

**FLORIDA BUILDING COMMISSION
TELECONFERENCE MEETING
November 13, 2014
2:00 PM**

COMMISSIONERS PRESENT:

Steven Bassett
James Batts
Bob Boyer
Oscar Calleja
Jay Carlson
David Compton
Nanette (Nan) Dean
Charles Frank
David Gilson
Jeffery Gross

Robert Hamberger
Beth Meyer
Darrell Phillips
Brad Schiffer
Frederick Schilling, Jr.
Jim Schock
Jeff Stone
Brian Swope
Tim Tolbert

COMMISSIONERS NOT PRESENT:

Dick Browdy, Chairman
Don Brown
Brian Langille

Hamid Bahadori
Kevin Flanagan
Drew Smith

OTHERS PRESENT:

Jim Richmond
Mo Madani
Robert Benbow
Chris Burgwald

April Hammonds
Marlita Peters
Jim Hammers
Dick Wilhelm

Welcome:

Jim Richmond opened the meeting at 2:02 PM, EST Thursday, November 13, 2014. Jim advised the Commission on the phone that Chairman Browdy had been involved in an auto accident was not injured, however would be delayed past the call awaiting law enforcement to arrive. He stated the meeting would continue as posted.

Role Call:

Jim Richmond called roll and a quorum was reached with 19 members on the call.

Approval of Agenda:

Mr. Richmond asked for motion to approve the agenda. Commissioner Boyer enter motion to approve agenda, Commissioner Schock seconded the motion, the motion passed unanimously.

Approve for Adoption Rule 61G20-1.001, Florida Administrative Code, Adopting the Florida Building Code, 5th Edition (2014):

Mr. Richmond advised that the sole item of business is restricted in scope as indicated on the agenda and the meeting notice. He stated that they were gathered to approve the building code for adoption and authorize us to move along into the rule adoption process.

Mr. Richmond stated that there needs to be a motion to approve the Florida Building code, 5th Edition (2014) as posted on the BCIS, the supplement plus the foundation code for adoption by reference within Rule 61G20-1.001; authorizing the Department to publish a Notice of Proposed Rule with regard to the same and establishing within that notice a hearing date and time to be conducted by communications media technology, specifically conference call and webinar as soon as practicable. He said in the last piece based on the timing we could not get a hearing noticed for the December Meeting, however, we would like to move forward with the rule adoption hearing with all deliberate speed to get the process closed out, so we will be working with our Rules attorney and April who is present today to set up a date for a call.

Commissioner Schock entered motion as specified by Jim Richmond. Commissioner Compton seconded the motion.

Mr. Richmond asked for Commissioners for comments or questions, there being none, he then asked for public comment.

Dwight Wilkes asked for the anticipated time the code would be effective.

Mr. Richmond advised per action from the last Commission Meeting June 30, 2015. He further advised that the trigger date for the six month waiting period is based on the date of publication of the code and that will not be determined until a rule hearing is held and we determine whether or not there will be any changes. Jim stated this is the first step to the path of completion of the code and it does keep us on track for that effective date.

Doug Buck with the Home Builders Association stated this is a related issue regarding training and has to do with advanced code work and contracts that some have with the department and the commission to offer training and the lead time to offer training. He stated on that process there needs to be clarification on the date.

Jim Richmond advised for purpose of this meeting; note the phrasing of the motion is approving the code for adoption which tracks some language that the Commission has taken final action to adopt a rule on education which will take effect November 19, 2014. He further stated going further with discussion could be taken off line after this meeting if needed and legal counsel would be available.

Inaudible speaker and content during this time.

Mr. Richmond advised that there is a lot of background conversation going on and asked everyone to mute their phones.

Approve for Adoption Rule 61G20-1.001, Florida Administrative Code, Adopting the Florida Building Code, 5th Edition (2014) (cont.):

Ellen Sakamoto with RedVector asked for clarification of the November 19, 2014 date.

Mr. Richmond advised that is the effective date of the Education Rule.

Ms. Sakamoto asked if they can start submitting continuing education on November 19th.

Mr. Richmond advised after November 19th.

