Building Code, Building Volume regarding the issue of using word construction in schools. He said the code allows wood to be used in all schools except those owned by school districts. Mr. Fine stated this should be addressed as there is no reference to ownership in the code and he is asking this still needs to be addressed.

Joe Belcher, Masonry Association of Florida, stated this is a regulation by the State.

Chairman Browdy stated with no further comment the rule adoption hearing on Rule 61G20-1.001, Florida Building Code (6th Edition (2017) Update to the Florida Building Code) is closed.

Chairman Browdy asked for a motion to incorporate the Commission's approved actions on comments submitted regarding the Draft 6th Edition Florida Building Code (2017); to authorize staff to make editorial and correlation changes as needed, and to implement the integration of carried forward Florida specific amendments for the 2017 Code Update; and, to authorize the Department of Business & Professional Regulation to publish a Notice of Change for Rule 61G20-1.001, and to proceed with the adoption of Rule 61G20- 1.001; and, to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Chairman of the Florida Building Commission.

Commissioner Brown entered the motion to incorporate the Commission's approved actions on comments submitted regarding the Draft 6th Edition Florida Building Code (2017); to authorize staff to make editorial and correlation changes as needed, and to implement the integration of carried forward Florida specific amendments for the 2017 Code Update; and, to authorize the Department of Business & Professional Regulation to publish a Notice of Change for Rule 61G20-1.001, and to proceed with the adoption of Rule 61G20- 1.001; and, to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Chairman of the Florida

Review and Approval of Commission's Fiscal Year 2016-2017 Annual Report:

Building Commission. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 20 to 0.

Chairman Browdy stated the Commission was briefed on and approved a Summary of Issues and Recommendations for Inclusion in the Annual Report at the April meeting. He advised that today the Commission will review and approve the Commission's Fiscal Year 2016 - 2017 Annual Report, and our plan as always, with your support and approval, is for the Chairman 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. He then stated Mr. Blair would provide an overview of the Report for the Commission.

Mr. Blair provided the outline of this report.

There was no public comment.

Commissioner Schilling entered a motion to adopt the Commission's Fiscal Year 2016 – 2017 Annual Report, including any Commission actions taken today, and to charge the Chairman with reviewing and approving the Final Report prior to submittal to the Legislature and Governor. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 19 to 0 with one Commissioner out of the room at the time of the vote.

Committee Reports:

Code Administration Technical Advisory Committee

Commissioner Carlson provided a brief summary of the Code Administration TAC teleconference meeting on May 31, 2017.

Commissioner Carlson entered a motion to accept the Code Administration TAC report from the May 31, 2017 teleconference meeting. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 20 to 0.

Education Program Oversight Committee;

Commissioner Dean provided a brief summary of the Education POC June 2, 2017 teleconference meeting.

Commissioner Dean entered a motion to accept the report from the June 2, 2017 teleconference meeting. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 20 to 0.

Committee Reports (cont.):

Electrical Technical Advisory Committee

Mr. Madani provided a brief summary of the Electrical TAC May 30, 2017 teleconference meeting.

Commissioner Gross entered a motion to accept the report from the May 30, 2017 teleconference meeting. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 20 to 0.

Energy Technical Advisory Committee

Mr. Madani provided a brief summary of the Energy TAC May 10, 2017 teleconference meeting.

Commissioner Smith-Burk entered a motion to accept the report from the May 10, 2017 teleconference meeting. Commissioner Calleja seconded the motion. The motion passed unanimously with a vote of 20 to 0.

Fire Technical Advisory Committee

Commissioner Bahadori provided a brief summary of the Fire TAC May 30, 2017, teleconference meeting.

Commissioner Schock advised of one error in the draft minutes to be corrected before the next TAC meeting.

Commissioner Bahadori entered a motion to accept the report from the May 30, 2017 teleconference meeting. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 20 to 0.

Mechanical Technical Advisory Committee

Commissioner Bassett provided a brief summary of the Mechanical TAC May 31, 2017 teleconference meeting. Commissioner Bassett asked that a correction be made on the draft minutes prior to the next TAC meeting.

Commissioner Bassett entered a motion to accept the report from the May 31, 2017 teleconference meeting and correction of minutes. Commissioner Calleja seconded the motion. The motion passed unanimously with a vote of 20 to 0.

Committee Reports (cont.):

Plumbing Technical Advisory Committee

Commissioner Schilling provided a brief summary of the Plumbing TAC May 30, 2017 teleconference meeting.

Commissioner Schilling entered a motion to accept the report from the May 30, 2017 teleconference meeting. Commissioner Gerwig seconded the motion. The motion passed unanimously with a vote of 20 to 0

Product Approval Program Oversight Committee

Commissioner Stone provided a brief summary of the Product Approval POC meeting held June 1, 2017 teleconference meeting.

Commissioner Stone entered a motion to approve the report of the Product Approval POC meeting held June 1, 2017 via teleconference. Commissioner Swope seconded the motion. The motion passed unanimously with of vote of 20 to 0.

Roofing Technical Advisory Committee concurrently with Structural Technical Advisory Committee:

Commissioner Swope provided a brief summary of the Roofing TAC meetings held April 27, 2017 teleconference meeting

Commissioner Swope entered a motion to approve the report of the Roofing TAC April 27, 2017 teleconference meeting. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 20 to 0.

Special Occupancy Technical Advisory Committee

Commissioner Frank provided a brief summary of the Special Occupancy TAC May 31, 2017 teleconference meeting.

Commissioner Frank entered a motion to accept the Special Occupancy reports for the May 31, 2017 teleconference meeting. The motion was seconded by Commissioner Smith-Burk. The motion passed unanimously with a vote of 20 to 0.

Committee Reports (cont.):

Structural Technical Advisory Committee;

Commissioner Schock provided a brief summary of the Structural TAC May 31, 2017 teleconference meeting.

Commissioner Schock entered a motion to approve the report from the May 31, 2017 teleconference meeting. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 20 to 0.

Swimming Pool Technical Advisory Committee:

Commissioner Batts provided a brief summary of the Swimming Pool TAC May 30, 2017 teleconference meeting.

Commissioner Batts entered a motion to accept the Swimming Pool reports for the May 30, 2017 teleconference meeting. The motion was seconded by Commissioner Boyer. The motion passed unanimously with a vote of 20 to 0.

Public and Commission Comments:

Linda Patrick, City of Gainesville, stated she appreciated the meeting being held in the area of BOAF and enjoyed the meeting and the Commissions actions.

Commissioner Gerwig stated he appreciated the participation of the people attending of the BOAF members attending this meeting. He also thanked Mr. Campbell and Mr. Madani attending and participating in the BOAF meeting.

Dominic Sims, Chief Executive Officer of the ICC, stated he wanted to thank the Commission for the work they do to protect the citizens of Florida.

Commissioner Boyer stated he wanted to also thank staff for attending the BOAF meeting. He also announced that Commissioner Schock was elected as Vice Chairman of BOAF.

Commissioner Bassett bragged on his daughter's invitation to display her art work.

Chairman Browdy advised that the next meeting will be August 7th and 8th in Deerfield Beach, FL.

The meeting was adjourned at 11:52 a.m.