



# FLORIDA BUILDING COMMISSION

"STRONGER CODES THROUGH SCIENCE AND CONSENSUS"



**FACILITATOR'S SUMMARY REPORT OF THE  
OCTOBER 8, 2018  
FLORIDA BUILDING COMMISSION MEETING  
SARASOTA, FLORIDA**

**PROCESS DESIGN, CONSENSUS-BUILDING AND FACILITATION BY**



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FLORIDA BUILDING COMMISSION

OCTOBER 8, 2018 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 ..... 4  
III. COMMISSION ATTENDANCE ..... 5  
IV. MEETING OBJECTIVES..... 5  
V. MINUTES APPROVAL..... 6  
VI. CHAIR’S DISCUSSION ISSUES AND RECOMMENDATIONS ..... 6  
VII. EXECUTIVE DIRECTOR ANNOUNCEMENTS AND RECOMMENDATIONS..... 7  
VIII. ACCESSIBILITY WAIVER APPLICATIONS ..... 7  
IX. PRODUCT AND ENTITY APPROVALS ..... 8  
X. ACCREDITOR AND COURSE APPROVALS ..... 9  
XI. LEGAL REPORT .....9  
XII. PETITIONS FOR DECLARATORY STATEMENTS ..... 10  
XIII. CODE COMPLIANCE SOFTWARE APPROVAL ..... 10  
XIV. COMMITTEE REPORTS AND RECOMMENDATIONS..... 11  
XV. GENERAL PUBLIC COMMENT ..... 12  
XVI. COMMISSION MEMBER COMMENTS AND ISSUES ..... 12  
XVII. TACS’ RECOMMENDATIONS REGARDING 2018 I-CODE CHANGES FBC DECISION ..... 12  
XVIII. NEXT MEETING OVERVIEW AND ISSUES ..... 16

<i>ATTACHMENTS</i> .....	17 - 25
1. MEETING EVALUATION RESULTS .....	17
2. KEY TO COMMON ACRONYMS.....	19
3. COMMISSION HISTORY AND OVERVIEW .....	20
4. COMMISSION MEETING AGENDA .....	22
5. CODE UPDATE WORKPLAN 2020 FBC .....	24

**FLORIDA BUILDING COMMISSION**  
**OCTOBER 8, 2018 FACILITATOR'S SUMMARY REPORT**



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

**MONDAY, OCTOBER 8, 2018**

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

At the October 8, 2018 meeting conducted in Sarasota the Commission considered and decided on Chair's issues and recommendations, Executive Director's announcements and discussions, product and entity approvals, applications for accreditator and course approvals, accessibility waivers, petitions for declaratory statements, and recommendations from the Commission's various committees. Specific actions included voting to: 1.) Conditionally approve Energy Code Compliance Software for the 6<sup>th</sup> Edition (2017) Florida Building Code, Energy Conservation, specifically Integrated Environmental Solutions', IESVE software for demonstrating compliance with commercial buildings energy requirements using the ASHRAE Energy Cost Budget Method. Conditioned on IES revising the software as follows: a.) The compliance report should be revised to provide for specific documentation of the proposed building design energy measures for the applicable building systems (building Envelope, Lighting, HVAC, Service Water Heating...etc.); b.) The compliance report should document compliance with the mandatory requirements of Section 11; Energy cost Budget Method of ASHRAE 90.1 – 13; and, c.) Baselines energy measures should be locked and users should not be allowed to edit them; and, 2.) Adopt the package of approved 2018 I-Code changes for inclusion into the 7<sup>th</sup> Edition, Florida Building Code (2020).

*(Attachment 1—Meeting Evaluation Results)*

### **II. CHAIRMAN'S WELCOME**

Chairman Carlson welcomed the Commission, DBPR staff and the public to Sarasota and the October 8, 2018 plenary session of the Florida Building Commission. The Chair noted that in addition to considering regular procedural issues including product and entity approvals, applications for accreditator and course approvals, accessibility waivers, petitions for declaratory statements, and recommendations from the Commission's various committees, the primary focus of the October meeting was to decide on the TACs' recommendations regarding proposed 2018 I-Codes changes for inclusion in the 7<sup>th</sup> Edition, Florida Building Code 2020.

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.

### **III. COMMISSION ATTENDANCE**

The following Commissioners attended the Monday, October 8, 2018 meeting in Sarasota:

Jay Carlson (Chair), Hamid Bahadori, Steve Bassett, James Batts, Bob Boyer, Don Brown, Kelly Smith Burk, Oscar Calleja, Dave Compton, Nan Dean, Kevin Flanagan, Shane Gerwig, David Gilson, Richard Goff, Robert Hamberger, Brian Langille, Brad Schiffer, Fred Schilling, Jim Schock, Jeff Stone, Brian Swope, and Don Whitehead.

