

**FLORIDA BUILDING COMMISSION
LEGISLATIVE TELECONFERENCE MEETING
CALL-IN NUMBER: United States: 1-(866) 899-4679
WEB PARTICIPATION URL: <https://global.gotomeeting.com/join/272658565>
MEETING ID/ACCESS CODE: 272-658-565
April 28, 2017
2:00 p.m.**

MINUTES

COMMISSIONERS PRESENT:

Chairman Browdy
Hamid Bahadori
Seven Bassett
James Batts
Bob Boyer
Donald Brown
Kelley Smith Burk
Oscar Calleja
David Compton
Nan Dean
Kevin Flanagan

Charlie Frank
David Gilson
Shane Gerwig
Richard Goff
Robert Hamberger
Brian Langille
Brad Schiffer
Fred Schilling
Jim Schock
Jeff Stone
Diana Worrall

COMMISSIONERS NOT PRESENT:

E.J. Carlson
Drew Smith

Jeffrey Gross
Brian Swope

OTHERS PRESENT:

Thomas Campbell
Justin Vogel
Robert Lorenzo

Mo Madani
Chris Howell

Welcome:

Ms. Howell opened the meeting at 2:00 p.m., Friday, April 28, 2017. Roll was called and a quorum was determined with 20 members present.

Chairman Browdy had not joined the call at this time. Ms. Howell asked for a motion to approve the agenda as posted.

Agenda:

A motion was entered by Commissioner Schiffer to approve the agenda as posted. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 20 to 0.

Legislative Update and Bill Matrix: (ATTACHMENT A)

Mr. Campbell began with the first bill on the matrix.

CS/SB 7000 and CS/HB 901

Mr. Campbell stated these bills are in the same state as the last legislative call. He further advised that neither of the bills are currently set to go before a committee.

HB 559 and SB 642:

Mr. Campbell stated there has been no change or actions on these bills and they are making their way through the committee stops.

SB 514-HB 741-HB 1123 and SB 1442

Mr. Campbell stated these bills refer to the reduction of the surcharge from 1.5% to 1 %. He stated HB 741 has made its way through both the House and the Senate and is now an enrolled bill and will be presented to the Governor.

There were no questions or comments.

CS/SB 222 and HB 145:

Mr. Campbell stated these bills relate to recovery care centers. He advised that they are still making their way through. Mr. Campbell stated HB 145 has passed through the House and has been referred to some Senate Committees for further review and votes.

There were no questions or comments.

SB 306:

Mr. Campbell stated this bill refers to members of the Florida Building Commission abstaining from voting on a matter that would inure to any gain or loss of the commissioner, a principal of the commissioner, or a relative. He said there is no action on this bill.

There were no questions or comments.

HB389:

Mr. Campbell stated this bill related to installation of carbon monoxide detectors in parking structures and advised the bill was withdrawn before it was heard.

There were no questions or comments.

CS/CS/SB 190 and CS/CS/HB 241:

Mr. Campbell said the requirements for low voltage electric fences may require code changes to conform to the new statutory requirements. He stated that these bills are making their way through. Mr. Campbell stated HB 241 has passed through the House and has been referred to some Senate Committees for further review and votes.

Commissioner Brown asked if SB 190 will disappear leaving the Senate to take in HB 241.

Mr. Campbell stated that is a possibility. He said there are still some differences in the bills and would require some amending on the Senate side.

CS/CS/HB 727 and CS/SB 1398:

Mr. Campbell stated that both of these bills relate to qualified experts performing inspections of places of public accommodation to determine compliance with subchapter III, 42 U.S.C. s. 12182, of the American with Disabilities Act. He stated it will require DBPR to create a registry to store remediation plans and certificates of conformity. Mr. Campbell advised this will also require courts of this state to use remediation plans when determining if a suit for a violation of Title III of the ADA was brought in good faith and the appropriateness of attorney's fees.

