



FLORIDA BUILDING COMMISSION

"STRONGER CODES THROUGH SCIENCE AND CONSENSUS"

Florida Department of
Business
Professional
Regulation

FACILITATOR'S SUMMARY REPORT OF THE OCTOBER 13, 2016 FLORIDA BUILDING COMMISSION MEETING GAINESVILLE, FLORIDA

PROCESS DESIGN, CONSENSUS-BUILDING AND FACILITATION BY



CONSENSUS CENTER

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FLORIDA BUILDING COMMISSION

OCTOBER 13, 2016 FACILITATOR’S MEETING SUMMARY REPORT

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FLORIDA BUILDING COMMISSION
OCTOBER 13, 2016 FACILITATOR'S SUMMARY REPORT



FLORIDA BUILDING COMMISSION

"STRONGER CODES THROUGH SCIENCE AND CONSENSUS"

OVERVIEW OF COMMISSION'S KEY ACTIONS AND DECISIONS

THURSDAY, OCTOBER 13, 2016

I. PLENARY SESSION SUMMARY AND OVERVIEW

At the October 13, 2016 meeting conducted in Gainesville the Commission considered and decided on Chair's issues and recommendations, product and entity approvals, applications for accreditor and course approvals, petitions for declaratory statements, accessibility waivers, recommendations from the Commission's various committees. Specific actions included voting unanimously: to approve the proposed rule text for revisions to Rule 61G20-1.001, Florida Building Code Adopted, in response to comments received from the Energy Rating Index Workgroup, DBPR staff, and the public; and, to authorize the Department of Business & Professional Regulation to publish a Notice of Change for Rule 61G20-1.001, and to proceed with the adoption of Rule 61G20-1.001; and, to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Chairman of the Florida Building Commission; to approve the amended Workplan for the 2017 Code Update Process—6th Edition Florida Building Code (2017); and, to amend the Commission's adopted package of recommendations of approved Code modifications for the Florida Building Code, 6th Edition (2017) to include the Commission's action on EN 6727 and EN 6933; to proceed with rule making; and, to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Chairman of the Florida Building Commission.

(Attachment 1—Meeting Evaluation Results)

II. CHAIRMAN'S WELCOME

Chairman Browdy welcomed the Commission, DBPR staff and the public to Gainesville and the October 13, 2016 plenary session of the Florida Building Commission. The Chair noted that the primary focus for the June meeting, in addition to considering regular procedural issues including product and entity approvals, applications for accreditor and course approvals, petitions for declaratory statements, accessibility waivers, and recommendations from the Commission's various committees, was for the

purpose of: conducting a supplemental rule adoption hearing for the Building Code Rule; to approve the updated Workplan for the 2017 Code Update Process; and, to decide on the deferred Energy Code modifications regarding the Energy Rating Index provisions for the 2017 Code Update.

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 Thursday, October 13, 2016 meeting:

Dick Browdy (Chair), Hamid Bahadori, Steve Bassett, Bob Boyer, Donald Brown, Kelly Smith Burk, Oscar Calleja, Jay Carlson, David Compton, Nan Dean, Kevin Flanagan, Charles Frank, Shane Gerwig, David Gilson, Richard Goff, Jeff Gross, Brian Langille, Darrell Phillips, Brad Schiffer, Frederick Schilling, Drew Smith, Jeff Stone, Brian Swope, and Diana Worrall.

(24 of 27 seated Commissioners attended).

Absent Commissioners:

James Batts, Robert Hamberger, and Jim Schock.

DBPR STAFF PRESENT

Thomas Campbell, Jim Hammers, April Hammonds, Chris Howell, Mo Madani, and Drew Winters.

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, 24 - 0 in favor, to approve the agenda for the October 13, 2016 meeting as posted/presented. Following are the key agenda items approved for consideration:

- To Consider Regular Procedural Issues: Agenda Approval and Approval of the August 16-17, 2016 Facilitator's Summary Report and Meeting Minutes, and the September 21, 2016 Teleconference Meeting Minutes.
- To Consider/Decide on Chair's Discussion Issues/Recommendations.
- 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 Consider/Decide on Legal Issues: Petitions for Declaratory Statements.
- To Hold a Supplemental Rule Hearing for Rule: 61G20-1.001, Florida Building Code, Adopted.
- To Approve Revised Workplan for Code Update Process for 6th Edition (2017), The Florida Building Code.
- To Consider Proposed Modifications (EN 6727 and 6933) to the 2015 International Codes for inclusion in the Florida Building Code, 6th Edition (2017).
- To Consider/Decide on Technical Advisory Committees (TACs): Accessibility, Code Administration, Energy, and Structural.
- To Consider/Decide on Program Oversight Committees (POCs): Education and Product Approval POC Reports/Recommendations.
- To Consider/Decide on Reports: Energy Rating Index Workgroup.
- To Receive Public Comment.
- To Discuss Commissioner Comments and Issues.
- To Review Committee Assignments and Issues for the Next Meeting—December 12-13, 2016 in St. Pete Beach, Florida.

