



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

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Governor

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Secretary

MEETING OF THE FLORIDA BUILDING COMMISSION

PLENARY SESSION MINUTES OCTOBER 11, 2011

APPROVED DECEMBER 6, 2011

The meeting of the Florida Building Commission was called to order by Chairman Raul Rodriguez at 10:00a.m., Tuesday, October 11, 2011, at the Hilton Hotel, Daytona Beach, Florida.

COMMISSIONERS PRESENT:

Raul L. Rodriguez, AIA, Chairman
Richard S. Browdy, Vice-Chairman
Jeffrey Gross
Angel "Kiko" Franco
Jeff Stone
James R. Schock
Herminio F. Gonzalez
Robert G. Boyer
Hamid R. Bahadori
Christopher P. Schulte
Mark C. Turner
Scott Mollan
Jonathon D. Hamrick
Kenneth L. Gregory
Joseph "Ed" Carson
Raphael R. Palacios

John "Tim" Tolbert
Nicholas W. Nicholson
Dale T. Greiner
John J. Scherer

COMMISSIONERS ABSENT:

Drew M. Smith
Donald A. Dawkins

OTHERS PRESENT:

Rick Dixon, FBC Executive Director
Leslie Anderson Adams, DBPR Legal Advisor
Jeff Blair, FCRC Consensus Solutions
Ila Jones, Program Administrator
Mo Madani, Technical Svcs. Manager

WELCOME

Chairman Rodriguez welcomed the Commission, staff and the public to Daytona Beach and the October 2011 plenary session of the Florida Building Commission. He explained that the primary focus of the October meeting was to decide on regular procedural issues including product and entity approvals, applications for accreditor and course approvals, petitions for declaratory statements, accessibility waivers, and recommendations from the various committees.

Chairman Rodriguez stated if anyone wished to address the Commission on any of the issues brought before the Commission, they should sign-in on the appropriate sheet(s). He then stated the Commission, as always, would provide an opportunity for public comment on each of the Commission's substantive discussion topics. He further stated if anyone wishes 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. He concluded by stating public input was welcome, and should be offered before there was a formal motion on the floor.

Chairman Rodriguez then conducted a roll-call of the Commission members.

REVIEW AND APPROVE AGENDA

Mr. Blair conducted a review of the meeting agenda as presented in each Commissioner's files.

Mr. Blair stated there would not be an Energy TAC report as the Energy TAC did not meet as planned.

Commissioner Nicholson moved approval of the meeting agenda as amended. Commissioner Carson entered a second to the motion. Vote to approve the motion as amended was unanimous. Motion carried.

REVIEW AND APPROVE AUGUST 9, 2011 COMMISSION MEETING MINUTES AND FACILITATOR'S REPORT

Chairman Rodriguez called for approval of the minutes and Facilitator's Report from the August 9, 2011 Commission meeting.

Commissioner Nicholson moved approval of the minutes and Facilitator's Report from the August 9, 2011 Commission meeting. Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

CHAIR'S DISCUSSION ISSUES AND RECOMMENDATIONS

Appointments to TACs and Workgroups

Building Code System Assessment Ad Hoc Committee

Chairman Rodriguez stated Hamid Bahadori and John Scherer were appointed to the Building Code and Assessment Ad Hoc Committee to replace Jim Goodloe and Randy Vann.

Committees and TAC

Chairman Rodriguez stated Jim Goodloe had rolled-off of the Fire TAC (chair) and Special Occupancy TAC, and Randy Vann had rolled-off of the Plumbing TAC (chair), Code Administration and Accessibility TACs as a result of resigning from the Commission. He appointed Hamid Bahadori as chair of the Fire TAC to replace Jim Goodloe, and Mark Turner was appointed to replace Randy Vann as chair on the Code Administration TAC.

Chairmen Rodriguez stated once the Commission receives a new Plumbing Contractor appointee they will be appointed to the Plumbing and Accessibility TACs, and the new State Insurance Representative (Department of Financial Services) would be appointed to the Fire and Special Occupancy TACs.

ICC Major Jurisdiction Committee

Chairman Rodriguez stated the International Code Council has offered the Commission a position on its committee that deals with issues of major jurisdictions. He further stated if the Commission decided to increase direct participation in the ICC, Dick Browdy (if he accepts the appointment) would be designated to represent the Commission on the ICC Major Jurisdiction Committee. He stated ICC participation would be a component of the analysis done by the 2013 Florida Building Code Update Process Ad Hoc committee.