Mr. Campbell advised that when the bills first came out and made their way through they were requiring that the Department be the entity that certified the experts. He further stated that there was a change to that in the last committee substitute starting on line 38 there is a definition of what an expert is and who can qualify as an expert. Mr. Campbell advised that the bill still requires Department be the entity that will house the remediation plans and the certificates of competency. He stated starting line 30 details the use of the remediation plans. Mr. Campbell stated that these bills are now almost identical and it appears both chambers are favorable with the language.

Commissioner Schiffer asked how this will interact with the Title III suits are handled under the Federal Law and if this passes in the State how will this affect and protect the citizens in the state.

Mr. Campbell stated it would be up to the Federal and State Courts how the plans would be used.

Commissioner Bahadori joined the call.

CS/SB 860 and HB 909:

Mr. Campbell stated the language in these bills concern some changes to the licensing provisions building inspectors and building officials in the State of Florida. He asked that they keep in mind that the CS/SB 860 bill still contains the original language from SB 7000 and it if passed would be incorporating that language. Mr. Campbell stated that HB 909 does not contain the SB 7000 language. He advised that the bills are going through the committees at this time.

HB 691:

Mr. Campbell stated this bill relates to any technical amendment related to water conservation practices shall be carried forward into subsequent editions of the code. He said there has been no activity on this bill and basically has been incorporated into other building code bills.

CS/HB 1021:

Mr. Campbell advised this is one of the big construction bills and requires to the Commission to make an additional amendments the Florida Building Code Residential to allow door component substitution to approve ANSI.WMA 100 by evaluation.

CS/SB 1312:

Mr. Campbell stated this bill is similar to CS/HB 1021 but now contains language that modifies the process for adopting the Florida Building Code. He said the language is similar to CS/SB 7000 but contains some significant modifications. Mr. Campbell provided that Commission with line action changes to the bill.

Commissioner Calleja asked hypothetically if the Commission had to review the code every three years but chose not to adopt anything, they could keep the code as is or do we have to adopt something automatically.

Mr. Campbell stated the language is specific that there has to be a review but the way he understands it they would not have to adopt anything.

Commissioner Schock stated he has the same concern but feels this is a bigger issue and that is the ISO ratings and is in the hands of the Insurance Industry and stated we should stay with the I-Codes.

Commissioner Gerwig said he was under the impression that we need to meet the International Code to continue to receive funding. He asked what sections would affect the Federal funding if this was adopted.

Mr. Campbell explained the adoption process to continue to be eligible for funding.

Mr. Madani explained the use of the I-Code for funding mandates.

Commissioner Schock spoke on losing funding and the requirements for discounts on insurance and feels there needs to be meetings with the insurance industry.

2:52 p.m. Chairman Browdy joined the call.

Chairman Browdy stated that he shares the concern but feels the proponents are thinking about the strength of the market in Florida and is subject to the new process and industry will adjust. He said our focus is what is on what is coming through and we should focus on implementation.

CS/SB 1312:

Commissioner Calleja asked if this would involve the Commission having to prove equality.

Mr. Campbell stated not at this time, we will monitor.

SB 1634 and CS/HB 1215:

Mr. Campbell stated if these should this bill pass it would require the Commission to make some changes to the Code. He said these changes would be made as necessary.

CS/CS/SB 1372:

Mr. Campbell stated he added this bill to the matrix as it contains the same language as SB 1312 and wanted the Commission to know that this same language was in this bill.

Commissioner Calleja asked if the process is to combine those bills that have the same language.

Mr. Campbell stated that is in the power of the legislature, however, as this comes to an end that a lot of the bills will be combined.

Commissioner Worrall asked what is happening with HB 901 reducing the Commission.

Mr. Campbell stated there has been no change since the last time that we met.

Commissioner Flanagan stated he spoke with his Legislative Representative in Tallahassee and there is no companion bill and they expect it to die, however that has not occurred at this point.

Commissioner Brown stated that on HB 1021 and SB 1312 the HB passed the House unanimously and is in the Senate. He said the SB which contains the language dealing with the different way to adopt the code is still in one of the committees and it seems the Senate would take up the HB and amend it to add the Senate language which would mean HB 1021 would have to go back to the House to be addressed.