(22 of the 25 currently seated Commissioners attended—88%).

*Absent Commissioners:*

Jeff Gross, Drew Smith, and Diana Worrall.

### **DBPR STAFF PRESENT**

Thomas Campbell, Jim Hammers, Chris Howell, Mo Madani, Marlita Peters, 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/>



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### **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, 21 - 0 in favor, to approve the agenda for the October 8, 2018 meeting as posted/presented. Following are the key agenda items approved for consideration:

- 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.
- To Consider/Decide on Petitions for Declaratory Statements.
- To Review and Provide Recommendation to the Commission on Possible Submittals for Approval of Energy Compliance Software for Compliance with the 6th Edition (2017) FBC, Energy Conservation.
- To Receive/Decide on Reports and Recommendations from Committees.
- To Hear Public Comment.
- To Consider TAC's Recommendations Regarding the Review of the 2018 I-Codes Changes for the 7<sup>th</sup> Edition (2020) Update to the Florida Building Code.
- To Review Needed Next Steps, Assignments, and Agenda Items for the Next Meeting—December 11, 2018 in Tampa, Florida.

*Amendments to the Posted Agenda:*

There were no amendments to the posted agenda.

*(Attachment 4—October 8, 2018 Commission Agenda)*

## **V. APPROVAL OF THE AUGUST 15, 2018 FACILITATOR'S SUMMARY REPORT AND MEETING MINUTES**

**MOTION**—The Commission voted unanimously, 21 - 0 in favor, to approve the August 15, 2018 Facilitator's Summary Report and Meeting Minutes as posted/presented.

*Amendments:* There was no amendment offered to the meeting minutes.

## **VI. CHAIR'S DISCUSSION ISSUES AND RECOMMENDATIONS**

### **Appointments**

#### **Residential Construction Cost Impact Workgroup**

The Chair appointed Brian Walsh of Highland Homes to serve on the Residential Construction Cost Impact Workgroup.

#### **Fenestration Water Resistant Workgroup**

The Chair appointed the following to the Fenestration Water Resistant Workgroup:

- Joe Belcher: (Home Builders), FHBA, [Fire TAC]
- Warner Chang: (Insurance Industry), IBHS, [Structural TAC]
- David Compton: (Engineers), Bracken Engineering, [Structural TAC]
- Jamie Gascon: (Local Gov.), Miami-Dade Regulatory & Economic Resources, [Structural TAC]
- Jeff Gross: (Building Owners), BOMA, [Accessibility TAC]
- Mike Guerasio: (Building Officials), Broward County BORA, [Administrative TAC]
- Gary Hartman: (Testing Labs), Intertek Building & Construction
- John Holt: (Fenestration Distributors), Solar-Tite Windows & Doors
- Dan Lavrich: (Engineers), Lavrich and Associates, [Structural TAC]

- Adam Locke: (High Rise Building Design), SEA Engineers
  - Anthony Miller: (Manufacturers), PGT
  - Jason Seals: (Manufacturers), AAMA
  - Jim Schock: (Building Officials), St. Augustine Building Services Division, [Chair Structural TAC]
- Steve Strawn: (Manufacturers), JELD-WEN Inc., [Structural TAC]

### **Accessibility Advisory Council Appointment**

The Chair noted that DBPR Secretary Jonathan Zachem appointed Allison Kline to replace Carol Stachurski on the Accessibility Advisory Council to serve as the representative for the Advocacy Center for Persons with Disabilities Inc.

### **Updated Commission Milestones**

The Chair reminded participants that the Updated Commission Milestones document is linked to the October 8, 2018 FBC Agenda on the BCIS.

## **VII. EXECUTIVE DIRECTOR ANNOUNCEMENTS AND DISCUSSIONS**

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

### **December 2018 Meeting Date and Location**

Tom reminded participants that the Commission's December 11, 2018 meeting would be at the Embassy Suites USF in Tampa.

### **February 2019 Meeting Date**

Tom reported that the Commission's February 12, 2019 meeting would be at a location to the February 12, 2019: Jacksonville.

### **TAC Meetings for Review of Submitted Code Modifications for the 2020 Update Process**

The Chair reported that the TACs will be meeting from March 18-22, 2019, at the Embassy Suites, Altamonte Springs.

## **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. 1233 Collins – Waiver 330 - 1233 Collins Ave, Miami Beach 33139**

**MOTION**—The Commission voted unanimously, 21 – 0 in favor, to defer the Waiver Application for vertical accessibility to the second floor in order to receive a site plan and additional photographs from the applicant.

