



# FLORIDA BUILDING COMMISSION

"STRONGER CODES THROUGH SCIENCE AND CONSENSUS"



## FACILITATOR'S SUMMARY REPORT OF THE AUGUST 8, 2017 FLORIDA BUILDING COMMISSION MEETING DEERFIELD BEACH, FLORIDA

PROCESS DESIGN, CONSENSUS-BUILDING AND FACILITATION BY



CONSENSUS CENTER

REPORT BY JEFF A. BLAIR  
FCRC CONSENSUS CENTER  
FLORIDA STATE UNIVERSITY



[jblair@fsu.edu](mailto:jblair@fsu.edu)  
[http:// consensus.fsu.edu](http://consensus.fsu.edu)

*This document is available in alternate formats upon request to DBPR, Florida Building Codes and Standards,  
2601 Blair Stone Road, Tallahassee, FL 32399, (850) 487-1824.*

FLORIDA BUILDING COMMISSION

AUGUST 8, 2017 FACILITATOR’S MEETING SUMMARY REPORT

TABLE OF CONTENTS

*TABLE OF CONTENTS* ..... 1  
*TABLE OF ATTACHMENTS* ..... 2

**I. MEETING SUMMARY OVERVIEW** ..... 4  
**II. CHAIRMAN’S WELCOME** ..... 5  
**III. COMMISSION ATTENDANCE** ..... 5  
**IV. MEETING OBJECTIVES**..... 6  
**V. MINUTES APPROVAL**..... 7  
**VI. CHAIR’S DISCUSSION ISSUES AND RECOMMENDATIONS**..... 7  
**VII. EXECUTIVE DIRECTOR ANNOUNCEMENTS AND RECOMMENDATIONS**..... 8  
**VIII. ACCESSIBILITY WAIVER APPLICATIONS** ..... 9  
**IX. PRODUCT AND ENTITY APPROVALS** ..... 9  
**X. ACCREDITOR AND COURSE APPROVALS** ..... 10  
**XI. LEGAL REPORT: ANNUAL REGULATORY PLAN** ..... 11  
**XII. PETITIONS FOR DECLARATORY STATEMENTS** ..... 11  
**XIII. BINDING INTERPRETATION BRIEFING**..... 12  
**XIV. RULE DEVELOPMENT WORKSHOPS: RULES 61G20-2.001 AND 61G20-2.002** ..... 12  
**XV. APPROVAL OF ENERGY CODE COMPLIANCE SOFTWARE**..... 14  
**XVI. SELECTION OF RESEARCH PROJECTS FOR FY 2017-18 FUNDING** ..... 15  
**XVII. COMMITTEE REPORTS AND RECOMMENDATIONS**..... 16  
**XVIII. GENERAL PUBLIC COMMENT** ..... 18  
**XIX. COMMISSION MEMBER COMMENTS AND ISSUES** ..... 19  
**XX. NEXT MEETING OVERVIEW AND ISSUES** ..... 19

*ATTACHMENTS* ..... 20 - 34

1. MEETING EVALUATION RESULTS ..... 20

2. KEY TO COMMON ACRONYMS..... 22

3. COMMISSION HISTORY AND OVERVIEW ..... 23

4. COMMISSION MEETING AGENDA ..... 25

5. FBC UPDATED MEETING SCHEDULE AND 2017 CODE UPDATE WORKPLAN ..... 28

6. CODE UPDATE WORKPLAN 2020 FBC..... 31

7. ANNUAL REGULATORY PLAN..... 33

8. TAC CHAIRS’ RESEARCH RECOMMENDATIONS..... 34

**FLORIDA BUILDING COMMISSION**  
**AUGUST 8, 2017 FACILITATOR'S SUMMARY REPORT**



## **OVERVIEW OF COMMISSION'S KEY ACTIONS AND DECISIONS**

**TUESDAY, AUGUST 8, 2017**

### **I. PLENARY SESSION SUMMARY AND OVERVIEW**

At the August 8, 2017 meeting conducted in Deerfield Beach the Commission considered and decided on Chair's issues and recommendations, Executive Director's announcements and discussions, product and entity approvals, applications for accreditor and course approvals, accessibility waivers, petitions for declaratory statements, and recommendations from the Commission's various committees. Specific actions included voting: 1.) To approve the meeting dates for the February 2018, April 2018 and June 2018 Commission meetings; 2.) To approve the 2017-2018 Annual Regulatory Plan as presented, and to authorize publication of the Plan by DBPR; 3.) To implement the changes to Rule 61G20-2.001 as presented by staff, authorize staff to make editorial changes as needed, authorize the Department of Business and Professional Regulation to publish a Notice of Proposed Rule, and to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Chairman of the Florida Building Commission; 4.) To implement the changes to Rule 61G20-2.002 as drafted by staff with authorization for staff to make scoping revisions based on public and Commissioner comments; to leave the rule open and subject to comment for ten additional days prior to publishing the Notice of Proposed Rule; to authorize staff to make editorial and scoping changes as needed; to authorize the Department of Business and Professional Regulation to publish a Notice of Proposed Rule; and, to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Chairman of the Florida Building Commission; 5.) To approve the Draft Workplan for development of the 7<sup>th</sup> Edition (2020) Florida Building Code Update Process; 6.) To conditionally approve the Energy Code Compliance Software update for the 5<sup>th</sup> Edition (2014) Florida Building Code, Energy Conservation, specifically Right-Suite Universal 2017 (using Right-Energy Florida 2014) for demonstrating compliance with residential building energy requirements for single-family houses, subject to addressing DBPR staff's and FSEC's written comments pursuant to the Energy TAC's recommendation; and, 7.) To approve funding the research projects for fiscal year 2017 - 2018 as recommended by the Committee of TAC Chairpersons on the basis that the proposed projects evaluated meet the definition of "research" and/or "technical enrichment", and are approved for funding based on the TAC chairs' recommendations, and staff administering and overseeing the research, and to charge staff with negotiating scoping and contracting as appropriate.

*(Attachment 1—Meeting Evaluation Results)*

## **II. CHAIRMAN’S WELCOME**

Chairman Browdy welcomed the Commission, DBPR staff and the public to Deerfield Beach and the August 8, 2017 plenary session of the Florida Building Commission. The Chair noted that the primary focus for the August meeting, in addition to considering regular procedural issues including product and entity approvals, applications for accreditor and course approvals, accessibility waivers, petitions for declaratory statements, and recommendations from the Commission’s various committees, was for the purpose of: conducting rule workshops on Rules 61G20-2.001, Commission Organization and Operations, and 61G20-2.002, Statewide Amendments to the Florida Building Code, and deciding on funding of research projects for FY 2017-18.

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

Chairman Browdy explained that some of the licensing boards located within the Department of Business and Professional Regulation, have adopted rules regarding continuing education credits for attending Florida Building Commission meetings and/or Technical Advisory Committee meetings. Participants whose board participates may sign-in on the laptop kiosk station located in the meeting room.

## **III. COMMISSION ATTENDANCE**

The following Commissioners attended the Tuesday, April 8, 2017 meeting in Deerfield Beach:

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

(24 of the 26 currently seated Commissioners attended—92%).

*Absent Commissioners:*

Nan Dean and Diana Worrall.

## **DBPR STAFF PRESENT**

Thomas Campbell, Jim Hammers, Chris Howell, Mo Madani, and Justin Vogel.