Threshold Building Renovations Workgroup

Chairman Rodriguez stated at the August meeting Commissioner Schock reported the Board of Professional Engineers was seeking Commission input regarding threshold building requirements for renovations and he was recommending the Commission appoint a workgroup to address the issue. He then stated in response to the FBPE request a *Threshold Building Renovations Workgroup* was being appointed. Following are the appointments to date:

David Charland, PE FBPE (Structural Board member),
Jim Schock, PE Commission Structural TAC Chair
Nick Nicholson, PE Commission Structural TAC
Dan Lavrich, PE Commission Structural TAC
Craig Parrino, PE Commission Structural TAC
Do Kim, PE Commission Structural TAC
Jaime Gascon, PE Commission Structural TAC

2013 Florida Building Code Update Process

Chairman Rodriguez stated the 2012 International Codes are now available and there have been changes to Florida law governing how the Commission goes about the FBC update process. He then stated the Florida Building Code System Assessment Project had also provided significant feedback on the process regarding what worked well and what people thought needed improvement. He further stated the plan was to convene an ad hoc committee of commissioners to review the changes and inputs working with staff to map out the process for the 2013 FBC update. He stated the committee would meet at an upcoming meeting to develop a plan so participants in the Florida Building Code could be notified in early 2012 and the proceedings would start later in the year.

He then stated the following commissioners were appointed to the *2013 Florida Building Code Update Process Ad Hoc*:

Raul Rodriguez (Chair), Dick Browdy, Jon Hamrick, Herminio Gonzalez, Dale Greiner, Mark Turner, Rafael Palacios, Jim Schock, Hamid Bahadori, Chris Schulte, Jeff Gross, Tim Tolbert, and John Scherer.

Appreciation for Jim Richmond

Chairman Rodriguez stated Jim Richmond had decided to take a position with the new Department of Economic Opportunity and would no longer serve as the Commission's attorney. He then stated Mr. Richmond had served professionally and with excellence and had been a critical member of the Commission team and would be missed. He further stated Mr. Richmond had been with the Commission since its very early days and leaves a major imprint on its policies and procedures, especially on its legislative activism. He continued by stating Mr. Richmond had served the Commission well as the Commission's lobbyist and representative with Legislators.

Chairman Rodriguez, on behalf of the Commission, wished Mr. Richmond good luck in his new role and trusts he would serve the new Agency as well as he served the Commission. He presented a plaque to Mr. Richmond as a token of the Commission's appreciation.

Mr. Richmond stated it had been an outstanding 11-12 years. He then stated if he took the time to thank all of the commissioners, staff members, and constituents who have faithfully served for their contribution to Florida and the significant work accomplished through all of their efforts, he could easily triple the time the meeting should take. He thanked the Commission and stated it had been an outstanding way to spend a significant portion of his legal career i.e. doing important work which will have lasting impact on the state. He stated there were personal as well as professional, successes for him with the formation of his family. He concluded by stating the experience had been a big part of his life and thanked everyone for the opportunity.

Chairman Rodriguez welcomed Leslie Anderson-Adams as the Commission's new attorney.

Certification of Florida Building Code Rule

Chairman Rodriguez stated in order to comply with an October 1, 2011 deadline he certified to JAPC the Commission should be exempt from a newly created Legislative review of the Rule similar to that required by the Governor and based on its cooperation with the Governor's Office of Fiscal Accountability and Regulatory Reform in its review of the Rule. He further stated the certification would allow the Commission to avoid the additional review and to maintain the code implementation date as March 15, 2012, as planned.

Letter to Citizens Insurance

Chairman Rodriguez stated the Commission voted at the August meeting to send another letter to Citizens Insurance inquiring about the status of its establishment of a policy regarding aluminum branch wiring in older homes. He further stated conformance with the Commission's decision the Chair sent a letter, which Commissioners were copied, but to date the Commission has received no reply from Citizens.

UPDATE OF THE COMMISSION WORKPLAN

Mr. Dixon conducted a review of the updated Commission work plan. (See *Updated Commission Work plan October 1, 2011*).

Report to the Legislature

Mr. Dixon stated the Legislature would be meeting two months early this year, therefore the schedule for development of the Report to the Legislature had been moved forward. He stated discussion and recommendations would be heard at the October meeting; the report would be finalized for the December meeting and hopefully be submitted to the Legislature by the end of December, however, with holidays it would be more likely January.