Doug Buck, FHBA stated yes that would be the process if it makes it to the Appropriations Committee. He said they still speak to rules. Mr. Buck advised of the way that these bills could combine and be addressed.

Commissioner Schock asked for the remaining time frame in Session this year.

Mr. Campbell advised the Session should end next week.

Commissioner Calleja asked that Commissioner Schock to provide the impact of the ISO rating.

Commissioner Schock explained the ISO rating and the impact on the State and County Building Department.

Chairman Browdy asked Legal Counsel if the Commission has legal authority to make a statement or declare the Florida Building Code as an equivalent to the International Code.

Justin Vogel, Esq. stated he is not familiar with whether or not the Commission has that authority but will look into it.

Mr. Madani stated that the Federal Government has mandated some equivalency standards.

Chairman Browdy stated that our declaration of equivalency is also based on some third party examination that we rely on to make that declaration.

General Public Comment:

Doug Buck, FHBA stated on the terminology is important, it does not have to be the ICC. He said the ISO looks at what Code you are on and then they put in provisions that we do not weaken the code. Mr. Buck said the ISO does not care about provisions that relate to those issues and will look to see if you are substantially equivalent. He further stated it is not the whole code just certain provisions. Mr. Buck stated certain provisions are critical, he said those will be voted on by the Commission to be brought in with justification.

Next Legislative Meeting:

Mr. Campbell advised the next call will be a full Commission Meeting to include a couple of reports and approval of a Letter of Certification as well as a supplement for the draft of the 6th Edition 2017 to include correlation of any staff changes along with Legislative passage of certain bills. He advised the call will take place at 2:00 p.m.

Mr. Madani stated there will also be an update on the Hurricane Mathew damage assessments.

Mr. Blair stated on SB 1312 section 7 line 479 amends the voting requirements.

Final Roll Call.

Commissioner Hamberger had requested prior authorization to drop from the call @ 2:30 p.m.

Ms. Howell performed final roll call. There were 21 members remaining on the line.

Chairman Browdy adjourned the meeting at 3:00 p.m.

ATTACHMENT A

April 28, 2017

Bill #	Sponsor	Summary	Committees of Reference	Recent Activity
CS/SB 7000	Comm. Affairs	<p>Requiring the commission to use the 6th edition (2017), and subsequent editions of the Florida Building Code as the foundation code for the development of updates to the code and requiring the commission <u>to review the foundation code every three years to determine if a revision is necessary. The commission shall review the most current versions of certain international codes when evaluating if a revision is necessary.</u> Technical amendments related to water conservation practices or design criteria adopted by a local government shall be carried forward into new versions of the code.</p> <p>Reduces TAC voting requirements to 66% for approval of code amendments. Requires the Commission to adopt any provision from model codes necessary to maintain eligibility for federal funding from the National Flood Insurance Program, FEMA, and US Department of Housing and Urban Development.</p> <p>Increases the code update</p>	<p>Appropriations Subco. Gen. Gov. Appropriations</p> <p>Careers and Comp. Subco. Commerce Committee</p>	<p>Favorable vote, on amended bill, from Appropriations Subco. Gen. Gov. Added language concerning water conservation amendments, voting requirements for TAC's, and mandatory adoption of certain portions of model code.</p> <p>Favorable vote by Careers and Competition Subcommittee on committee substitute 14-0.</p>
CS/HB 901 (Similar)	McClain	<p>Increases the code update</p>	<p>Careers and Comp. Subco. Commerce Committee</p>	<p>Favorable vote by Careers and Competition Subcommittee on committee substitute 14-0.</p>