## **MEETING FACILITATION**

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



CONSENSUS CENTER

## **PROJECT WEBPAGE**

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

## **IV. AGENDA REVIEW AND APPROVAL**

The Commission voted unanimously, 23 - 0 in favor, to approve the agenda for the August 8, 2017 meeting as posted and presented. Following are the key agenda items approved for consideration:

- To Consider Regular Procedural Issues: Agenda Approval and Approval of the June 13, 2017 and June 27, 2017 Facilitator's Summary Reports and Meeting Minutes.
- To Consider/Decide on Chair's Discussion Issues/Recommendations.
- To Consider/Decide on Executive Director Announcements and Discussions.
- To Consider/Decide on Accessibility Waiver Applications.
- To Consider/Decide on Applications for Products & Product Approval Entities Approval.
- To Consider/Decide on Applications for Accreditor and Course Approval.
- To Receive Briefing Regarding Legal Report/Annual Regulatory Plan.
- To Consider/Decide on Petitions for Declaratory Statements.
- To Be Briefed on Binding Interpretations #140 and #141.
- To Conduct Rule Workshops: Rules 61G20-2.001 and 61G20-2.002.
- To Consider Approval of Energy Code Compliance Software for the 5<sup>th</sup> Edition (2014) Florida Building Code, Energy Conservation.
- To Evaluate and Select Research Projects for FY 2017-18.
- To Consider/Decide on Technical Advisory Committees (TACs): Accessibility, Code Administration, Energy, Mechanical, Plumbing, Roofing, and Structural TACs, and Technical Advisory Chairpersons' Committee.
- To Consider/Decide on Program Oversight Committees (POCs): Education and Product Approval POC Reports/Recommendations.
- To Receive Public Comment.
- To Discuss Commissioner Comments and Issues.
- To Review Needed Next Steps, Assignments, and Agenda Items for the Next Meeting—October 10, 2017 in Tallahassee, Florida.

### *Amendments to the Posted Agenda:*

There were no amendments to the posted agenda.

*(Attachment 4—August 8, 2017 Commission Agenda)*

## V. JUNE 13, 2017 MEETING AND JUNE 27, 2017 TELECONFERENCE MEETING FACILITATOR'S SUMMARY REPORTS AND MEETING MINUTES

*MOTION*—The Commission voted unanimously, 23 - 0 in favor, to approve June 13, 2017 and June 27, 2017 Meeting Minutes as presented/posted.

*Amendments:* There were no amendments offered.

## VI. CHAIR'S DISCUSSION ISSUES AND RECOMMENDATIONS

### Appointments/Reappointments

#### Commission Reappointment

Chairman Browdy reported that Diana Worrall has been reappointed to the Commission by the Governor for a term beginning June 22, 2017 and ending February 7, 2021. Diana is the Commission's Persons With Disabilities representative.

#### TAC/POC Appointments

The Chair announced the following TAC/POC appointments:

**Energy TAC.** Jonathan Parks was appointed to the Energy TAC to replace Larry Maxwell who rolled off of the TAC. The Chair thanked Larry for his service, and welcomed Jonathan to the TAC.

**Roofing TAC.** George Ebersold was appointed to the Roofing TAC to replace Billy Cone who rolled off of the TAC. The Chair thanked Billy for his service, and welcomed George to the TAC.

#### Residential TAC Formation Request

The Chair reported that there is a request from stakeholders to form a Residential TAC for the purpose of reviewing and making recommendations regarding all code modifications to the Residential Building Code. DBPR staff is evaluating the request, and the Chair will keep the Commission advised regarding the issue.

#### Commission's Updated Milestones

The Chair reminded Commissioners and participants that the updated Commission Milestones document is linked to the August 8, 2017 Commission agenda on the BCIS.

## VII. EXECUTIVE DIRECTOR ANNOUNCEMENTS AND DISCUSSIONS

Tom Campbell, FBC Executive Director, briefed the Commission on the following issues:

### BCIS Modernization

The budget amendment shifting funds for the modernization effort has been submitted for approval. Budget amendments, for technology projects, need to be approved by the Governor's Office and the Agency for State Technology. Staff is waiting to hear whether it has been approved. If it is approved, ISF, the vendor who maintains the BCIS, will start modernizing the system a module at a time.

### **Implementation of Legislative Assignments**

The electronic registry required by 17-139, Laws of Florida, (HB 727) is pending construction. ISF, the vendor who maintains the BCIS, was awarded the project. The registry will hopefully be live on the BCIS by September 22, 2017. Implementation for 17-029, Laws of Florida, (HB 741) is well underway. All jurisdictions have been notified of the reduction in the surcharge rate. The BCIS will be updated soon to reflect the reduction so that payments made for Q1 will be made at the 1% rate. The implementation will be complete by our next meeting in October. The next major steps for the implementation of 17-149, Laws of Florida, (HB 1021) are the rule workshops scheduled for today.

### **Proposed Rule 61G20-1.005**

At the last meeting the Commission discussed developing rule 61G20-1.005 to incorporate legislative changes into the current version of the building code while rule 61G20-1.001 is occupied with the 6<sup>th</sup> Edition, Florida Building Code (2017). After further discussion with staff and legal it has been determined that a new rule really isn't necessary. The legislative changes have been posted to the BCIS and are available for enforcement (since statutes prevail over rules/the Code) and all necessary changes have been incorporated into the 6<sup>th</sup> Edition, Florida Building Code (2017), which is set to be effective December 31, 2017.

### **Proposed Commission Meeting Dates (2018):**

Tom indicated that the dates proposed of the February, April, and June 2017 Commission meetings are as follows:

February 12-13, 2018 (Lightning Task Force on Feb 12)

April 9-10, 2018 (Lightning Task Force on April 9 if necessary)

June 12, 2018

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

#### *Commission Actions:*

**MOTION**—The Commission voted unanimously, 24 – 0 in favor, to approve the meeting dates for the February 2018, April 2018 and June 2018 Commission meetings.

### **VIII. CONSIDERATION OF ACCESSIBILITY WAIVER APPLICATIONS**

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

#### *Commission Actions Regarding Accessibility Waiver Applications:*

#### **1. 1200 Ocean Drive Change of Use #210 - 1200 Ocean Drive Miami Beach 33139**

**MOTION**—The Commission voted unanimously, 24 – 0 in favor, to deny the waiver due to applicant's failure to submit the required documentation.

#### **2. Pointe Parc Apartments #254 - 7524 Southside Blvd, Jacksonville 32256**

**MOTION**—The Commission voted unanimously, 24 – 0 in favor, to grant the waiver, to the extent necessary pursuant to 553.509(c).



**3. Seagull Hotel #260 - 100 21 Street, Miami Beach 33139**

*MOTION*—The Commission voted unanimously, 24 – 0 in favor, to grant the waiver based on economic hardship.

**4. Delta Zeta Sorority Alpha Sigma Chapter FSU House Renovation #246 - 749 West Jefferson Street, Tallahassee 32304**

*MOTION*—The Commission voted unanimously, 24 – 0 in favor, to grant the waiver based on economic hardship.

**5. Cabana Beach Club #178 - 619 Ponte Vedra Beach Boulevard, Ponte Vedra Beach 32082**

*MOTION*—The Commission voted unanimously, 24 – 0 in favor, to grant the waiver based on economic hardship.

**6. 1895 Historical Downtown Stuart Home #259 - 311 SW 3rd Street, Stuart 34994**

*MOTION*—The Commission voted unanimously, 24 – 0 in favor, to grant the waiver based on historic nature with regards only to vertical accessibility, not including accessible parking, door opening pressure and restrooms.

**7. UPS Beacon Lakes #109 - no street address (Miami-Dade Folio No. 30-3935-000-0027), Miami 33182**

*MOTION*—The Commission voted 20 – 4 in favor, to conditionally grant the waiver, conditioned on providing the infrastructure required to structurally support and power appropriate vertical accessibility equipment that may be required in the future.

**8. Centerra Townhomes #258 - 18000 SW 107 Avenue, Miami 33157**

*MOTION*—The Commission voted unanimously, 24 – 0 in favor, to conditionally grant the waiver, on the condition that all doors openings requiring 29” be replaced with 32” nominal door openings.

**9. 1536 Jefferson Avenue #262 - 1536 Jefferson Avenue, Miami Beach 33139**

*MOTION*—The Commission voted unanimously, 22 – 0 in favor, to grant the waiver based on the historic nature of the building.

**10. Abbey Hotel #257 - 300 21 Street, Miami Beach 33139**

*MOTION*—The Commission voted unanimously, 22 – 0 in favor, to grant the waiver based on the historic nature of the building.