Triennial Assessment

Mr. Dixon stated the report to the Legislature would include significant recommendations from the Triennial Assessment. He then stated staff's recommendation to the Commission was to not pursue legislative changes for those recommendations during the 2012 legislative session but to defer any legislative changes until the 2013 Legislative session.

Mr. Dixon stated the Commission was moving into DBPR and it would be operating under a different paradigm of how the its issues would be lobbied at

Legislature. He then stated the processes would be developed and put in place over the next year. He continued by stating because of the Legislature's major task of reapportionment, staff did not believe it was a good time to pursue a lot of Building Code legislation.

Wind Standards for Asphalt Shingles

Mr. Dixon stated the Commission had participated in a federal research project over the past two years and the report from that project was coming in the fall. He then stated before the implementation of the 2013 Code the workgroup will review the results of the research and determine whether or not any potential changes were warranted to the requirements of the Code for asphalt shingles. He further stated if there was any merit for changes in what was in the code currently, determine what those might be and will recommend them to the Commission.

Threshold Building Inspection Law

Mr. Dixon stated at the last Commission meeting Commissioner Schock had requested a committee be appointed to investigate the application of the *Threshold Building Inspection Law* in existing buildings and how the law should be implemented, if at all, in structural repairs or alterations to threshold buildings. He then stated the committee was appointed at the October meeting and would begin its work at the December Commission meeting. He further stated it would be a joint effort between the Board of Professional Engineers and potentially other representatives from that community to be appointed to the committee as the process moves forward.

Hinged Entry Doors

Mr. Dixon stated that for the last 6-9 months representatives of the door industry asked the Commission to convene a group to review hurricane protection standards for their products, hinge entry doors. He then stated the Commission had reviewed the issue a number of years ago. He further stated there had been some evolution in that industry with a national association for those door manufacturers want to have the Commission review the standards in the code for their products to determine whether those should updated or not for hurricane protection. He stated a group would be appointed in the future and its work will be started in 2012.

2013 Florida Building Code Development

Mr. Dixon stated the major task on the workplan was the development of the 2013 Building Code. He then stated there was not a specific schedule with target dates or milestones, but a plan for how the process will go. He further stated the committee appointed at the October meeting would review a schedule proposed by Mr. Madani then determine and set dates for getting the information to the public, as well as advise the public on the changes in the process. He continued by stating there were two primary changes in the law that will alter the approach taken to update the code: 1) The

6-month delay time between the printing and availability of the base codes, (2012 I Codes), before the Commission could select those the I Codes was eliminated from law. He then stated the Commission could theoretically select those codes at this point because ICC has those available to the public. 2) All Florida specific amendments that have not been addressed by some change between the 2009 and 2012 I Codes that would have automatically rolled forward into the 2013 Code will sunset unless someone proposes them and they are readopted into the 2013 Code. He stated the significance of that change was some of the Florida specific amendments will go away. He then stated what it does for the process was rather than staff having to go through the new edition of an I Code to determine where the Florida specific amendments already adopted were and fitting them into those locations, i.e. basically rewriting the document so the public would then have a single document to make their proposals to; the staff will only have to look at what the Legislature directed be put into the Florida Building Code and how do the Commission's initiatives, Hurricane Protection Initiatives, for instance, and research that have resulted in code changes of Florida specific requirements would have to be evaluated by staff for integration into the 2012 codes. He further stated it would greatly reduce the work effort on the front end and puts the workload back on those parties and industries that have Florida amendments that may want to re-propose them for future editions. He continued by stating it also allowed the Commission to be more efficient in its process to get the 2013 Code out.

Commissioner Greiner asked if the March 14th date worked with the Fire Code for availability at the same time. He stated he thought the Fire Code deadline was in January.

Mr. Dixon stated by having the building code completed one year sooner than in the past the Fire Code deadline would be met.

Commissioner Greiner asked if there would be a way for the TACs to distinguish between a normal code change proposal and one which incorporates a past Florida specific item.

Mr. Dixon responded the Ad Hoc committee would determine if a proposer would be required identify if it was a repeat of a prior proposal that could be done.

Mr. Blair stated the Ad Hoc would consider the issue during its process and make that determination.

Commissioner Hamrick asked if there was an exception in the Florida specific amendments for state agency rules from being sunsetted.