**2. 8143 Harding Suite Hotel – Waiver 347 - 8143 Harding Ave, Miami Beach 33141**

*MOTION*—The Commission voted unanimously, 21 – 0 in favor, to grant the waiver for vertical accessibility to the second and third floors on the grounds of economic hardship.

**3. Mercury Buildings – Waiver 300 - 4843 Victor Street, Jacksonville 32207**

*MOTION*—The Commission voted unanimously, 21 – 0 in favor, to grant the waiver for vertical accessibility to the second floor on the grounds of economic hardship.

**4. Life House - Miami Beach – Waiver 326 - 321 Collins Avenue, Miami Beach 33139**

*MOTION*—The Commission voted, 20 – 1 in favor, to grant the waiver for vertical accessibility to the lobby and second floor on the grounds of the historical significance of the building.

**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, 21 - 0 in favor, to approve the consent agenda of product approval entities (10) as posted/presented.

*MOTION*—The Commission voted unanimously, 21 - 0 in favor, to approve the consent agenda of products (154) recommended for approval to the 2017 Code as amended\*.

\* Product FL 23358 R2 was pulled for individual consideration.

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

*MOTION*—The Commission voted unanimously, 21 – 0 in favor, to withdraw FL 23358 R2 as the request of the Applicant.

*MOTION*—The Commission voted unanimously, 21 – 0 in favor, to conditionally approve product FL 1592 R-8 based on the conditions identified by public comment and recommended by DBPR staff.

*MOTION*—The Commission voted unanimously, 21 – 0 in favor, to conditionally approve product FL 3859 R-2 based on the conditions requested by the applicant and recommended by DBPR staff.

*MOTION*—The Commission voted unanimously, 21 – 0 in favor, to conditionally approve product FL 11602 R-7 based on the conditions identified by public comment and recommended by DBPR staff.

*MOTION*—The Commission voted unanimously, 21 – 0 in favor, to conditionally approve product FL 12400 R-9 based on the conditions identified by public comment and recommended by DBPR staff.

*MOTION*—The Commission voted unanimously, 21 – 0 in favor, to approve product FL 12847 R-5.

*MOTION*—The Commission voted unanimously, 21 – 0 in favor, to approve product FL 13104 R-5.

*MOTION*—The Commission voted unanimously, 21 – 0 in favor, to approve product FL 14482 R-8.

*MOTION*—The Commission voted unanimously, 21 – 0 in favor, to conditionally approve product FL 14911 R-11 based on the conditions identified by public comment and recommended by DBPR staff.

*MOTION*—The Commission voted unanimously, 21 – 0 in favor, to conditionally approve product FL 14994 R-4 based on the conditions identified by public comment and recommended by DBPR staff.

*MOTION*—The Commission voted unanimously, 21 – 0 in favor, to conditionally approve product FL 14996 R-5 based on the conditions requested by the applicant and recommended by DBPR staff.



**MOTION**—The Commission voted unanimously, 21 – 0 in favor, to conditionally approve product FL 15905 R-8 based on the conditions identified by public comment and recommended by DBPR staff.

**MOTION**—The Commission voted unanimously, 21 – 0 in favor, to approve product FL 21852 R-2.

**MOTION**—The Commission voted unanimously, 21 – 0 in favor, to approve product FL 22527 R-3.

**MOTION**—The Commission voted unanimously, 21 – 0 in favor, to conditionally approve product FL 25610 R-2 based on the conditions requested by the applicant and recommended by DBPR staff.

**MOTION**—The Commission voted unanimously, 21 – 0 in favor, to approve product FL 27559.

**MOTION**—The Commission voted unanimously, 21 – 0 in favor, to approve product FL 27725.

**MOTION**—The Commission voted unanimously, 22 – 0 in favor, to approve product FL 27914.

**MOTION**—The Commission voted unanimously, 22 – 0 in favor, to approve product FL 27971.

### ***Commission Actions Regarding DBPR Applications:***

There was no Commission action required regarding the October 2018 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)*

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

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

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

**MOTION**—The Commission voted unanimously, 22 – 0 in favor, to approve advanced accredited course numbers: 916.0, 918.0, 921.0, and 919.0.

**MOTION**—The Commission voted unanimously, 22 – 0 in favor, to conditionally approve advanced accredited course: 920.0.

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

## **XI. LEGAL REPORT**

### **Rule Challenge Decision Appeal**

**Background.** In December of 2017 the Florida Association of American Institute of Architects, Inc. (FAAIA) filed a rule challenge to the Commission's adoption of Rule 61G20-2.002 (Statewide Amendments to the Florida Building Code) regarding the Code Update Process for development of the 7<sup>th</sup> Edition (2020) Florida Building Code. In February of 2018 the Division of Administrative Hearings' (DOAH) assigned Administrative Law Judge (ALJ) ruled that the challenged provisions of Rule 61G20-2.002(2) were a valid exercise of delegated authority as to the objections raised, and the Petition (Rule challenge) was dismissed. The FAAIA subsequently filed an appeal to the District Courts of Appeals (1<sup>st</sup> DCA).