**11. Guest Floor Renovation #255 - 1131 Collins Avenue, Miami Beach 33139**

*MOTION*—The Commission voted unanimously, 23 – 0 in favor, to grant the waiver based on the historic nature of the building, and technical infeasibility.

## **IX. CONSIDERATION OF APPLICATIONS FOR PRODUCT AND ENTITY APPROVAL**

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

### *Commission Actions on the Consent Agendas for Approval:*

**MOTION**—The Commission voted unanimously, 20 - 0 in favor, to approve the consent agenda of product approval entities (34) as posted/presented.

**MOTION**—The Commission voted unanimously, 19 - 0 in favor, to approve the consent agenda of products (84) recommended for approval to the 2014 Code as posted/presented.

**MOTION**—The Commission voted unanimously, 19 - 0 in favor, to approve the consent agenda of products (29) recommended for approval to the 2017 Code as posted/presented.

### *Commission Actions Regarding Product Approval Applications With Comments—2014 Code:*

**MOTION**—The Commission voted unanimously, 20 - 0 in favor, to conditionally approve product FL 3915 R-23 based on the conditions requested by the applicant and recommended by DBPR staff.

**MOTION**—The Commission voted unanimously, 23 - 0 in favor, to conditionally approve product FL 18320 R-1 based on the conditions identified by public comment, accepted by the applicant, and recommended by DBPR staff.

**MOTION**—The Commission voted unanimously, 23 - 0 in favor, to conditionally approve product FL 21892 based on the conditions requested by the applicant and recommended by DBPR staff.

**MOTION**—The Commission voted unanimously, 20 - 0 in favor, to conditionally approve product FL 22227 R-1 based on the conditions requested by the applicant and recommended by DBPR staff.

**MOTION**—The Commission voted unanimously, 20 - 0 in favor, to approve product FL 22334.

**MOTION**—The Commission voted unanimously, 21 - 0 in favor, to approve product FL 22404.

**MOTION**—The Commission voted unanimously, 20 - 0 in favor, to conditionally approve product FL 22551 based on the conditions requested by the applicant and recommended by DBPR staff.

**MOTION**—The Commission voted unanimously, 20 - 0 in favor, to conditionally approve product FL 22560 based on the conditions requested by the applicant and recommended by DBPR staff.

### *Commission Actions Regarding Product Approval Applications With Comments—2017 Code:*

**MOTION**—The Commission voted unanimously, 19 - 0 in favor, to conditionally approve product FL 15551 R-3 based on the conditions requested by the applicant and recommended by DBPR staff.

**MOTION**—The Commission voted unanimously, 19 - 0 in favor, to approve product FL 16315 R-2.

### *Commission Actions Regarding DBPR Applications:*

There was no Commission action required regarding the August 2017 DBPR Applications.

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

*(See BCIS Website for Linked Committee Report)*

## **XI. CONSIDER APPLICATIONS FOR ACCREDITOR AND COURSE APPROVAL**

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

### ***Commission Actions:***

**MOTION**—The Commission voted unanimously, 20 – 0 in favor, to approve advanced accredited course numbers: 831.0, 830.0, 833.0, 832.0, and 836.0.

**MOTION**—The Commission voted unanimously, 20 – 0 in favor, to approve administratively self-affirmed course with one change number 646.1

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

## **XI. LEGAL REPORT—ANNUAL REGULATORY PLAN**

Justin Vogel reported that he was able to speak with the Department of Justice (DOJ) regarding the Commission’s pending application for certification of the Florida Accessibility Code for Building Construction (FACBC) and DOJ indicated that they could only provide verification that the application was received, and nothing regarding the status of the application. The Chair requested that Justin contact DOJ monthly regarding the status of certification of the FACBC.

Justin Vogel reported that the Annual Regulatory Plan is a list of the statutory provisions impacting the Commission’s duties or authorities, and indicating whether rulemaking is required in order to implement the provisions, and if so indicating whether a notice of development and/or notice of proposed rulemaking has been published, and the corresponding schedule.

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

### ***Commission Actions:***

**MOTION**—The Commission voted unanimously, 20 – 0 in favor, to approve the 2017-2018 Annual Regulatory Plan as presented, and to authorize publication of the Plan by DBPR.

*(Attachment 7—Annual Regulatory Plan)*

## **XII. CONSIDERATION OF PETITIONS FOR DECLARATORY STATEMENTS**

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

### **1. DS 2017-030 by Angelo Rivera of Faour Glass Technologies**

**Motion**—The Commission voted unanimously, 23 - 0 in favor, to approve the Product Approval POC’s and Structural TAC’s recommendation on the Petition (to approve staff’s analysis as amended by the Structural TAC and Product Approval POC for Q 1).

**2. DS 2017-033 by Tatiana Gust of Elite Consulting SWFL**

*Motion*—The Commission voted unanimously, 23 - 0 in favor, to approve the Plumbing TAC’s recommendation on the Petition (to approve the TAC’s recommendation on the Petition [to approve staff’s analysis as presented for Q 1 and Q2]).

**3. DS 2017-036 by Janice Littler Finseth of Structa Wire Corp.**

*Motion*—The Commission voted unanimously, 23 - 0 in favor, to approve the Product Approval POC’s recommendation on the Petition (to approve the POC’s recommendation on the Petition [to approve staff’s analysis as presented for Q 1]).

**4. DS 2017-045 by Andrew C. Ask of Andrew C. Ask, P.E., Consulting Engineer**

*Motion*—The Commission voted unanimously, 23 - 0 in favor, to approve the Energy TAC’s recommendation on the Petition (to approve the TAC’s recommendation on the Petition [to approve staff’s analysis as presented/posted for Q 1]).

**5. DS 2017-046 by Neil W. Hedrick of DALK Land LP**

*Motion*—The Commission voted unanimously, 24 - 0 in favor, to approve the Code Administration TAC’s recommendation on the Petition (to approve the TAC’s recommendation on the Petition [to approve staff’s analysis as presented for Q 1 – Q6]).

**XIII. BINDING INTERPRETATION #134 BRIEFING**

Mo Madani, DBPR Program Manager, briefed the Commission on Binding Interpretation #140 that was petitioned regarding a Monroe County BO’s interpretation pursuant to Chapter 1 - Scope and Administration Section 110.1, 105.4, 1804.4, and 1612.3. The issue involved a petition for a binding interpretation on the BO’s interpretation regarding various provisions of these sections. Mo noted that the Binding Interpretation Panel ruled that they were without jurisdiction to rule on the request as the Petitioner does not have standing under the provisions of Section 553.775(3)(c), F.S. The Panel dismissed the interpretation request with no action.

Binding Interpretation #141 was petitioned regarding a Monroe County BO’s interpretation pursuant to Chapter 16 - Structural Design Section 108.1, 108.2, 3103, 2224.2, 1616.1, and 2216.1. The issue involved a petition for a binding interpretation on the BO’s interpretation regarding various provisions of these sections. The Binding Interpretation Panel ruled that they were without jurisdiction to rule on the request as the Petitioner does not have standing under the provisions of Section 553.775(3)(c), F.S. The Panel dismissed the interpretation request with no action.

**XIV. RULE ADOPTION HEARING RULES 61G20-2.001 AND 61G20-2.002**

Chairman Browdy indicated that at the June 13, 2017 meeting the Commission voted unanimously to authorize the Department of Business and Professional Regulation to initiate rulemaking for Rules 61G20-2.001 (Commission Organization and Operations), and 61G20-2.002 (Statewide Amendments to the Florida Building Code) 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.

**RULE 61G20-2.001.** Chairman Browdy indicated that the rule development workshop regarding Rule 61G20-2.001, Commission Organization and Operations, was for the purpose of conducting a rule development workshop regarding implementing the provisions of HB 1021 regarding amending the 75% supermajority voting threshold requirement for TACs' when voting on amendments to the Florida Building Code. This will now require a two-thirds favorable vote instead of the current three-fourths threshold.

The Chair noted that the workshop provided an opportunity for public comment before the Commission continues with rulemaking on Rule 61G20-2.001, Commission Organization and Operations. DBPR staff provided an overview of the proposed changes to the Rule prior to public comment on the same.