		cycle from 3 years to five years. Requires the commission to provide a fiscal impact statement when updating the code. Reduces the size of the Florida Building Commission from 27 members to 11 members.		
HB 559	Duran	Commissioner of Education shall grant requests from local school boards for exemptions from SREF requirements. Cost/benefit analysis must accompany the exemption request.	PreK-12 Appropriations Subco. PreK-12 Quality Subco. Appropriations Committee	Favorable by PreK-12 Appropriations Subco., 14-0.
CS/SB 642 (Similar)	Garcia		Education Appropriations Subco. K-12 Ed. Appropriations	Favorable by Appropriations Subco., K-12 Ed., on committee substitute.
SB-514	Stargel	Reduce permit fee surcharge from 1.5% to 1%. Estimated reduction in fees of \$7 million over the first three fiscal years.	Regulated Industries Appropriations Subco. Gen. Gov. Appropriations	Substituted with HB 741. Now refer to HB 741.
HB 741 (Identical)	Trumbull		Careers and Comp Subco. Government Ops. Subco. Commerce Committee	Passed both House and Senate. It is now an enrolled bill which will be presented to the Governor.
CS/HB 1123	Drake		Ways and Means Committee Appropriations Committee	Favorable by Appropriations Committee 25-0. Passed House 118-0.
CS/SB 1442 (Identical)	Broxson		Transportation	Favorable 5-0 by Appro.

			Committee Appropriations Subcommittee on Finance and Tax Appropriations Committee	Subcommittee on Finance and Tax.
CS/SB 222 HB 145 (Compare)	Steube Fitzhegan	Only changes definition of ambulatory surgical centers and does not require Commission to create new standards with input from AHCA. Creates standards for recovery care centers. The commission, with technical assistance from AHCA, is to update current special occupancy standards to include recovery care centers.	Health Policy Appropriations Subco. for HHS Appropriations Senate Rules Committee — Senate Appropriations Committee	Health Policy Committee voted in favor 4-1. House passed the bill 79-34. Referred to Senate Rules Committee and Appropriations Committee.
SB 306	Clemens	Permitting a member of the Florida Building Commission to abstain from voting on a matter that would inure to any gain or loss of the commissioner, a principal of the commissioner, or a relative. Requiring a member to abstain from voting if the matter is brought pursuant to 120.569, 120.60 or 120.80.	Ethics and Elections Government Oversight Community Affairs Rules	Referred to committees and subcommittees.
HB 389	Willhite	Revising provisions requiring the installation of carbon monoxide detectors in “residential parking structures” instead of all attached garages.	Careers and Competition Subco. Commerce Committee	Withdrawn prior to introduction.
CS/CS/SB	Artiles	Local jurisdictions are to issue permits for low voltage	Regulated Industries Community Affairs	Community Affairs voted in favor of

<p>190</p> <p>CS/CS/HB 241 (Similar)</p>	<p>Williamson</p>	<p>electric fences like low voltage alarm systems. Requirements for low voltage electric fences may require code changes to conform with new statutory requirements.</p> <p>Local jurisdictions are to issue permits for low voltage electric fences like low voltage alarm systems. Changes definition of low voltage alarm system to include closed circuit tv and access controls. Requirements for low voltage electric fences may require code changes to conform with new statutory requirements.</p>	<p>Rules</p> <p>Senate Regulated Industries-Senate Community Affairs Senate Rules</p>	<p>committee substitute 7-0.</p> <p>Passed on the House Floor 113-0.</p>
<p>CS/CS/CS/HB 727</p> <p>CS/SB 1398 (Similar)</p>	<p>Leek, Edwards</p> <p>Stewart</p>	<p>Requires DBPR to establish a program to certify ADA compliance experts. Qualified experts perform inspections of places of public accommodation to determine compliance with subchapter III, 42 U.S.C. s. 12182, of the American with Disabilities Act. Requires DBPR to create a registry to store remediation plans and certificates of conformity. Requires courts of this state to use remediation plans when determining if a suit for a violation of</p>	<p>Careers and Comp Subco. Gov. Ops. Appro. Subco. Commerce Committee</p> <p>Regulated Industries</p>	<p>Favorable 14-0 vote by Gov. Ops. Appro. Subco. Favorable vote on CS/CS/CS by Commerce Committee.</p> <p>On Senate Calendar</p>