At the August 2018 meeting Justin Vogel reported that FAAIA submitted their reply brief and a request for oral arguments on July 23, 2018.

At the October 8, 2018 meeting Justin reported that the Court has scheduled oral arguments for October 23, 2018 at 9:00 AM. Justin noted that he would provide updates on the status of the appeal as the process proceeds.

## **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 2018-066 by David Porter of David Porter Associates Architects, Inc.**

*Motion*—The Commission voted unanimously, 22 - 0 in favor, to approve the Energy TAC's recommendation on the Petition (to approve staff's analysis as presented/posted for Q1 and Q2).

## **XIII. ENERGY CODE COMPLIANCE SOFTWARE FOR THE 6<sup>TH</sup> EDITION (2017) FBC APPROVAL**

Chairman Carlson noted that periodically the Commission is requested to consider approval of Energy Code Compliance Software for specific editions of the Florida Building Code, Energy Conservation. The Chair indicated that the last submittal was at the June 12, 2018 meeting when the Commission voted to conditionally approve Energy Code Compliance Software for the 6<sup>th</sup> Edition (2017) Florida Building Code, Energy Conservation, specifically Right-Suite Universal 2018 using its Right-Energy 2017 module for demonstrating compliance with residential building energy requirements for new construction, single-family homes using the Energy Rating Index compliance method.

The Chair stated that at the October 2018 meeting the Commission was asked to approve Energy Code Compliance Software for the 6<sup>th</sup> Edition (2017) Florida Building Code, Energy Conservation, specifically Integrated Environmental Solutions', IESVE software for demonstrating compliance with commercial buildings energy requirements using the ASHRAE Energy Cost Budget Method.

Subsequently, Commissioner Calleja [for Drew Smith] provided the Energy TAC's recommendation and Mo Madani provided technical background as needed and answer members' questions.

Commissioner Calleja reported that the Energy TAC met on September 27, 2018 and reviewed Integrated Environmental Solutions', IESVE software for demonstrating compliance with commercial buildings energy requirements using the ASHRAE Energy Cost Budget Method, and recommended conditional approval. Conditioned on IES revising the software as follows: 1.) The compliance report should be revised to provide for specific documentation of the proposed building design energy measures for the applicable building systems (building Envelope, Lighting, HVAC, Service Water Heating...etc.); 2.) The compliance report should document compliance with the mandatory requirements of Section 11; Energy cost Budget Method of ASHRAE 90.1 – 13; and, 3.) Baselines energy measures should be locked and users should not be allowed to edit them.

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, 22 – 0 in favor, to conditionally approve Energy Code Compliance Software for the 6<sup>th</sup> Edition (2017) Florida Building Code, Energy Conservation, specifically Integrated Environmental Solutions’, IESVE software for demonstrating compliance with commercial buildings energy requirements using the ASHRAE Energy Cost Budget Method. Conditioned on IES revising the software as follows: 1.) The compliance report should be revised to provide for specific documentation of the proposed building design energy measures for the applicable building systems (building Envelope, Lighting, HVAC, Service Water Heating...etc.); 2.) The compliance report should document compliance with the mandatory requirements of Section 11; Energy cost Budget Method of ASHRAE 90.1 – 13; and, 3.) Baselines energy measures should be locked and users should not be allowed to edit them.

**XIV. COMMITTEE REPORTS AND RECOMMENDATIONS**

Chairman Carlson 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 October 8, 2018 Agenda):

[http://www.floridabuilding.org/fbc/commission/FBC\\_1018/index.htm](http://www.floridabuilding.org/fbc/commission/FBC_1018/index.htm).

**Education POC**

Commissioner Dean presented the POC’s report and recommendations.

***Commission Action:***

**MOTION**—The Commission voted unanimously, 22 – 0 in favor, to accept the POC’s report as presented/posted (September 25, 2018). *(See Agenda for Linked Committee Report)*

**Energy TAC**

Commissioner Calleja [for Drew Smith] presented the TAC’s report and recommendations.

***Commission Action:***

**MOTION**—The Commission voted unanimously, 22 – 0 in favor, to accept the TAC’s report as presented/posted (September 27, 2018). *(See Agenda for Linked Committee Report)*

**Product Approval POC**

Commissioner Stone presented the POC’s report and recommendations.

***Commission Action:***

**MOTION**—The Commission voted unanimously, 22 – 0 in favor, to accept the POC’s report as presented/posted (September 27, 2018).