Mr. Dixon responded stating he believed the Commission would determine if there would be an exception. He then stated those items should be called out and treated a little differently. He further stated being Florida specific amendments they would have to be proposed. He then stated staff could end up working with the agencies to ensure they are proposed to the right place. He continued by stating the

items written into law, directed by the Legislature, CO detectors or pool entrapment, for example, would have to be managed by the Commission staff to make sure they are included into the 2013 Code. He stated the issues the Commission had initiatives for would have to be re-proposed to go back into the Code and would be the responsibility of the Commission and staff, not members of the public. He further stated the state agency rules which needed to be included in the Code could be worked in conjunction with staff if the Commission preferred.

Commissioner Carson moved approval of the updated workplan. Commissioner Nicholson entered a second to the motion.

Commissioner Stone asked for clarification of the motion.

Mr. Blair stated the motion was for the approval of the workplan. He then stated the schedule would be determined by the Ad Hoc and brought back to the Commission for approval.

Chairman Rodriguez stated the motion was to approve the updated workplan. He then stated the meeting schedule had not been set yet.

Vote to approve the motion was unanimous. Motion carried.

Mr. Dixon stated the meeting dates had been set for some time. He then stated there were now meeting locations to accompany those dates in 2012. He further stated there would be two meetings in Gainesville, two meetings in Daytona, and two meetings on the west coast in the Tampa bay area. He continued by stating the first meeting of 2012 would be at the Tradewinds Hotel in St Pete Beach, then back to the normal venues the Embassy Suites in Tampa, the Hilton Hotel in Gainesville, and the Hilton Hotel for the Daytona Beach meetings. He asked for any negative feedback on the Hilton Hotel in Daytona Beach before contracts were signed. He further stated the fee structure was good for the Commission, there was adequate meeting space and appeared to be recently refurbished. He stated contracts would be signed at the close of the October meeting if there were no negative comments.

CONSIDER ACCESSIBILITY WAIVER APPLICATIONS

Chairman Rodriguez directed the Commission to Leslie Anderson-Adams for consideration of the Accessibility Waiver Applications.

Recommended for Deferral:

1 Sherbrooke Apartments, Inc.

Ms. Adams explained the petitioner's request for waiver as it was described in each Commissioner's files. She stated the council recommended deferral to allow for further research.

Commissioner Greiner moved approval of the Council's recommendation for deferral. Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

#3 Boys and Girls Club of Palm Beach

Ms. Adams explained the petitioner's request for waiver as it was described in each Commissioner's files. She stated the council unanimously recommended for deferral to allow the applicant to provide more detailed information.

Commissioner Nicholson moved approval of the Council's recommendation for deferral. Commissioner Gregory entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Recommendation for Approval:

#2 Ocean Breeze Hotel

Ms. Adams explained the petitioner's request for waiver as it was described in each Commissioner's files. She stated the council unanimously recommended approval for economic hardship due to disproportionate cost.

Commissioner Nicholson moved approval of the Council's recommendation. Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

#4 Vita Restaurant

Ms. Adams explained the petitioner's request for waiver as it was described in each Commissioner's files. She stated the council unanimously recommended approval due to disproportionate cost.

Commissioner Nicholson moved approval of the Council's recommendation. Commissioner Gregory entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

#5 Frank Entertainment Delray Marketplace

Ms. Adams explained the petitioner's request for waiver as it was described in each Commissioner's files. She stated the council unanimously recommended approval due to technical infeasibility. She then stated she believed the Council's intention was it was based on unreasonable hardship because the applicant had provided a number of accessible seating options from different viewing angles.

Commissioner Carson moved approval of the Council's recommendation. Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

#6 iPic Entertainment

Ms. Adams explained the petitioner's request for waiver as it was described in each Commissioner's files. She stated the council unanimously recommended approval based on unreasonable hardship due to technical infeasibility.

Commissioner Nicholson moved approval of the Council's recommendation. Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

CONSIDER APPLICATIONS FOR PRODUCT AND ENTITY APPROVAL

Chairman Rodriguez directed the Commission to Commissioner Carson for presentation of entity approvals.

Commissioner Carson stated the following 15 entities were recommended for approval by the POC:

CER3471 - PFS Corporation

QUA1963 - Timber Products Inspection, Inc.

QUA3214 - CEL Consulting

QUA3726 – Pyramid 1, Inc.

QUA6128 – Ramtech Laboratories, Inc.

TST1657 - Fenestration Testing Lab

TST2542 - Terrapin Testing

TST2613 - Stork- Twin City Testing Wisconsin

TST3619 - Applied Research Laboratories

TST3782 - American Test Lab of South Florida Inc.