		Title III of the ADA was brought in good faith and the appropriateness of attorney's fees.	Appro. Subco. Gen. Gov. Appropriations	for 4/28/17.
CS/CS/SB 860	Brandes	Creates an internship path to certification as a building inspector or plans examiner. Adds definition of "residential plans examiner". Adds performing plan reviews as a building official under an interagency service agreement to the definition of "building code administrator". Contains the original language from SB 7000 concerning changes to the process for developing and adopting the Florida Building Code.	Community Affairs Regulated Industries Appropriations Rules	Regulated Industries voted in favor of committee substitute 10-0.
CS/CS/HB 909 (Similar)	Goodson	Expands scope of work for pool/spa contractors to include installation, replacement, disconnection, or reconnection of power wiring on the load side of the dedicated disconnecting means. Does not contain original language from SB 7000.	Careers and Comp. Subco. Oversight, Transparency & Admin. Subco. Commerce Committee	The bill passed in the House with a vote of 119-0. Awaiting Senate Committee referrals.
HB 691	Jacobs	Any technical amendment related to water conservation practices shall be carried forward into subsequent editions	Careers & Competition Subco. Local, Fed, and Veterans Affairs	Referred to committees and subcommittees.

		of the code. The amendments are subject to review pursuant to Section 553.73, Florida Statutes.		
CS/HB 1021	Avila	Provides funding for the continuation of the Construction Industry Workforce Task Force. Requires the Commission to amend the Florida Building Code to remove from the Florida Building Code-Energy Conservation duplicative commissioning requirements, to allow commissioning reports to be prepared by licensed design professionals, electrical engineers and mechanical engineers, and to prohibit the adoption of ASHRAE Standard 90.1-2013 9.4.1.1(g). Requires the Commission to amend the Florida Building Code Residential to allow door component substitution to be approved by ANSI/WMA 100 and by evaluation. Requires the DOE and the DEO to commission a study implementing several of the legislative recommendations from the Construction Workforce Task Force.	Senate Communications, Energy, and Public Utilities Senate Community Affairs Senate Appropriations Senate Rules	Passed in the House by a vote of 119-0. Referred to Senate Committees.
CS/SB 1312 (Similar)	Perry	Requires the DOE and the DEO to commission a study implementing several of the legislative recommendations from the Construction Workforce Task Force.	Communications, Energy and Public Utilities Community Affairs Rules	Favorable vote of 7-1 on Committee Substitute by Community Affairs.

		<p>Similar to above bill. However, it now contains language which modifies the process for adopting the Florida Building Code. The language is similar to CS/SB 7000 but contains some significant modifications. See bill attached to the agenda. Also, contains a provision preventing the Commission from adopting any provision that requires a door located in the opening between a garage and a residence to be equipped with a self-closing device.</p>		
CS/SB 1634	Steube	By October 1, 2017, the Florida Building Commission must adopt a provision authorizing the permanent installation of a nonremovable, hoistway door space guard designed and installed to withstand a force of 75 pounds applied horizontally in residential elevators. The Florida Building Commission shall also adopt, into the building code, Section 399.031, F.S., relating to clearance requirements between elevator doors for elevators inside a private	Community Affairs Rules	Passed Senate with vote of 35-0 awaiting referral to House committees.
CS/CS/HB 1215 (Similar)	Jacquet		Careers and Competition Subco. Government Operations and Tech. Appro. Subco. Commerce	Government Operations and Tech. Appro. Subco. voted in favor 13-0. Commerce Committee voted in

		residence.	Committee	favor of committee substitute 26-0.
CS/CS/SB 1372	Perry	Clarifying that electrical contractors and alarm system contractors can act as prime contractors where the majority of work falls inside the scope of the licensee's license. The bill also contains identical language from CS/SB 1312, changing the update process for the Florida Building Code.	Regulated Industries Community Affairs Appropriations Rules	Community Affairs approved a committee substitute by a vote of 8-0.
CS/HB 227	Fine and Renner	Similar to CS/CS/SB 1372 without the language changing the update process for the Florida Building Code.	Senate Regulated Industries Senate Community Affairs Senate Rules	Passed House with a vote of 114-0.