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

***Commission Actions:***

**MOTION**—The Commission voted unanimously, 24 – 0 in favor, to implement the changes to Rule 61G20-2.001 as presented by staff, authorize staff to make editorial changes as needed, authorize the Department of Business and Professional Regulation to publish a Notice of Proposed Rule, and to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Chairman of the Florida Building Commission.

**RULE 61G20-2.002.** Chairman Browdy indicated that the rule development workshop regarding Rule 61G20-2.002, Statewide Amendments to the Florida Building Code, was for the purpose of conducting a rule development workshop regarding implementing the provisions of HB 1021 regarding some of the Commission's processes for developing the Florida Building Code. The revisions include providing a definition of "amendment", providing the purposes for which the Commission may amend the Florida Building Code, providing the process and requirements for submitting proposed amendments to the Florida Building Code, reflecting the two-thirds favorable voting threshold requirement for TACs' to recommend approval of proposed Code amendments, reflecting the favorable voting threshold requirement for the Commission to approve proposed Code amendments, providing the publication timelines for consideration of proposed amendments by TACs and the Commission, and the minimum timeline for when the Code can become effective after the Commission files the amended Code.

The Chair noted that the workshop provided an opportunity for public comment before the Commission continues with rulemaking on Rule 61G20-2.002, Statewide Amendments to the Florida Building Code. DBPR staff provided an overview of the proposed changes to the Rule prior to public comment on the same.

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

***Commission Actions:***

**MOTION**—The Commission voted unanimously, 24 – 0 in favor, to implement the changes to Rule 61G20-2.002 as drafted by staff with authorization for staff to make scoping revisions based on public and Commissioner comments; to leave the rule open and subject to comment for ten additional days prior to publishing the Notice of Proposed Rule; to authorize staff to make editorial and scoping changes as needed; to authorize the Department of Business and Professional Regulation to publish a Notice of

Proposed Rule; and, to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Chairman of the Florida Building Commission.

**DRAFT WORKPLAN FOR 7<sup>TH</sup> EDITION (2020) FLORIDA BUILDING CODE.** Chairman Browdy indicated that DBPR Staff has prepared a draft Workplan for the development of the 7<sup>th</sup> Edition (2020) Florida Building Code Update process. Mo Madani reviewed the Workplan with the Commission and answered questions.

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

***Commission Actions:***

**MOTION**—The Commission voted unanimously, 24 – 0 in favor, to approve the Draft Workplan for development of the 7<sup>th</sup> Edition (2020) Florida Building Code Update Process.

*(Attachment 6—2020 Code Update Workplan)*

**XV. APPROVAL OF ENERGY CODE COMPLIANCE SOFTWARE FOR 5<sup>TH</sup> EDITION (2014) FBC**

Chairman Browdy explained that at the June 19, 2015 meeting the Commission voted to approve Energy Code Compliance Software for the 5<sup>th</sup> Edition (2014) Florida Building Code, Energy Conservation, specifically EnergyGauge Summit 5.1 for demonstrating compliance with commercial building energy requirements and EnergyGauge USA 4.0.01 for demonstrating compliance with residential building energy requirements. At the August 18, 2015 meeting the Commission voted to approve REScheck for demonstrating compliance with residential building energy requirements. At the December 15, 2015 meeting the Commission voted to approve COMcheck for demonstrating compliance with commercial building energy requirements. In addition, at the February 10, 2016 meeting the Commission approved updates to approved Energy Code Compliance Software for the 5<sup>th</sup> Edition (2014) Florida Building Code, Energy Conservation, specifically EnergyGauge USA 5.0.03 for demonstrating compliance with residential building energy requirements, and EnergyGauge Summit 5.20 for demonstrating compliance with commercial building energy requirements. In addition, at the June 2016 meeting the Commission voted to approve updates to approved Energy Code Compliance Software for the 5<sup>th</sup> Edition (2014) Florida Building Code, Energy Conservation, specifically EnergyGauge USA 5.1 for demonstrating compliance with residential building energy requirements.

The Chair stated that the Commission is being asked to approve Energy Code Compliance Software for the 5<sup>th</sup> Edition (2014) Florida Building Code, Energy Conservation, specifically Right-Suite Universal 2017 (using Right-Energy Florida 2014) for demonstrating compliance with the residential building energy requirements for single-family houses.

The Energy TAC reviewed the Right-Suite Universal 2017 (using Right-Energy Florida 2014) for demonstrating compliance with residential building energy requirements for single-family houses, and recommended approval with conditions (pursuant to addressing DBPR staff's and FSEC's written comments) Commissioner Smith provided the Energy TAC's recommendation and Mo Madani provided any technical background needed and answered members' questions.

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

***Commission Actions:***

**MOTION**—The Commission voted unanimously, 23 – 0 in favor, to conditionally approve the Energy Code Compliance Software update for the 5<sup>th</sup> Edition (2014) Florida Building Code, Energy Conservation, specifically Right-Suite Universal 2017 (using Right-Energy Florida 2014) for demonstrating compliance with residential building energy requirements for single-family houses, subject to addressing DBPR staff's and FSEC's written comments pursuant to the Energy TAC's recommendation.

**XVI. SELECTION OF RESEARCH PROJECTS FOR FY 2017-18 FUNDING**

Chairman Browdy reported that the Commission has been funding hurricane resistance research based on legislatively approved spending authority since the formation of the Commission's Hurricane Research Advisory Committee in January of 2005. At the August 2013 meeting the Commission voted to expand the funding of research projects to topics beyond the scope of hurricane resistance research and to fund research into other Code related topical areas based on recommendations from the Commission's TACs and has done so since that time. For fiscal year 2017 - 2018 the TACs met during the Summer of 2017 to discuss research needs and developed recommendations for the Commission's consideration. Subsequently, the TAC chairs met on August 7, 2017 and developed recommendations for the Commission's consideration regarding the funding of proposed research projects.

Jeff Blair, Commission Facilitator, reported that at the Monday, August 7, 2017 meeting the TAC chairs considered and decided on whether the proposed projects met the three criteria for funding: 1.) definition of research and/or technical enrichment, 2.) urgency/immediacy, and needed for the 2020 FBC and/or legislative directive, and 3.) funding available (full or partial); and decided which met the requirements, and recommended them for approval by the Commission for funding based on the recommended priorities. The TAC Chairs' voted to recommend the Commission approve funding the research projects for fiscal year 2017 - 2018 as recommended by the TAC chairs on the basis that the proposed projects evaluated meet the three criteria for funding, and are approved for funding based on the funding levels recommended by the TAC chairs (\$398,983 total), and staff administering and overseeing the research, and negotiating scoping and contracting as appropriate.

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

***Commission Actions:***

**MOTION**—The Commission voted 20 – 3 in favor, to approve funding the research projects for fiscal year 2017 - 2018 as recommended by the Committee of TAC Chairs on the basis that the proposed projects evaluated meet the definition of “research” and/or “technical enrichment”, and are approved for funding based on the TAC chairs' recommendations, and staff administering and overseeing the research, and to charge staff with negotiating scoping and contracting as appropriate.

*(Attachment 8—Research Project Funding for FY 2017-18)*

## **XVII. COMMITTEE REPORTS AND RECOMMENDATIONS**

Chairman Browdy requested TAC and POC chairs to confine their reports to a brief summary of any key recommendations, emphasizing any issues requiring an action from the Commission. The Chair requested if the TAC/POC requires Commission action, to frame the needed action in the form of a proposed motion. This will ensure that the Commission understands exactly what the TAC/POC's are recommending, and the subsequent action requested of the Commission. Acceptance of a committee report does not approve any recommendations contained within the report, and specific recommendations must be considered by separate motions. Committee reports are linked to the following URL (linked to Commission's August 8, 2017 Agenda):

[http://www.floridabuilding.org/fbc/commission/fbc\\_0817/index.htm](http://www.floridabuilding.org/fbc/commission/fbc_0817/index.htm).

### **Accessibility TAC**

Commissioner Gross presented the TAC's report and recommendations.