*(See Agenda for Linked Committee Report)*

### **Chairperson Technical Advisory Committee**

Jeff Blair presented the Chairperson TAC's report and recommendations.

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

**MOTION**—The Commission voted unanimously, 22 – 0 in favor, to accept the report as presented/posted (August 14, 2018.

*(See Agenda for Linked Committee Report)*

### **OTHER COMMISSION ACTIONS**

There were no additional Commission actions taken during the October 8, 2018 meeting.

### **STAFF ASSIGNMENTS FROM THE OCTOBER 8, 2018 MEETING**

There were no staff assignments resulting from the October 8, 2018 Commission meeting.

### **XVI. 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 Carlson invited members of the public to address the Commission on any issues under the Commission's purview.

#### *Public Comments:*

- Arlene Stewart, AZS Consulting: noted that it was difficult to hear the Facilitator (Jeff Blair).
- Jeff Blair, FBC Facilitator: indicated that he would make an effort to speak louder and closer to the microphone.
- Sarah Yerkes, ICC: urged the Commission to adopt the 2018 I-Code changes when updating the Florida Building Code.

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

Chairman Carlson 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: noted that the Commission was now using the South Florida Building Code process for updating the Florida Building Code.
- Jim Schock: requested an excused absence, his first, for the December 11, 2018 Commission meeting.
- Brad Schiffer: noted that the 2018 I-Codes changes review process was complicated, and thanked staff for their excellent organization of the materials and the useful dashboard.
- Steve Bassett: asked about checking out early, and whether DBPR would pay for an early checkout date.
- Tom Campbell, FBC ED: stated that DBPR would pay for an early checkout since the meeting ended a day early.

- Kevin Flanagan: wished participants a safe trip home; and thanked staff for their efforts.

## **XVII. COMMISSION CONSIDERATION OF TACS' RECOMMENDATIONS REGARDING THE 2018 I-CODE CHANGES FOR THE 7<sup>TH</sup> EDITION, FLORIDA BUILDING CODE (2020)**

Chairman Carlson indicated that ten of the Commission's Technical Advisory Committees (TACs) met in June 2018 to review and make recommendations regarding whether the Commission should include specific 2018 I-Code amendments into the 7<sup>th</sup> Edition (2020) FBC. The TACs' recommendations were posted to the BCIS in July 2018. In addition, the Residential Construction Cost Impact Workgroup (RCCIWG) met on July 30, 2018 to provide comments to the Commission regarding the costs/impacts of the I-Code amendments the TACs recommended for approval relevant to the Residential Building Code (amendments identified as impactful). These comments have been incorporated into the TACs' matrices of recommendations for approval.

The Chair noted that the Commission adopted the Review Process for 2018 I-Code Changes and the Revised Scope of Work for the 2020 Code Update Process, 7<sup>th</sup> Edition Florida Building Code at the August 15, 2018 meeting. In addition, requests for amendments to be pulled for individual consideration ("Consent Agenda Recommended for Approval", or "Matrices of I-Code Changes With No Action") were required to be submitted to DBPR in writing by September 3, 2018. The Chair reported that there were many requests for amendments to be pulled for individual consideration, and the Commission would have to decide how they wish to respond regarding the requests in conformance with our adopted process.

The Chair strongly urged the Commission to keep the Florida Legislature's intent for this phase of the Code Update process front and center. The Chair stated that Commissioners making a motion to recommend inclusion of a specific 2018 I-Code change shall identify why the 2018 I-Code change is needed to accommodate the specific needs of this state (Florida) by identifying the relevant criteria used for the determination pursuant to Rule 61G20-2.002. It is critical that the Commission comply with the intent and requirements of Section 553.73 (7), F.S. and Rule 61G20-2.002. I would like the Commission to remember that stakeholders are welcome to propose amendments, including any of the 2018 I-Code changes, for consideration by the Commission during the 2020 Code Update process. Proposed Code modifications should be submitted during the November 2 – December 15, 2018 submittal window.

In addition, the Chair stated that the purpose of the current Phase of the Code development process was not to approve I-Code changes simply because your perspective is that the Commission should be keeping up with the I-Codes. The Legislature explicitly determined that the Florida Building Code is the base code going forward, and I-Code changes should be reviewed for whether they are needed to accommodate the specific needs of Florida, and not simply because maintaining conformity is important to some stakeholders. The Chair reminded the Commission that the next Phase of the Code update process would be starting in November, and as he mentioned I-Code changes can be proposed for consideration as a Code modification at that time. The Commission's Technical Advisory Committees, the relevant code technical experts, will meet March 18 – 21, 2019 to make recommendation on proposed Code modifications, and they will meet again July 8-12, 2019 to consider public comments prior to submitting their recommendations to the Commission. The full Workplan is linked to the October 8, 2018 agenda on the BCIS.