Ms. Sakamoto then asked when the Commission anticipates publication dates and from publication, six months later the old rule to become invalid and the new rule to take effect.

Mr. Richmond advised no, the rule is adopted upon adoption and on filing with Department of State, and he advised she was mixing up several different things. He further explained the code to the extent there are no changes is already published, it is out on the website. Mr. Richmond stated he will not know for sure if there will be changes to the code until the Commission holds a rule adoption hearing and takes final action to move the code forward where we file with the Department of State.

April Hammonds, Esq. clarified the action of the call today is to approve for adoption moving forward with the Florida Building Code as it has been done so far. She further stated the Education Rule being discussed will be effective November 19, 2014 and the language contained within that Education Rule after today's proceedings should the Commission decide to approve for adoption, will allow people to submit courses on the new code on November 20, 2014.

Jim Richmond asked to close out this portion of the meeting. He asked if there were any questions regarding moving the code forward from the public or from the Commission.

Commissioner Calleja asked if the Fire Code was moved forward.

Commissioner Frank advised that the Fire Code was filed with the State on November 12, 2014 for adoption.

Commissioner Calleja asked if there needs to be a change in the code, is there a window to make those changes.

Jim Richmond stated that will be addressed at the rule adoption hearing. He said however, any changes could delay the code effective date.

Commissioner Schiffer asked what the new Fire Code title will be.

Commissioner Frank stated it will be Florida Fire Prevention Code Fifth Edition (2014).

Approve for Adoption Rule 61G20-1.001, Florida Administrative Code, Adopting the Florida Building Code, 5th Edition (2014):

Jim Richmond asked for any further discussion before the vote. There being none, he read the motion again for the Commission prior to the vote with Commissioner Schock entering the motion as read and Commissioner Compton seconding the motion. The motion passed unanimously.

Doug Buck stated there is one procedural question, the November 19, 2014 the rule is in place and is there a process you must go through. He asked for the date the accreditors must be done and then submitted to the Commission. He further asked when the Commission will be accepting for approval.

Mr. Richmond stated it will be at the February meeting.

April Hammonds further clarified stating that November 20, 2014 because the deadline will fall on the same day as the effective date. She further advised will be November 20th for the February meeting.

Mr. Buck said they will be looking at the February meeting for approval.

Mr. Richmond confirmed.

Mr. Buck suggested that there will be a dilemma in that those seeking contracts that go after the prior CILB on the same courses and because they are not tracked. He said the February date will require multiple steps when using State resources. He asked for ways to solve issues.

Mr. Richmond stated this will need to be discussed at a different meeting as this meeting was for adoption of rule.

Commissioner Schock asked about attending the informal interpretation conference call, is there restriction on participating by listening. He also asked also is they can make comments.

Mr. Richmond stated they should not be attendance as this is a binding interpretation and non-binding and the determining powers of that are with the group that was selected and approved by the Commission and he does not feel it is appropriate for Commissioners to listen in nor participate.

April stated that is correct as they are the appellant body.

Commissioner Schock stated it was published on the website and he appreciated the clarification.

Commissioner Gilson stated he has been reading the proposed code and asked if we rely on others for the input or if he would have input.

Approve for Adoption Rule 61G20-1.001, Florida Administrative Code, Adopting the Florida Building Code, 5th Edition (2014):

Jim asked if he had specific questions.

Commissioner Gilson said the changes are in red and he wanted to know if there is a certain point where there will be a glitch meeting and try to finesse some of the parts that are having issues.

Mr. Richmond stated no, the glitch cycle has already occurred more than a year ago. He further said that the Commission will have a rule adoption hearing which is a Chapter 120 process to finalize the adoption of the Code as a rule. Jim said conceivably under Chapter 120 we could pursue something called a notice of change and then we could change provisions within the code and could essentially re-write the code in full. He said however, if that is done it has to be re-published and the date the final product is published, the six month cycle begins again. Jim said therefore, if we make these changes after January 1 this would change the tentative June 2014 date.

Mr. Richmond asked for any further comments, he adjourned the meeting

ADJOURNMENT: 2:25 pm