TST4310 – Architectural Testing, Inc. - Washington

TST8039 - Quast Consulting and Testing Inc.

VAL1665 - PSI/Pittsburgh Testing Laboratory

VAL4121 - PFS Corporation

Commissioner Carson moved approval of the POC recommendation. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair stated there was a consent agenda for all those issues that were posted with the same result from all four compliance methods either for approval, conditional approval or deferral. These were the ones without comment or there was no change to the recommendation as proposed presented. He stated if no commissioner wished to pull any if the products for individual consideration he asked for a motion to approve the consent agenda for all four compliance methods for approval, conditional approval and deferral.

Commissioner Browdy entered a motion to approve the consent agenda as amended for all four compliance methods for approvals, conditional approvals and deferrals. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair presented the following products for consideration individually:

6481-R1 Insulspan Incorporated

Mr. Blair stated the product was recommended for approval.

Commissioner Carson moved approval of the POC recommendation. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

14829 - Insulspan Incorporated

Mr. Blair stated the product was recommended for conditional approval.

Commissioner Carson moved approval of the POC recommendation. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

14171 – R1 Norse Inc.

Mr. Blair stated the product was recommended for denial.

Commissioner Carson moved approval of the POC recommendation. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

13468 Quick Tie Products, Inc.

Mr. Blair stated the product was recommended for conditional approval with the condition the applicant provides to administrator reports referred on Section 6.2 of evaluation report to verify data, have evaluator indicate compliance with ASCE 19, change application to Method 1 and indicate ASCE 19 on the standards and remove "breaking strength from product description on application" and indicate a term in accordance with design.

Commissioner Carson moved approval of the POC recommendation. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

14811 Norwood Windows

Mr. Blair stated the product was recommended for conditional approval with the condition the applicant provide in General Notes the wood species and method of protection to comply with Sect. 2326.

Commissioner Carson moved approval of the POC recommendation. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

14815 Norwood Windows

Mr. Blair stated the product was recommended for conditional approval with the condition the applicant provide in General Notes the wood species and method of protection to comply with Sect. 2326.

14817 Norwood Windows

Mr. Blair stated the product was recommended for conditional approval with the condition the applicant provide in General Notes the wood species and method of protection to comply with Sect. 2326.

Commissioner Carson moved approval of the POC recommendation. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

14832 Simpson Strong-Tie

Mr. Blair stated the product was recommended for conditional approval with the condition the applicant remove from "sections of the code" on application the reference to Sect. 1707.1

Commissioner Carson moved approval of the POC recommendation. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

CONSIDER APPLICATIONS FOR ACCREDITOR AND COURSE APPROVAL

Accreditor Approvals:

Commissioner Browdy stated there were no accreditor approvals.

Course Deferrals:

Advanced Building Code Structural Summary, BCIS Course#478.0

Florida Advanced Building Code, BCIS Course#479.0

Commissioner Carson moved approval of the POC recommendation. Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Course Approvals:

Advanced Building Code Plumbing-Section F, BCIS Course#466.0

Advanced 2010 FBC Significant Code Changes, BCIS Course#474.0

Advanced 2010 FBC Significant Code Changes – Online, BCIS Course#477.0

FBC Advanced Module: 2010 Updates, BCIS Course#480.0

FBC Advanced Module Energy Efficiency Regulations For Pools and Spas, BCIS Course#481.0

Advanced (ADV) Field Marking Electrical Equipment, Internet, BCIS Course#484.0

An Overview of the 2010 Florida Building Code, Building Volume, BCIS Course#488.0 An Overview of the 2010 Florida Building Code, Building Volume – Live Seminar, BCIS Course#489.0

Advanced Florida Accessibility Code – Application and Administration, BCIS Course#487.0

Commissioner Carson moved approval of the POC recommendation. Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Administratively Approved Courses:

Florida Building Code Advanced Training: Residential, BCIS Course#220.2

Commissioner Carson moved approval of the POC recommendation.
Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Courses approved based on the FBC accreditation process that only verifies the accuracy of the Florida Building Code related content.