Jeff Blair subsequently reviewed the process adopted by the Commission for reviewing and deciding on 2018 I-Code changes recommended for inclusion into the 7<sup>th</sup> Edition, Florida Building Code (2020).

Jeff noted that the TACs' recommendations for approval of specific 2018 I-Code amendments were on "Consent Agendas Recommended for Approval" one per TAC consisting of multiple matrices containing amendments reflective of the topical Code areas within the TAC's purview. These recommendations are posted to the BCIS and labeled: Chart #1: "Tracking Charts with TAC Actions—Accommodate Florida Specific Need." The matrices of amendments recommended for approval relevant to each TAC will be considered by the Commission as a single consent agenda per TAC.

In addition, there are matrices for each TAC representing the 2018 I-Code changes that the TAC took no affirmative action on ("Matrices of I-Code Changes With No Action"). These matrices are posted to the BCIS and labeled: Chart #2: "Tracking Charts with TAC Actions—"No Action."

During the meeting Jeff noted that any Commissioner may pull any amendment off of a "Consent Agenda Recommended for Approval" or off of the "Matrices of I-Code Changes With No Action", for individual consideration based on public comment (submitted in writing or verbally). If another Commissioner objects, the full Commission would vote on whether to pull the subject amendment for individual consideration after the public and Commissioners have had an opportunity to offer their comments.

Following is the sequencing approved by the Commission and used during the review process:

The TACs' recommendations for approval regarding proposed 2018 I-Codes changes for inclusion in the 7<sup>th</sup> Edition (2020) FBC are arranged on a consent agenda by TAC. Each TAC Consent Agenda consists of multiple matrices by Code area. The Commission will consider TAC recommendations in the following sequence:

1. **"Consent Agenda Recommended for Approval":** Approval of consent agenda of TAC's recommendations regarding proposed amendments recommended for approval (Chart #1: "Tracking Charts with TAC Actions—Accommodate Florida Specific Need"). The Commission votes to approve the TAC's recommendations on the amendments, as posted or as amended incorporating the TAC's findings pursuant to Rule 61G20-2.002 and the RCCIWG's comments. Commissioners should pull-off any amendment(s) that would prevent them from voting to approve the consent agenda of matrices recommended for approval by TAC and as posted to the BCIS.
2. **Matrices of I-Code Changes Not Recommended for Approval:** There is no action required regarding Chart #2: "Tracking Charts with TAC Actions—"No Action". If a Commissioner wishes to consider any of the 2018 I-Codes amendments on the "Matrices of I-Code Changes With No Action" they should pull these amendment(s) for individual consideration. There will be no action taken on these matrices with the exception of any amendments pulled for individual consideration.
3. **Amendments Pulled for Individual Consideration:** Amendments pulled for individual consideration for the purpose of approval require a motion to approve and a second. The Commissioner making the motion to recommend inclusion of a specific 2018 I-Code change shall identify why the 2018 I-Code change is needed to accommodate the specific needs of this

state (Florida) by identifying the relevant criteria used for the determination pursuant to Rule 61G20-2.002 including the following:

- a. Establish minimum life safety construction requirements to protect buildings and their occupants from fire, wind, flood, and storm surge using the latest technical research and engineering standards for buildings and materials products.
- b. Provide for flood protection provisions that are consistent with the latest flood protection requirements of the National Flood Insurance Program.
- c. Maintain eligibility for federal funding and discounts from the National Flood Insurance Program, the Federal Emergency Management Agency, and the United States Department of Housing and Urban Development.
- d. Provide for energy efficiency standards for buildings that meet or exceed the national energy standards as mandated by Title III of the Energy Conservation and Protection Act.
- e. Maintain coordination with the Florida Fire Prevention Code.
- f. Provide for the latest industry standards and design.

Amendments pulled for individual consideration for the purpose of “no action” require no motion or affirmative action by the Commission unless the Commission decides to approve the amendment. Additionally, the comments provided by the Residential Construction Cost Impact Workgroup should be considered regarding amendments that are considered impactful by the Workgroup.