Amendments to the Posted Agenda: There were no amendments offered.

(Attachment 4—October 13, 2016 Commission Agenda)

V. AUGUST 16 - 17, 2016 FACILITATOR'S SUMMARY REPORT AND MEETING MINUTES, AND SEPTEMBER 21, 2016 TELECONFERENCE FACILITATOR'S SUMMARY REPORT AND MEETING MINUTES

MOTION—The Commission voted unanimously, 24 - 0 in favor, to approve the August 16 - 17, 2016 Facilitator's Summary Report and Meeting Minutes, and the September 21, 2016 Teleconference Facilitator's Summary Report and Meeting Minutes as presented/posted.

Amendments: There were no amendments offered.

VI. CHAIR'S DISCUSSION ISSUES AND RECOMMENDATIONS

Appointments/Reappointments

Chairman Browdy reported that Diana Worrall was appointed to the Commission on September 23, 2016 to represent persons with disabilities. Diana was the original Commissioner appointed to represent persons with disabilities, and is from Naples, and was the former ADA director for Miami-Dade County. Diana is appointed for a term beginning September 23, 2016 and ending February 7, 2017. Chairman Browdy welcomed Diana back to the Commission, and noted that the Commission now has all 27 positions filled.

TAC Appointments

The Chair announced the following TAC appointments:

Accessibility TAC. Diana Worrall to the Accessibility TAC. Diana was appointed to fill the position vacated when Beth Meyer resigned from her position on the Commission. The Chair appreciated Diana for agreeing to serve as a member of the TAC.

Roofing TAC. Mark Zehnal to the Roofing TAC. Although Mark is currently on the Roofing TAC he was appointed at the request of FRSA. Mark has taken a position with IBHS, and at IBHS' request the Chair appointed Mark Zehnal to replace Remington Brown. The Chair appreciated Remington for his service on the TAC.

Resignation of Jim Richmond as FBC Executive Director

The Chair reported that Jim Richmond has resigned as Executive Director of the Florida Building Commission, and taken a position as a lawyer at the Department of Education's (DOE) Commission for Independent Education. Jim served as the Commission's legal advisor from 2002 – 2012 and as the Commission's Executive Director from 2012 – 2016. Jim's desire was to return to the practice of law. The Chair noted that the Commission will miss Jim, and appreciates his work with the Commission since 2002, and wishes him well in his new position with the Department of Education.

Appointment of New FBC Executive Director

Chairman Browdy informed the Commission that they have a new executive director to replace Jim Richmond. Thomas Campbell was hired from within DBPR and previously served as the Executive Director for the Board of Architecture and Interior Design and the Board of Pilot Commissioners. The Chairman welcomed Thomas as the Commission's new Executive Director.

Construction Industry Workforce Task Force

The Chair reported that the Construction Industry Workforce Task Force met for the second time in October and unfortunately he was unable to attend. The Chair indicated that it is his plan to attend the next meeting and will report to the Commission after that meeting occurs. The Chair noted that as he had reported previously the Task Force was established by the 2016 Florida Legislature (HB 535) to look at the existing critical shortage of training individuals and develop a consensus path for training the next generation of construction workers. The Task Force is required to report their recommendations to the Governor and Legislature by February 1, 2017. The Chair indicated that he would keep the Commission informed of the Task Force's progress.

Recognition for Commissioner Jay Carlson

The Chair reported that Commissioner Carlson, president of Carlson & Soforth in Punta Gorda, will be inducted by the Florida Home Builders Association into the Florida Housing Hall of Fame this November. This honor is for the dedication and improvements he has made to the building industry locally and throughout the state of Florida. The Chair expressed that the Commission is proud of Jay and congratulate him for this outstanding honor that he has earned as a result of his dedication to the advancement of the industry.