#### ***Commission Action:***

**MOTION**—The Commission voted unanimously, 23 – 0 in favor, to accept the TAC's report as presented/posted (June 20, 2017).

*(See Agenda for Linked Committee Report)*

### **Code Administration TAC**

Commissioner Carlson presented the TAC's report and recommendations.

#### ***Commission Action:***

**MOTION**—The Commission voted unanimously, 23 – 0 in favor, to accept the TAC's report as presented/posted (July 31, 2017).

*(See Agenda for Linked Committee Report)*

### **Education POC**

Commissioner Flanagan presented the POC's report and recommendations.

#### ***Commission Action:***

**MOTION**—The Commission voted unanimously, 23 – 0 in favor, to accept the POC's report as presented/posted (July 21, 2017).

*(See Agenda for Linked Committee Report)*

### **Energy TAC**

Commissioner Smith presented the TAC's reports and recommendations.

#### ***Commission Action:***

**MOTION**—The Commission voted unanimously, 23 – 0 in favor, to accept the TAC's reports as presented/posted (June 20, 2017, June 28, 2017, and July 31, 2017).

*(See Agenda for Linked Committee Report)*



### **Mechanical TAC**

Commissioner Bassett presented the TAC's report and recommendations.

*Commission Action:*

**MOTION**—The Commission voted unanimously, 23 – 0 in favor, to accept the TAC's report as presented/posted (June 20, 2017).

*(See Agenda for Linked Committee Report)*

### **Plumbing TAC**

Commissioner Schilling presented the TAC's report.

*Commission Action:*

**MOTION**—The Commission voted unanimously, 23 – 0 in favor, to accept the TAC's report as presented/posted (July 20, 2017).

*(See Agenda for Linked Committee Report)*

### **Product Approval POC**

Commissioner Stone presented the Committee's report and recommendations.

*Commission Action:*

**MOTION**—The Commission voted unanimously, 23 – 0 in favor, to accept the POC's report as presented/posted (July 27, 2017).

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

### **Roofing TAC**

Commissioner Swope presented the TAC's report and recommendations.

*Commission Action:*

**MOTION**—The Commission voted unanimously, 23 – 0 in favor, to accept the TAC's report as presented/posted (June 26, 2017).

*(See Agenda for Linked Committee Report)*

### **Structural TAC**

Commissioner Schock presented the TAC's reports and recommendations.

*Commission Action:*

**MOTION**—The Commission voted unanimously, 23 – 0 in favor, to accept the TAC's reports as presented/posted (June 26, 2017 and July 27, 2017).

*(See Agenda for Linked Committee Report)*

### **TAC Chairpersons Report**

Chairman Browdy presented the TAC Chairs' report and recommendations.

*Commission Action:*

**MOTION**—The Commission voted unanimously, 23 – 0 in favor, to accept the TAC Chairs' report as presented/posted (August 7, 2017).

*(See Agenda for Linked Committee Report)*

## **OTHER COMMISSION ACTIONS**

There were no additional Commission actions taken during the August 8, 2017 meeting.

## **STAFF ASSIGNMENTS FROM JUNE 2017 MEETING**

Provide the Commission with the number of accessibility waiver applications for the fiscal year 2016-17 including the number of applications approved and denied.

## **XVIII. GENERAL PUBLIC COMMENT**

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

### *Public Comments:*

- Sara Yerkes, ICC: reported on the ICC schedule for publication of Code books for the 2017 FBC, indicating that they would be available in late August.
- Arlene Stuart, AZS Consulting: expressed concern that the provision in Section 553.990, F.S. allowing the use of an "approved third party" for conducting energy ratings was creating confusion and needed clarification.
- Mo Madani, DBPR: responded that the Statute and Rule provide clear guidance.
- Jim Schock, FBC: asked whether it would be possible for the Commission to approve third parties to ensure raters were qualified.
- Tom Campbell, DBPR: replied that unlike the Product Approval System, the Commission has no statutory authority to approve third party energy raters. Tom indicated that it would be reasonable for an interested party to submit a petition for a declaratory statement to seek clarification on the matter.
- Oscar Calleja, FBC: noted that he has been receiving calls with questions regarding the approved third party provision and that clarification would be useful.
- Dick Browdy, Chair FBC: stated that the reason that the approved third party provision was included was to ensure that there would be sufficient energy raters to comply with the blower door testing requirements that became effective on July 1, 2017.
- Drew Smith, FBC: noted that he has also been receiving calls with questions regarding the approved third party provision, and he agreed that clarification would be useful.
- Rob Vieira, FSEC: agreed that the issue needs clarification.
- Pete Quintela, Miami-Dade County: indicated that the qualifications for the certified building professionals who are authorized to perform energy ratings is clear; however, the "approved third party" raters have no similar state certification qualifications.
- Arlene Stuart, AZS Consulting: there is a definition of "approved third party" in other sub-codes such as the Plumbing Code but not in the Energy Code. The definition should be added to the Energy Code to provide the needed clarification.
- Larry Schneider, AIA: thanked the Commission for holding the August meeting in South Florida, and invited the Commission to hold meetings in the Region on a more frequent basis.
- Beverley Kennedy: indicated that asphalt is a hazardous material, especially at over 80 degrees, and that alternative and safer materials should be used instead.

## **XIX. COMMISSION MEMBER COMMENTS AND ISSUES**

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

### *Commission Member Comments:*

- Steve Bassett: reported that the BCIS needed to be updated in all locations to provide the dates and locations for upcoming Commission meetings.
- Tom Campbell, DBPR: indicated that staff would review and resolve the issue as needed.
- Kevin Flanagan: asked about the Lightning Task Force that is scheduled to meet on February 12, 2018.
- Tom Campbell, DBPR: reported that staff was working on forming the Task Force and would report to the Commission at the October 2017 meeting.
- Jeff Gross: noted that he would be speaking to Broward County building officials regarding changes between the 5<sup>th</sup> Edition (2014) Code and the 6<sup>th</sup> Edition (2017) Code, and that the BCIS has excellent resources on the changes.
- Don Brown: noted that he enjoyed the long drive from the Panhandle to the Deerfield Beach Commission meeting, and that he would like to invite the Commission to meet on the beautiful Gulf beaches of the Destin/Fort Walton Beach area.
- Jeff Stone: was provided time on the Agenda to discuss his article (reThink Wood “Designing for High Winds”) regarding using wood to design buildings for high winds. Jeff noted that he wanted to update the Commission in a public meeting and let them know about the article, and that he was looking for someone to translate the article into Spanish since he was presenting on the topic in Spanish speaking countries.

## **XX. NEXT COMMISSION MEETING OVERVIEW AND ISSUES**

The October 10, 2017 meeting in Tallahassee will focus on the Commission’s regular procedural and substantive issues, and rule development initiatives as needed.

*(Attachment 5—Commission Meeting Schedule)*

## **ADJOURNMENT**

The Chair thanked Commission members, staff and the public for their attendance and participation, and adjourned the meeting at 12:16 P.M. on Tuesday, August 8, 2017.

**ATTACHMENT 1**  
**FLORIDA BUILDING COMMISSION MEETING EVALUATION RESULTS**

**AUGUST 8, 2017—DEERFIELD BEACH, FLORIDA**

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

**Number of Respondents: 18 of 24 (75%) Commissioners present completed meeting evaluations.**

**1. OVERALL MEETING ASSESSMENT.**

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

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

- 9.8 Chair's Issues and Recommendations.
- 9.8 Executive Director Announcements and Discussions.
- 9.4 Applications for Accessibility Waiver Applications Approvals.
- 9.7 Applications for Products and Product Approval Entities Approvals.
- 9.7 Applications for Accreditor and Course Approvals.
- 9.5 Briefing and Decision Regarding Legal Report/Annual Regulatory Plan.
- 9.6 Legal Issues: Petitions for Declaratory Statements.
- 9.8 Briefing on Binding Interpretations #140 and #141.
- 9.8 Rule Development Workshops: Rules 61G20-2.001 and 61G20-2.002.
- 9.8 Approval of Energy Code Compliance Software for the 5<sup>th</sup> Edition (2014) FBC, Energy Code.
- 9.8 Selection of Research Projects for FY 2017-18 Funding.
- 9.7 TAC, POC, Committee, and Workgroup Reports and Recommendations.