Following is the process used for public comment:

- Facilitator will introduce 2018 I-Code changes by “Consent Agendas Recommended for Approval” by TAC in turn (each consent agenda reflects multiple matrices with amendments within the TAC’s purview).
- The public will be invited to speak on any of the I-Code changes (“Consent Agenda Recommended for Approval” or “Matrices of I-Code Changes With No Action”) by TAC in turn as introduced by the Facilitator, with a 3-minute time limit. The commenter should address why they think the Commission should or should not recommend including the change into the 7<sup>th</sup> Edition (2020) FBC.
- A member of the public requesting individual consideration of an I-Codes change, either for or against, should address why the 2018 I-Code change is or is not needed to accommodate the specific needs of this state (Florida) by identifying the relevant criteria used for the determination pursuant to Rule 61G20-2.002 and provided in the previous section.
- If there is public comment requesting approval of an I-Code change not on a “Consent Agenda Recommended for Approval”: proponents in favor of including the I-Code change into the 7<sup>th</sup> Edition (2020) FBC will speak first.
- Opponents of including the I-Code change into the 7<sup>th</sup> Edition (2020) FBC will follow proponents.
- If there is public comment requesting denial of an I-Code change on a “Consent Agenda Recommended for Approval”: opponents of including the I-Code change into the 7<sup>th</sup> Edition (2020) FBC will speak first.
- Proponents of including the I-Code change into the 7<sup>th</sup> Edition (2020) FBC will follow opponents.
- There will be no rebuttal opportunities for this Phase.

The process was initiated and 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, 17 – 4 in favor [81%], to consider and decide on each of the TACs’ consent agenda packages of 2018 I-Codes changes recommended for approval (Chart #1: “Tracking Charts with TAC Actions—Accommodate Florida Specific Need”), and not to consider any requests for individual consideration of 2018 I-Codes changes on Tracking Chart #2 (Matrices of I-Code Changes With No Action).

***MOTION***—The Commission voted unanimously, 21 – 0 in favor, to adopt the package of approved 2018 I-Code changes for inclusion into the 7<sup>th</sup> Edition, Florida Building Code (2020).

**XVIII. NEXT COMMISSION MEETING OVERVIEW AND ISSUES**

The December 11, 2018 meeting in Tampa will focus on the Commission’s regular procedural and substantive issues, and any needed rule development initiatives.

*(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 4:19 P.M. on Monday, October 8, 2018.



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

**OCTOBER 8 - 9, 2018—SARASOTA, FLORIDA**

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

**Number of Respondents: 12 of 21 (57%) Commissioners present completed meeting evaluations.**

**1. OVERALL MEETING ASSESSMENT.**

- 9.4 The background information was very useful.
- 9.4 The agenda packet was very useful.
- 9.6 The objectives for the meeting were stated at the outset.
- 9.6 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.
- 9.8 Applications for Accessibility Waiver Applications Approvals.
- 9.8 Applications for Products and Product Approval Entities Approvals.
- 9.8 Applications for Accreditor and Course Approvals.
- 9.7 Legal Report Briefing.
- 9.7 Petitions for Declaratory Statements.
- 9.7 Energy Compliance Software for the 6th Edition (2017) FBC, Energy Conservation Approval.
- 9.5 2018 I-Codes Changes for the 7<sup>th</sup> Edition (2020) Update to the Florida Building Code Approval.
- 9.8 TAC, POC, Committee, and Workgroup Reports and Recommendations.

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

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

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

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

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

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

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

- That there was no second day.
- Meeting was shortened.
- Day early.
- Good location.

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

- Preparation was shortened.
- Better sound system. Hard to hear speakers.
- Totally confusing and a lot of time felt wasted on deciding what to do.
- Coffee.

**8. OTHER GENERAL COMMENTS.**

- Good job Jeff Blair.
- Too cold.

**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**  
**OCTOBER 8 - 9, 2018 MEETING AGENDA**

**FLORIDA BUILDING COMMISSION**  
**PLENARY SESSION**  
**OCTOBER 8 -9, 2018**  
**HYATT REGENCY**  
**1000 BOULEVARD OF THE ARTS**  
**SARASOTA, FLORIDA 32701**

***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.
- To Consider/Decide on Petitions for Declaratory Statements.
- To Review and Provide Recommendation to the Commission on Possible Submittals for Approval of Energy Compliance Software for Compliance with the 6th Edition (2017) FBC, Energy Conservation.
- 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.
- To Consider TAC's Recommendations Regarding the Review of the 2018 I-Codes Changes for the 7<sup>th</sup> Edition (2020) Update to the Florida Building Code.