Commission's Consensus Building Process Overview

Chairman Browdy noted that the Commission's consensus building process is the cornerstone of the relationship between the Commission, its committees and stakeholders. It is the fundamental reason the Commission was able to develop, adopt and implement the first ever state-wide building code for Florida, the Florida Building Code. It remains a critical component of why we are able to achieve consensus on the maintenance and updating the Florida Building Code and the Florida Building Code System. The Chair requested for Jeff Blair to review the fundamentals of the Commission's consensus process as a reminder for long-term commissioners and for the benefit of our newer commissioners. Jeff Blair provided an overview of the process as well as a summary of key Commission accomplishments resulting from consensus decisions.

(Attachment 6—Commission Consensus Building Process Overview)

Commission's Updated Milestones

The Chair reminded Commissioners and participants that the updated Commission Milestones document is linked to the October Commission agenda on the BCIS.

Hurricane Investigation Triage Team Deployed per DBPR Contract with UF

The Chair indicated that the Department has an annual contract with UF to investigate storm damage in the event a Category III hurricane impacts Florida (Titled: Survey and Investigation of Buildings Damaged by Category III Hurricanes). The Chair noted that UF deployed their Building Codes Triage Team to investigate and collect buildings damage data from the impacts of Hurricane Matthew. The focus of the investigations is primarily for residential construction. The Chair invited Dr. David Prevatt to provide the Commission with an overview of the Triage Team's findings to date.

David provided a PowerPoint presentation that indicated the Florida Building Code performed very well. David noted that the preliminary assessment involved exterior visual inspections aided by the use of photographs and videos taken from aerial drones. David noted that the damage the UF team observed was primarily limited to shingle failure on the side of homes that received the highest winds, soffit damage, and some broken opening glass. David noted that the secondary water barriers on roofs appeared to perform well. David expressed that it would be useful to conduct additional research onsite with an opportunity to speak with homeowners and investigate the interiors of damaged homes. The Commission expressed support for UF conducting follow-up research from the impacts of Hurricane Matthew, and DBPR staff indicated they would work with UF on the contract as needed.

VII. CONSIDERATION OF ACCESSIBILITY WAIVER APPLICATIONS

April Hammonds, 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:

a. McHardy Renovation #134 - 432 MLK Blvd Stuart, 34994

MOTION—The Commission voted unanimously, 24 – 0 in favor, to deny the waiver request.

b. 22 Seminole #43 - 22 SE Seminole Street, Stuart 34994

MOTION—The Commission voted unanimously, 24 – 0 in favor, to grant the waiver based on the historical nature of the building. The waiver is limited to provisions of vertical accessibility.

c. 241 Miami, LLC #175 - 241 77th Street, Miami Beach 33139

MOTION—The Commission voted unanimously, 24 - 0 in favor, to defer action on the application for additional information requested by the Council.

d. Courtside Grille #177 - 110 Fountain Pkwy N, St. Petersburg 33716

MOTION—The Commission voted unanimously, 24 - 0 in favor, to defer action on the application for additional information requested by the Council.

e. Vero Millwork, Inc. #172 - 4900 42nd Place, Vero Beach 32967

MOTION—The Commission voted unanimously, 24 - 0 in favor, to grant the waiver to the extent that a waiver is necessary.

VIII. CONSIDERATION OF APPLICATIONS FOR PRODUCT AND ENTITY APPROVAL

Commissioner Stone presented the Product Approval Oversight Committee’s recommendations for entities and product approvals on consent agendas 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, 23 - 0 in favor, to approve the consent agenda of product approval entities as posted/presented.

MOTION—The Commission voted unanimously, 24 - 0 in favor, to approve the consent agenda of products recommended for approval to the 2014 Code as amended*.

* FL 20111 was pulled off the consent agenda for individual consideration.

Commission Actions Regarding Product Approval Applications With Comments:

MOTION—The Commission voted unanimously, 24 – 0 in favor, to approve FL 13280 R-6.

MOTION—The Commission voted unanimously, 24 – 0 in favor, to approve FL 13624 R-6.

MOTION—The Commission voted unanimously, 24 – 0 in favor, to conditionally approve FL 15493 R-2 based on the condition(s) recommended by the POC.

MOTION—The Commission voted unanimously, 24 – 0 in favor, to conditionally approve FL 15539 R-1 based on the condition(s) recommended by the POC.

MOTION—The Commission voted unanimously, 24 – 0 in favor, to conditionally approve FL 15560 R-7 based on the condition(s) recommended by the POC.