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

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

**4. MEMBERS LEVEL OF SATISFACTION WITH THE MEETING.**

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

**5. HOW WELL THE NEXT STEPS WERE COMMUNICATED.**

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

**6. WHAT MEMBERS LIKED BEST ABOUT THE MEETING.**

- On time and schedule.
- Good Location.
- Location/Location!
- Audio video very good.
- Air conditioning in meeting room.

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

- Water at tables.
- Airconditioning throughout the rest of the hotel.
- Coffee in room.

**8. OTHER GENERAL COMMENTS.**

- Good job Jeff Blair.
- Venue is substandard, no very accommodating.

**COMMENTS ON SPECIFIC AGENDA ITEMS**

*None were offered.*

**PUBLIC-MEETING EVALUATION AND COMMENT RESULTS**

*None were offered.*

**ATTACHMENT 2**  
**KEY TO COMMON ACRONYMS**

ACRONYM	DEFINITION
ADA	Americans With Disabilities Act
ADAAG	ADA Accessibility Guidelines for Buildings and Facilities
BCSA	Florida Building Code System Assessment
BOAF	Building Officials Association of Florida
DACS or FDACS	Florida Department of Agriculture and Consumer Services
DBPR	Department of Business and Professional Regulations
DCA	Department of Community Affairs (Abolished 2011)
DEP or FDEP	Florida Department of Environmental Protection
DOH or FDOH	Florida Department of Health
DOJ	U.S. Department of Justice
EPA	U.S. Environmental Protection Agency
FACBC	Florida Accessibility Code for Building Construction
FAR	Florida Administrative Register (previously FAW)
FBC	Florida Building Code
FBC	Florida Building Commission
FECC	Florida Energy and Conservation Code
IBC	International Building Code
ICC	International Code Council
POC	Program Oversight Committee (Education and Product Approval)
SAD	ADA Standards for Accessibility Design
TAC	Technical Advisory Committee

## ATTACHMENT 3

### FLORIDA BUILDING COMMISSION HISTORY AND OVERVIEW

#### HISTORY

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

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

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

#### OVERVIEW

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

**CONSENSUS PROCESS.** The Florida Building Commission (FBC) seeks to develop consensus decisions on its recommendations and policy decisions. General consensus is a participatory process whereby, on matters of substance, the members strive for agreements which all of the members can accept, support, live with or agree not to oppose. In instances where, after vigorously exploring possible ways to enhance the members' support for the final decision on substantive decisions, and the Commission finds that 100 percent acceptance or support is not achievable, final decisions require at least 75 percent favorable vote of all members present and voting. This super majority decision rule underscores the importance of actively developing consensus throughout the process on substantive issues with the participation of all members and which all can live with and support.

The Commission's consensus process is conducted as an open public process with multiple opportunities for the public to provide input to the Commission on substantive issues. At each Commission meeting, the public is welcome to speak during the public comment period provided for each substantive issue under consideration, as well as general public comment periods provided at the end of each day's meeting. In addition to these opportunities for public input, most complex substantive issues before the Commission go through a consensus process where recommendations are developed by appointed representative stakeholder groups.

Since its formation in July of 1998, the Commission has demonstrated a commitment to working with affected interests to build consensus on complex issues. The adoption of the first edition of the Florida Building Code (2001 Edition), developed from September 1998 through January of 2001, involved 27 Commission meetings, dozens of facilitated public workshops and hundreds of TAC meetings. The Commission has consistently worked with all affected interests to build the best possible consensus-based decisions for the citizens of Florida. Through its committees and workgroups comprised of experts, the Commission has always developed its decisions based on the results of the best engineering and science available. Since 1999 the Commission has convened 64 special issue stakeholder workgroups to develop broad based consensus recommendations on issues of concern to stakeholders. Although the Code is by law a minimum building code, the Florida Building Code is the strongest consensus and science based building code in the country.



**ATTACHMENT 4**  
**AUGUST 8, 2017 MEETING AGENDA**

**FLORIDA BUILDING COMMISSION**  
**PLENARY SESSION**  
**AUGUST 8, 2017**  
**EMBASSY SUITES**  
**950 S. OCEAN DRIVE**  
**DEERFIELD BEACH, FLORIDA 33441**

***MEETING OBJECTIVES***

- To Approve Regular Procedural Topics (Agenda and Minutes).
- To Consider/Decide on Chair's Discussion Issues/Recommendations.
- To Consider/Decide on Executive Director Announcements and Discussions.
- To Consider/Decide on Accessibility Waiver Applications.
- To Consider/Decide on Approvals and Revocations of Products and Product Approval Entities.
- To Consider Applications for Accreditor and Course Approval.
- To Receive a Briefing Regarding Legal Report/Annual Regulatory Plan.
- To Consider/Decide on Petitions for Declaratory Statements.
- To Receive a Briefing on Binding Interpretations #140 and #141.
- To Conduct Rules Workshop on Rules 61G20-2.001 and 61G20-2.002.
- To Consider Approval of Energy Code Compliance Software for the 5<sup>th</sup> Edition (2014) Florida Building Code, Energy Conservation.
- To Evaluate and Select Research Projects for FY 17-18.
- To Receive/Decide on Reports and Recommendations from Committees.
- To Hear Public Comment.
- To Identify Needed Next Steps, Assignments, and Agenda Items For Next Meeting.

***Committee and Workgroup Meetings held in conjunction with the Plenary Session***

*Meetings are held by teleconference and webinar unless otherwise indicated*

June 20, 2017	10:00 a.m.	Energy Technical Advisory Committee concurrent with Mechanical Technical Advisory Committee
June 20, 2017	1:30 p.m.	Accessibility Technical Advisory Committee
June 26, 2017	10:00 a.m.	Roofing Technical Advisory Committee concurrent with Structural Technical Advisory Committee
June 28, 2017	10:00 a.m.	Energy Technical Advisory Committee
July 20, 2017	10:00 a.m.	Plumbing Technical Advisory Committee
July 21, 2017	10:00 a.m.	Education Program Oversight Committee
July 27, 2017	10:00 a.m.	Product Approval Program Oversight Committee concurrent with Structural Technical Advisory Committee
July 27, 2017	2:00 p.m.	Accessibility Advisory Council
July 31, 2017	2:00 p.m.	Code Administration Technical Advisory Committee
July 31, 2017	10:00 a.m.	Energy Technical Advisory Committee
August 7, 2017	1:00 p.m.	Technical Advisory Chairperson Meeting***