Commissioner Carson moved approval of the POC recommendation.
Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

CONSIDER LEGAL ISSUES AND PETITIONS FOR DECLARATORY STATEMENT: BINDING INTERPRETATIONS: REPORTS ONLY
DECLARATORY STATEMENTS:

Binding Interpretations:

None

Revocations:

None

Declaratory Statements:

Second Hearings:

None

First Hearings:

None

CONSIDER OTHER LEGAL ISSUES

None

CONSIDER COMMITTEE REPORTS AND RECOMMENDATIONS:

Accessibility Code Workgroup

Mr. Blair presented the report from Workshop III. (See *Accessibility Code Workgroup October 10, 2011.*)

Commissioner Nicholson moved approval to accept the report. Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Budget Committee

Chairman Rodriguez stated Ms. Ila Jones was present if would like to add any comments. He then stated with expected expenses and revenues the Commission would be ending the year, conservatively speaking, with a surplus. He further stated there was a surplus at present of roughly \$170,000.00 and it was expected to increase to \$300,000.00.

Commissioner Nicholson moved approval to accept the report. Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Building Code System Assessment Workshop III

Mr. Blair presented the report of the Building Code System Assessment Workshop. (See *Building Code System Assessment Report to the Commission, August 8, 2011, Workshop III.*)

Commissioner Nicholson moved approval to accept the report. Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Building Code Assessment Ad Hoc Committee

Mr. Blair presented the report of the Building Code Assessment Ad Hoc Committee.

Mr. Blair stated the motion needed was for approval of adoption of the package of consensus stakeholder recommendations in concept, including staff's comments, to be evaluated/analyzed in the context of fiscal, economic/financial, technical, and life-safety criteria, with recommendations meeting the criteria evaluated and developed in consultation with stakeholders for consideration by the Commission for implementation and/or submittal to the 2013 Legislature. (Please see the *Facilitator's Report, Attachment XII* for a list of the concept recommendations)

Commissioner Nicholson moved approval of the motion as stated. Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Nicholson moved approval to accept the report. Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Education POC

Commissioner Browdy presented the report of the Education POC. (See *Education POC Teleconference Meeting Minutes September 27, 2011.*)

Commissioner Greiner moved approval to accept the report. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Product Approval POC

Commissioner Carson presented the report of the Product Approval POC. (See *Product Approval/Manufactured Buildings POC Teleconference Meeting Minutes September 29, 2011.*)

Actions:

Commissioner Carson moved to charge DBPR legal staff with initiating revocation proceedings for product applications: FL12427, Parex USA, Inc., and FL14171, Norse, Inc. as products falling outside of the scope of Rule 9N-3, Product Approval. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Nicholson moved approval to accept the report. Commissioner Gross entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Swimming Pool Pump Energy Efficiency Workshop

Mr. Blair presented the report from the Swimming Pool Pump Energy Efficiency Workshop. (See *Swimming Pool Pump Efficiency Workshop Meeting Minutes October 10, 2011.*)

Commissioner Nicholson moved approval to accept the report. Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

DRAFT SUMMARY OF ISSUES AND RECOMMENDATIONS FOR REPORT TO 2012 LEGISLATURE

Chairman Rodriguez stated the Florida Legislature is meeting two months early for the 2012 Legislative Session (January/February 2012). He then stated as a result

the Commission is required to submit the Report to the Legislature immediately after the December 2011 meeting. He further stated in order to meet this schedule the he had asked Mr. Blair to prepare a Draft Summary of Issues and Recommendations allowing the Commission to meet the submittal deadline. He continued by stating Mr. Blair reviewed the issues and recommendations with the Commission and answered member's questions and following public comment and discussion the chairman asked for a motion to adopt the Draft Summary of Issues and Recommendations for inclusion in the Commission's 2012 Report to the Legislature. He stated the Commission would adopt final Recommendations at the December 2011 meeting and charge the chairman with reviewing and approving the final Report prior to submittal to the 2012 Legislature.

Mr. Blair then conducted an overview of the Executive Summary and Recommendations section of the Report. (See the *Facilitator's Summary of Issues and Recommendations for Inclusion in the report to the 2012 Florida Legislature* for the complete document.)