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

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

<b>August 14, 2018</b>	<b>2:00 p.m.</b>	<b>Chairperson Technical Advisory Committee</b>
<b>September 24, 2018</b>	<b>2:00 p.m.</b>	<b>Accessibility Advisory Council</b>
<b>September 25, 2018</b>	<b>10:00 a.m.</b>	<b>Education Program Oversight Committee</b>
<b>September 27, 2018</b>	<b>10:00 a.m.</b>	<b>Product Approval Program Oversight Committee</b>
<b>September 27, 2018</b>	<b>2:00 p.m.</b>	<b>Energy Technical Advisory Committee</b>

***MEETING AGENDA—OCTOBER 8-9, 2018***

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

**October 8, 2018**

<b>8:30 a.m.</b>	<b>1.)</b>	<b>Welcome and Opening, Roll Call</b>
	<b>2.)</b>	<b>Review and Approval of Meeting Agenda</b>
	<b>3.)</b>	<b>Review and Approval of Previous Meeting Minutes and Facilitator Report for (August 15, 2018)</b>

4.)	Chair's Discussion Issues:
5.)	Executive Director Announcements and Discussions:  Future Meetings:
6.)	Accessibility Waiver Applications: (Accessibility Advisory Council Report) 1. 1233 Collins – Waiver 330 - 1233 Collins Ave, Miami Beach 33139 2. 8143 Harding Suite Hotel – Waiver 347 - 8143 Harding Ave, Miami Beach 33141 3. Mercury Buildings – Waiver 300 - 4843 Victor Street, Jacksonville 32207 4. Life House - Miami Beach – Waiver 326 - 321 Collins Avenue, Miami Beach 33139
7.)	Applications for Product (2014) (2017) and Entity Approval
8.)	Applications for Accreditor and Course Approval
9.)	Legal Report
10.)	Declaratory Statement: DS 2018-066 by David Porter of David Porter Associates Architects, Inc.
11.)	To review and provide recommendation to the Commission on possible submittals for approval of Energy compliance software for compliance with the 6th Edition (2017) FBC, Energy Conservation. <a href="#">Approval Letter IESVE Florida Submittal (.zip)</a> <a href="#">...Download trial software</a>
12.)	Committee Reports:
	a) Chairperson Technical Advisory Committee (August 14, 2018) b) Education Program Oversight Committee (September 25, 2018) c) Energy Technical Advisory Committee (September 27, 2018) d) Product Approval Program Oversight Committee (September 27, 2018) Facilitators Report and Minutes
13.)	Public Comment
14.)	Commissioner Comment
15.)	To Consider TAC's Recommendations Regarding the Review of the 2018 I-Codes Changes for the 7 <sup>th</sup> Edition (2020) Update to the Florida Building Code (will continue October 9, 2018, if necessary)
16.)	Adjourn

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

**(UPDATED OCTOBER 8, 2018)**

**COMMISSION APPROVED MEETING SCHEDULE**

DATE	LOCATION
August 14 -15, 2018	Coral Gables [August 15 Plenary] (Biltmore Hotel)
October 8 - 9, 2018	Sarasota (Embassy Suites)
December 11, 2018	Tampa (Embassy Suites USF)
February 12, 2019	Jacksonville (Hyatt Regency Downtown/Riverfront)
March 18-22, 2019	Altamonte Springs (Embassy Suites) TAC Meetings for submitted code modifications

**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	<b>1/2/2018</b>
Staff post on Commission website analysis of the 2018 I-Code change (Tracking Charts and code change monographs)	<b>5/1/2018</b>
TACs review the 2018 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. TACs meetings - 11-day on-site meetings – for more detail see <a href="#">TAC meeting schedule</a>	<b>06/7-22/2018</b>
Staff post TACs’ recommendations online for further public review	7/7/2018
<b>Residential Construction Cost Impact Workgroup (RCCIWG) review the TACs’ recommendations with regard to the 2018 changes to the International Residential Code (IRC) and provide comments to the Commission on impactful code changes. RCCIWG meeting – on-site meeting (Orlando Marriott Lake Mary)</b>	<b>7/30/2018</b>
<b>Deadline for requesting amendments (2018 I-Codes changes) to be pulled of the consent agenda for individual consideration</b>	<b>9/3/2018</b>
Commission considers TACs’ recommendations regarding the latest changes to the model codes that are needed to accommodate the specific needs of this state – <b>on site meeting (Embassy Suites - Sarasota)</b>	<b>10/8-9/2018</b>
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	11/2/2018 –



Commission's approved changes to the model codes needed to accommodate the specific needs of this state	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) TACs meetings - 4-day on-site meetings	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 TACs meetings – 4-day meetings [2-day on-site and 2 – day via conference/webinar]	7/8-12/2019
Staff post on Commission website TACs consideration of public comments	7/22/2019
Residential Construction Cost Impact Workgroup (RCCIWG) reviews the TACs' recommendations with regard to the proposed modifications to the Florida Residential Code (FRC) and provides comments to the Commission on impactful code changes.  RCCIWG meeting – on-site meeting (TBD)	<b>8/1/2019</b>
Commission considers TAC recommendations (2 <sup>nd</sup> 45 day comment period) Commission – 2-day meeting	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
<b>Final Rule Hearing</b> 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>
2020 FBC ( <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.	