\*\*\*On site in conjunction with the Florida Building Commission Meeting

## MEETING AGENDA—AUGUST 8, 2017

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

8:30 a.m.	1.)	Welcome and Opening, Roll Call
	2.)	Review and Approval of Meeting Agenda
	3.)	Review and Approval of Previous Meeting Minutes and Facilitators Report: June 13, 2017, June 27, 2017
	4.)	Chair's Discussion Issues:  TAC Appointments  Updated Milestones
	5.)	Executive Director Announcements and Discussions:
	6.)	Accessibility Waiver Applications (Accessibility Advisory Council Report) <ol style="list-style-type: none"> <li>1. 1200 Ocean Drive Change of Use #210 - 1200 Ocean Drive Miami Beach 33139</li> <li>2. Pointe Parc Apartments #254 - 7524 Southside Blvd, Jacksonville 32256</li> <li>3. Seagull Hotel #260 - 100 21 Street, Miami Beach 33139</li> <li>4. Delta Zeta Sorority Alpha Sigma Chapter FSU House Renovation #246 - 749 West Jefferson Street, Tallahassee 32304</li> <li>5. Cabana Beach Club #178 - 619 Ponte Vedra Beach Boulevard, Ponte Vedra Beach 32082</li> <li>6. 1895 Historical Downtown Stuart Home #259 - 311 SW 3rd Street, Stuart 34994</li> <li>7. UPS Beacon Lakes #109 - no street address (Miami-Dade Folio No. 30-3935-000-0027), Miami 33182</li> <li>8. Centerra Townhomes #258 - 18000 SW 107 Avenue, Miami 33157</li> <li>9. 1536 Jefferson Avenue #262 - 1536 Jefferson Avenue, Miami Beach 33139</li> <li>10. Abbey Hotel #257 - 300 21 Street, Miami Beach 33139</li> <li>11. Guest Floor Renovation #255 - 1131 Collins Avenue, Miami Beach 33139</li> </ol>
	7.)	Applications for <u>Product</u> and <u>Entity</u> Approval
	8.)	Applications for Accreditor and Course Approval
	9.)	Legal Report  Annual Regulatory Plan
	10.)	Declaratory Statements <ol style="list-style-type: none"> <li>1. DS 2017-030 by Angelo Rivera of Faour Glass Technologies</li> <li>2. DS 2017-033 by Tatiana Gust of Elite Consulting SWFL</li> <li>3. DS 2017-036 by Janice Littler Finseth of Structa Wire Corp.</li> <li>4. DS 2017-045 by Andrew C. Ask of Andrew C. Ask, P.E., Consulting Engineer</li> <li>5. DS 2017-046 by Neil W. Hedrick of DALK Land LP</li> </ol>
	11.)	Binding Interpretation #140  Binding Interpretation #141
	12.)	Rules Workshop on Rules 61G20-2.001 and 61G20-2.002

	13.)	Consideration of Approval of Energy Code Compliance Software for the 5 <sup>th</sup> Edition (2014) Florida Building Code, Energy Conservation.
	14.)	Evaluation and Selection of Research Projects for FY 17-18
	15.)	Committee Reports:
		<ul style="list-style-type: none"> <li>a) Accessibility Technical Advisory Committee; June 20, 2017</li> <li>b) Code Administration Technical Advisory Committee; July 31, 2017</li> <li>c) Education Program Oversight Committee; July 21, 2017</li> <li>d) Energy Technical Advisory Committee; July 31, 2017</li> <li>e) Mechanical Technical Advisory Committee; June 20, 2017</li> <li>f) Plumbing Technical Advisory Committee ; July 20, 2017</li> <li>g) Product Approval Program Oversight Committee Report; July 27, 2017</li> <li>h) Roofing Technical Advisory Committee; June 26, 2017</li> <li>i) Structural Technical Advisory Committee; July 27, 2017</li> <li>j) Technical Advisory Chairperson; August 7, 2017</li> </ul>
	16.)	Public Comment
	17.)	Commissioner Comment Reevaluation of Wood Article (Commissioner Stone) PDF
	18.)	Adjourn

**ATTACHMENT 5**  
**COMMISSION’S UPDATED MEETING SCHEDULE AND CODE UPDATE WORKPLAN**

(UPDATED AUGUST 8, 2017)

**COMMISSION APPROVED MEETING SCHEDULE**

FY 2017-2018	LOCATION
August 7-8, 2017	Deerfield Beach (Embassy Suites)
October 10, 2017	Tallahassee (Doubletree)
December 12, 2017	Stuart (Marriott Resort Hutchison Island)
February 12 – 13, 2018	
April 9 – 10, 2018	
June 12, 2018	

**COMMISSION’S UPDATED 2017 CODE UPDATE WORKPLAN**

**6<sup>TH</sup> EDITION (2017) FBC CODE UPDATE DEVELOPMENT TASKS**  
**ADOPTED UNANIMOUSLY AUGUST 18, 2016**  
**REVISED JUNE 8, 2016, OCTOBER 13, 2016, AND APRIL 4, 2017**

**Hold Glitch Correction Phase after the Effective Date of the 6<sup>th</sup> Edition (2017) FBC, if needed - Rulemaking via Integrated Code**

12. 6 <sup>TH</sup> EDITION (2017) UPDATE TO THE FLORIDA BUILDING CODE	
TASK	SCHEDULE
<i>Primary Code Development Phase:</i>	
2014 NEC published and available to the public;	08/2013
2015 International Codes published and available to the public;	05/2014
Commission selects 2015 I Codes and 2014 NEC as foundation for 6 <sup>th</sup> Edition (2017) FBC ( <i>April 2015 Commission meeting</i> )	04/14/2015
Staff evaluates Florida amendments resulting from direction of the Legislature and Commission initiatives to propose for inclusion in the 6 <sup>th</sup> Edition (2017) FBC and publish “ <b>Preliminary Supplement</b> ”. Amendments are compiled in 2015 I – Codes format.	3/2015 – 6/2015
2015 I Codes plus the Preliminary Supplement – posted online	6/30/2015
Period for public to propose modifications to the 2015 I Codes and the <b>Preliminary Supplement</b>	7/1/2015 – 1/3/2016
Proposed amendments reviewed by staff and posted to the Commission website	1/13/2016
1 <sup>st</sup> 45 day comment period ends ( <i>By law -45 day min before TAC review</i> )	2/25/2016

Staff post on Commission website proposed code changes (Tracking Charts and Detail Reports)	3/21/2016
TACs consider proposed modifications including comments from the 1 <sup>st</sup> 45 day comment period and adopt recommendations TACs meetings - 4-day on-site meetings in conjunction with the April 2016 Commission meeting	4/1-15/2016
TACs recommendations posted to the website	<b>5/6/2016</b>
2 <sup>nd</sup> 45 day comment period ends ( <i>by law – 45 day min before Commission review</i> )	6/21/2016
Staff post on Commission website proposed code changes with comments (Tracking Chats and Details Reports)	6/30/2016
TACs consider public comments on their actions and prepare public comment for consideration by the Commission. <i>TACs meetings – 4-day meetings [2-day on-site (Gainesville) and 2 – day via conference/webinar]</i>	7/18-21/2016
Staff post on Commission website TACs consideration of public comments	8/1/2016
Commission considers TAC recommendations at <b>Rule development Workshops</b> - Commission – 2-day meeting	8/16-17/2016
Draft 6 <sup>th</sup> Edition (2017) FBC (Florida Supplement plus I Codes) posted online <b>Provide Supplements to ICC for integration into the 2015 I-Code</b>	9/19/2016
<b>Rule development Workshops</b>	<b>12/13/2016</b> <b>2/7/2017</b> <b>4/4/2017</b>
Integrated Draft 6 <sup>th</sup> Edition (2017) FBC – Posted online	4/21/2017
<b>Final Rule Hearing</b> on 6 <sup>th</sup> Edition (2017) FBC/Commission approves final version of Code 6 <sup>th</sup> Edition (2017) Florida Fire Prevention Code available in final format	<b>6/8/13/2017</b>
Rule Submitted to Secretary of State and Supplement/Integrated posted online – subject to addressing all JAPC's concerns	<b>TBD</b>
Printed Code available - subject to negotiation with ICC	<b>TBD</b>
2017FBC ( <b>6<sup>th</sup> edition</b> ) effective date (6 – months after publication)	<b>12/31/2017</b>
<b>Glitch Correction Phase: after effective date, if needed</b>	
Period to propose glitch modifications to draft 6 <sup>th</sup> Edition (2017) FBC	<b>TBD</b>
Post Tracking/Detail reports online	<b>TBD</b>
TACs consider proposed glitch modifications and develop public comment via conference call/Webinars	<b>TBD</b>
Commission considers proposed glitch mods and TAC comments (Rule Development Workshop) Commission – 2-day meeting	<b>TBD</b>
Draft Supplement to the 6 <sup>th</sup> Edition (2017) FBC posted online	<b>TBD</b>

<i>Final Rule Hearing</i> on adoption of the Supplement to the 6 <sup>th</sup> Edition (2017) FBC/Commission	<b>TBD</b>
Rule Submitted to Secretary of State and Supplement posted online – subject to addressing all JAPC’s concerns	<b>TBD</b>
Final supplement available for download	<b>TBD</b>
Supplement to 2017 FBC ( <b>6<sup>th</sup> edition</b> ) effective date	<b>TBD</b>
553.73(7)(e) A rule updating the Florida Building Code in accordance with this subsection shall take effect <u>no sooner than 6 months</u> after publication of the updated code. Any amendment to the Florida Building Code which is adopted upon a finding by the commission that the amendment is necessary to protect the public from immediate threat of harm takes effect immediately.	