Commissioner Franco moved to adopt the Draft Summary of Issues and Recommendations for inclusion in the Commission's 2012 Report to the Legislature as presented/posted. Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

ENERGY CODE COMPUTER PROGRAMS AUTHORIZATION PROCESS

Chairman Rodriguez stated one of the decisions made by the Commission during development of the 2010 Code was additional computer programs would be recognized for demonstrating compliance with the Energy Code by the performance compliance methodology. He then stated historically the State had provided a computerized tool for demonstrating compliance and the approach had provided for quality control of the tools. He further stated by opening the door to tools not under control of the State the Commission created the need for some external means of quality assurance for these tools. He continued by stating the Commission does not have the resources or expertise to evaluate computer programs, therefore in an effort to provide some minimal means of oversight the Commission had developed a technical assistance manual for computer tool vendors to use in a self-certification process. He stated Mr. Madani would provide the Commission with a brief overview of how the process would work and answered member's questions, following questions and answers, public comment, and Commission discussion, the Commission took the following action:

Mr. Madani stated the process began in May 2010. He then stated a contractor, JM JADU Corp in Jacksonville, was selected to put together the Technical Assistance Manual. He stated on July 26, 2011 the first meeting of a workgroup consisting of stakeholders who would be impacted including vendors, builders, engineers, contractors, etc. He then stated at the initial meeting there was an agreement on the foundation and how the manual would be put together. He further stated the draft of the agreement was sent out for comments and some had been received. He stated a second meeting by teleconference call was scheduled for October 17, 2011 in hopes to

finalize a draft which could be available to vendors can use to come to the Commission to get their tools approved. He continued by stating the workgroup requested the Commission authorize the staff to make the draft available to the vendors to utilize as a base for submitting tools for approval. He stated the draft, *TAM (Technical Assistance Manual)*, was not intended to be used as a requirement, but as a guideline to assist them with the steps necessary to get their tools approved. He further stated if anyone had an idea for a better way, their ideas were welcome, subject to approval of the Commission.

Chairman Rodriguez asked Mr. Madani to clarify the motion.

Mr. Madani stated the motion was to allow staff to allow the vendors to use the manual as a tool for assistance in obtaining approval.

Commissioner Greiner stated with the understanding anyone could provide the software; the workgroup would like to put the draft in place as a guideline to those people who would provide the software.

Commissioner Greiner moved the Commission authorize staff to implement the draft technical assistance manual (Energy Simulation Tool Technical Assistance Manual) for computer tool vendors to use in a self-certification process for demonstrating compliance with the Florida Energy Code. Commissioner Franco entered a second to the motion.

Arlene Stewart, ARS Consulting

Ms. Stewart stated she questioned the title “draft” because she did not believe any software company would want to develop a software until the draft was finalized. She then stated if software was developed based on a draft it was likely to change. She continued by stating if there was a short timeline the fact there was a guideline not a draft needed to be clearer in terms of the text of the draft. She further stated the workgroup had not signed off on the draft at present. She asked if it was the intention of the Commission that only the performance calculation methodology would be subject or would the UA methodology calculations be subject. She then stated the reason she asked was because the Commission directed staff request from the Department of Energy to develop a version of REScheck™ the national software. She stated she had talked with some of the developers of the software and they were not aware their software had to be submitted to these criteria, which becomes a bit of a bump in the road and if a UA was required in the process it had not been included.

Chairman Rodriguez stated her argument was taking the word “draft” out, but she also she stated she recognized it had not been before the workgroup. He asked her which she was asking for.

Ms. Stewart responded stating she was not sure what the pleasure of the group was.

Chairman Rodriguez asked if she would object to the word “draft” being removed before it went to the workgroup.

Ms. Stewart stated she would object to that, but did not know the pleasure of the Commission.

Mr. Blair stated staff was proposing they be authorized to have the manual available allowing vendors to use it in the interim. He then stated the vendors could still work with the workgroup to finalize any details

Mr. Madani stated the draft had been published and out for some time. He then stated minimal comments had been received on the draft. He further stated the comments that have been received would be heard at the workgroup at the October 17, 2011 meeting. He continued by stating the key was getting a tool approved early in the process to allow designers, builders, and contractors can get their projects going.

Commissioner Greiner stated the key was the draft does not tell specifically how to get the approval. He then stated it was a guideline and it could be done any other way as long as it met the Code.

Mr. Madani stated the *Technical Assistance Manual (TAM)* was for programs using simulation and modelings and those were being targeted at present. He then stated other approaches were welcome to come for approval through the Commission as it has the leverage to review other tools.

Ms. Stewart requested staff notify the Department of Energy that the guideline exists if they are submitting a performance based tool, because She stated she was asking for that now because it has to go through official state channels.

Jack Glenn, President, Florida Homebuilders Association

Mr. Glenn stated he was a member of the workgroup and as a member there was only one concern regarding the draft. He then stated while the draft was published among the members of the workgroup the members were not allowed to discuss issues with each other. He further stated it would have its vetting during the conference call on October 17th. He continued by stating if the Commission was going to approve it for dissemination at this point he believed it needed to be very clear it is indeed a draft and vendors should proceed with caution because it was not guaranteed to be the final product.