**ATTACHMENT 6**  
**COMMISSION'S 2020 CODE UPDATE DEVELOPMENT WORKPLAN**

**7<sup>TH</sup> EDITION (2020) FBC CODE UPDATE DEVELOPMENT TASKS**

<b>7<sup>TH</sup> EDITION (2020) UPDATE TO THE FLORIDA BUILDING CODE—</b>	
<b>TASK</b>	<b>SCHEDULE</b>
<i>Primary Code Development Phase:</i>	
2017 NEC published and available to the public;	10/2016
2018 International Codes published and available to the public;	09/2017
Commission selects 2018 I Codes “model codes” and 2017 NEC to conduct its review	10/10/2017
Staff post complete listing of the code changes to the I Codes online	1/2/2018
TACs review the changes to the I Codes and make recommendations to the Commission regarding those changes that are needed to accommodate the specific needs of this state.	06/11-22/2018
Staff post TACs’ recommendations online for further public review	07/10/2018
Commission considers TACs’ recommendations regarding the latest changes to the model codes that are needed to accommodate the specific needs of this state	10/10/2018
Staff post Commission’s recommendations online	11/1/2018
Period for public to propose modifications to the 6 <sup>th</sup> Edition (2017) FBC and the Commission’s approved changes to the model codes needed to accommodate the specific needs of this state	11/2/2018 – 12/15/2018
Proposed amendments reviewed by staff and posted to the Commission website	1/2/2019
1 <sup>st</sup> 45 day comment period ends ( <i>By law -45 day min before TAC review</i> )	2/18/2019
Staff post on Commission website proposed code changes (Tracking Charts and Detail Reports)	3/1/2019
TACs consider proposed modifications (1 <sup>st</sup> 45 day comment period) <i>TACs meetings - 4-day on-site meetings in conjunction with the October Commission meeting</i>	3/18-21/2019
TACs recommendations posted to the website	4/12/2019
2 <sup>nd</sup> 45 day comment period ends ( <i>by law – 45 day min before Commission review</i> )	6/14/2019
Staff post on Commission website proposed code changes with comments (Tracking Chats and Details Reports)	6/21/2019
TACs consider public comments on their actions on the proposed mods <i>TACs meetings – 4-day meetings [2-day on-site (Gainesville) and 2 – day via conference/webinar]</i>	7/8-12/2019
Staff post on Commission website TACs consideration of public comments	7/22/2019
Commission considers TAC recommendations (2 <sup>nd</sup> 45 day comment period) <i>Commission – 2-day meeting</i>	8/12-13/2019
7 <sup>th</sup> Edition (2020) FBC (6 <sup>th</sup> Edition (2017) FBC, Florida Supplement and Commission’s approved I Codes) posted online	9/19/2019

<b>Provide Supplements to ICC for integration into the 6<sup>th</sup> Edition (2017) FBC</b>	
<b>Rule development Workshops</b>	February 4, 2020 April 7, 2020
Integrated Draft 7 <sup>th</sup> Edition (2020) FBC – Posted online	April 20, 2020
<i>Final Rule Hearing</i> on 7 <sup>th</sup> Edition (2020) FBC/Commission approves final version of Code 7 <sup>th</sup> Edition (2020) Florida Fire Prevention Code available in final format	June 8, 2020
Rule Submitted to Secretary of State and Supplement/Integrated posted online – subject to addressing all JAPC’s concerns	<b>TBD</b>
Printed Code available - subject to negotiation with ICC	<b>TBD</b>
2020FBC ( <b>7<sup>th</sup> edition</b> ) effective date (6 – months after publication)	<b>12/31/2020</b>
553.73(7)(e) A rule updating the Florida Building Code in accordance with this subsection shall take effect <u>no sooner than 6 months</u> after publication of the updated code. Any amendment to the Florida Building Code which is adopted upon a finding by the commission that the amendment is necessary to protect the public from immediate threat of harm takes effect immediately.	



**ATTACHMENT 7**  
**COMMISSION'S ANNUAL REGULATORY PLAN**

**Section 1—Laws Enacted or Amended within the previous 12 months which create or modify the duties or authority of the Department.**

Law	Mandatory rulemaking?	Is rulemaking necessary?	Notice of development published	Expected publication date of NPRM	If rulemaking necessary, explain
	Yes/No	Yes/No	Yes/No, If yes citation		
553.793	No	Yes	Yes; 12/27/16, Vol. 42/249	5/19/16, Vol. 43/98	N/A
s. 2, ch. 2017-97	Yes	Yes	Yes; 12/27/16, Vol. 42/249	5/19/16, Vol. 43/98	N/A
553.80	No	No	N/A	N/A	Deals with fees that local enforcement agencies may assess
553.73	No	Yes	Yes; 7/25/2017 Vol. 43/143	TBD	N/A
553.76	No	Yes	Yes; 7/25/2017 Vol. 43/143	TBD	N/A
553.9081	Yes	Yes	Yes; 12/27/16, Vol. 42/249	5/19/16, Vol. 43/98	N/A

**Section 2—Laws not listed above that the agency expects to implement by rulemaking by the following July 1.**

Law	Rulemaking intended to:	Simplify	Clarify	Increase efficiency	Improve coordination with other agencies	Reduce regulatory costs	Delete unnecessary or redundant rules
553.73	Triennial Update to the Florida Building Code	x	x	x	x	x	x

**Section 3—Updates to 2015-2016 Annual Regulatory Plan—2015-2016 Laws Enacted or Amended within the previous 12 months - NPRM Has Not Been Published.**

Law	Notice of Rule Development Citation	(If agency determined that rulemaking is unnecessary) Explanation of reason why the law may be implemented without rulemaking.

**Other updates to 2015-2016 Annual Regulatory Plan**

**ATTACHMENT 8**  
**RESEARCH PROJECT FUNDING FY 2017-18**

**COMMITTEE OF TAC CHAIRS RECOMMENDATIONS FOR COMMISSION ACTION**

The TAC chairs' voted to recommend the Commission approve funding the research projects for fiscal year 2017 - 2018 as recommended by the TAC chairs on the basis that the proposed projects evaluated meet the three criteria for funding: 1.) definition of research and/or technical enrichment, 2.) urgency/immediacy, and needed for the 2020 FBC and/or legislative directive, and 3.) funding available (full or partial), and should be approved for funding based on the funding levels recommended by the TAC chairs (\$398,983), and staff administering and overseeing the research, and negotiating contracting and scoping as appropriate.

<b>TAC CHAIRS RESEARCH PROJECT FUNDING RECOMMENDATIONS FOR FY 2017 - 2018</b>			
	<b>PROJECT</b>	<b>FUNDING</b>	<b>COMMENTS</b>
<b>1</b>	Fire TAC P1 (code impacts on insurance rates)	\$15,000	Needed for 2020 Code
<b>2</b>	Fire TAC P2 (code cost impacts)	\$79,960	Needed for 2020 Code
<b>3</b>	Fire TAC P2 (evaluation of cost impacts)	\$39,950	Needed for 2020 Code
<b>4</b>	Fire TAC P2 (comparison of energy code)	\$48,000	Needed for 2020 Code
<b>5</b>	Electrical TAC P3 (code impacts ISO)	\$20,000	Needed for 2020 Code
<b>6</b>	Energy TAC P1 (air leakage)	\$47,790	Partial funding -19%
<b>7</b>	Energy TAC P4 (dehumidifier location)	\$32,400	Partial funding -19%
<b>8</b>	Roofing TAC P1 (roofing diaphragms)	\$111,833	Partial funding -19% + P2 -19%
<b>9</b>	Accessibility TAC P2 (residential facilities)	\$4,050	Partial funding -19%
<b>TOTAL</b>		<b>\$398,983</b>	