Chairman Rodriguez stated Commissioner Greiner’s motion stated exactly that.

Vote to approve the motion was unanimous. Motion carried.

COMMISSION MEMBER COMMENTS AND ISSUES

Commissioner Schulte asked if the old Commission website had changed with the transition to the DBPR.

Mr. Dixon stated the old website could be found by going to floridabuilding.org. He then stated some people had accessed the website by using Florida Building Commission, which now links to a different new agency.

Commissioner Schulte asked if there had been any updated dialogue with the air conditioner manufacturers industry regarding the 2010 Code and the windload. He stated the industry had spoken at a workshop on the windload issue but he had not heard anything since.

Mr. Dixon stated there had not been direct contact with a request to appear to present more information about where they stand getting their equipment approved to wind speed. He then stated there had been conversations regarding the issue but none formally.

Mr. Madani stated since the workshop there had been random discussions. He then stated the manufacturers were looking at each other, waiting to see who would come first. He then stated at present none had been approved under product approval, although all had been given information on the process.

Mr. Dixon stated in schools the units were required to have impact resistance as well as wind resistance on the EHPAs for a while. He then stated equipment was being selected and put on buildings supposedly in compliance with the state requirements for shelters in school buildings. He further stated there must be some materials or products available which comply but the entire industry had not jumped on board to have products tested.

Commissioner Palacios stated equipment submittals are being received **with a low ??? windload(inaudible)**. He then stated not everything but he had made it a point of letting people in Miami-Dade know about it, but not every product line was doing it.

Commissioner Hamrick stated, in response to Mr. Dixon's statement, since 1996 new school construction had been required to meet and enhance their hurricane protection requirements which include rooftop air conditioning exhaust fans and anything else on the roof. He then stated most have to be protected from impact loads and most solutions have to do with putting screen walls around the equipment. He further stated he had run across a manufacturer earlier in the year that has metal screen mechanism which can go over equipment to meet the requirements.

Commissioner Carson thanked the Chairman and staff for getting the letter out to Citizens Insurance Company with the respect to the aluminum wiring issue. He stated he was displeased at Citizen's lack of response. He then stated it was very frustrating.

Chairman Rodriguez stated he believed a reminder should be sent i.e. an inquiry to determine the status.

Commissioner Greiner stated the chairman had mentioned the ICC had stated it would not be covering travel expenses for the delegate. He then stated he believed Commissioner Browdy would be an excellent person to serve as the delegate. He asked if it was reasonable for the Commission to consider the travel pay for the delegate.

Mr. Dixon stated the "cannot pay: was from the state's perspective. He then stated the ICC letter indicated there was some limited capability to pay for some parties' participation, but there was no guarantee of any cost coverage by ICC. He further stated the state has difficulty sending people out of state to meetings.

Commissioner Greiner stated the reason he brought the issue forward was because he believed it was important to have Commission representation at the ICC. He then stated however travel needed to be handled the Commission should deal with it.

Chairman Rodriguez stated staff would find out from ICC what they meant by partial. He thanked Commissioner Greiner for bringing the issue forward. He stated the Commission would like to see the ICC and the Florida Building Code closer together and if the Commission has been invited to participate, the financial aspect should not keep them from it.

Mr. Blair stated Commissioner Browdy had indicated the meetings the meetings were being conducted via teleconference therefore travel may not be an issue.

Chairman Rodriguez asked Commissioner Browdy if the expenses were not an issue if he would be willing to serve as the delegate to ICC.

Commissioner Browdy stated he was considering the appointment but was not ready to make a huge commitment at present.

GENERAL PUBLIC COMMENT

Ms. Stewart asked if staff had to be directed to notify Pacific Northwest Lab of the existence of the guidelines.

Mr. Blair stated staff could do that.

Mr. Madani stated staff would notify Pacific Northwest Lab.

Ms. Stewart stated she wanted to make sure.

Tony McMahon, ICC

Mr. McMahon stated there would be several ICC meetings conducted electronically and the occasion where the committee meets at the annual business meeting. He then stated ICC policy was not to reimburse funds which could occur in conjunction with the annual meeting. He then stated, at present, the amount would be minimal.

Commissioner Stone asked if staff knew when the next set of codes would be available to the commissioners.

Mr. Blair responded by stating the codes were currently available.

ADJOURN

11:22a.m. adjourned.