MOTION—The Commission voted unanimously, 24 – 0 in favor, to conditionally approve FL 16925 R-3 based on the condition(s) recommended by the POC.

MOTION—The Commission voted unanimously, 23 – 0 in favor, to conditionally approve FL 17112 R-2 based on the condition(s) recommended by the POC.

MOTION—The Commission voted unanimously, 23 – 0 in favor, to conditionally approve FL 17191 R-2 based on the condition(s) recommended by the POC.

MOTION—The Commission voted unanimously, 24 – 0 in favor, to approve FL 19665 R-1.

MOTION—The Commission voted unanimously, 24 – 0 in favor, to approve FL 19673 R-1.

MOTION—The Commission voted unanimously, 24 – 0 in favor, to approve FL 19683 R-1.

MOTION—The Commission voted unanimously, 24 – 0 in favor, to approve FL 19685 R-1.

MOTION—The Commission voted unanimously, 23 – 0 in favor, to conditionally approve FL 20867 based on the condition(s) recommended by the POC.

MOTION—The Commission voted unanimously, 23 – 0 in favor, to conditionally approve FL 20877 based on the condition(s) recommended by the POC.

MOTION—The Commission voted unanimously, 24 – 0 in favor, to conditionally approve FL 21041 based on the condition(s) recommended by the POC (Including the additional condition to correct sheet 14 of the installation instructions to revise the design pressure table to be consistent with the calculations).

MOTION—The Commission voted unanimously, 24 – 0 in favor, to conditionally approve FL 21051 based on the condition(s) recommended by the POC.

MOTION—The Commission voted unanimously, 24 – 0 in favor, to conditionally approve FL 21058 based on the condition(s) recommended by the POC.

MOTION—The Commission voted unanimously, 24 – 0 in favor, to conditionally approve FL 20111 based on the condition(s) recommended by the POC.

Commission Actions Regarding DBPR Applications:

There was no Commission action required regarding the October 2016 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)

IX. 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 courses numbers 803.0 and 806.0.

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

X. LEGAL REPORT

April Hammonds reported that Nick Duvall passed the Florida Bar and would continue working with her on Commission related legal matters at DBPR. April noted that after extensive efforts to reach DOJ regarding the Commission's application for certification of the Florida Accessibility Code for Building

Construction, DBPR finally received a response that no action would be taken until after the presidential election. April noted that Julien Croteau is appealing the Commission's decision regarding declaratory statement DS 2015-136 to the 4th District Court of Appeal, and she would keep the Commission informed going forward.

CONSIDERATION OF PETITIONS FOR DECLARATORY STATEMENTS

Petitions For Declaratory Statements

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

a. DS 2016-056 by Kathleen Ann Wilks

Motion—The Commission voted unanimously, 24 - 0 in favor, to approve the Accessibility TAC's recommendation on the Petition (to approve staff's analysis as amended by the Accessibility TAC as follows: Because the petition in question is requesting an answer based on past conduct/decision that the City of Pensacola already addressed, and lack of jurisdiction due to the fact that it is an ADA requirement, answering this petition for declaratory statement would be legally improper).

Commissioner Diana Worrall indicated that there are important concerns associated with the issues this declaratory statement addresses. Diana indicated there are inconsistencies between the Code and Statute that should be evaluated. Diana indicated that she would like the Commission to evaluate this issue, and requested that whatever is the most appropriate venue for the Commission to address the issue should be implemented. Commissioner Gross indicated that the Accessibility TAC would add this as an agenda item.

b. DS 2016-058 by Matt Spiak of Sprint Corporation

Motion—The Commission voted unanimously, 24 - 0 in favor, to approve the Structural TAC's recommendation on the Petition (to approve staff's analysis for Q1 as presented/posted; and for Q2 as revised by the TAC).

c. DS 2016-063 by Rune Lero of Innovative Construction Inspections, Inc.

Motion—The Commission voted unanimously, 24 - 0 in favor, to accept the applicant's request to withdraw the petition.

d. DS 2016-064 by Rune Lero of Innovative Construction Inspections, Inc.

Motion—The Commission voted unanimously, 24 - 0 in favor, to accept the applicant's request to withdraw the petition.

XI. SUPPLEMENTAL RULE HEARING, 61G20-1.001, F.A.C., FLORIDA BUILDING CODE, ADOPTED

Chairman Browdy indicated that the supplemental rule hearing regarding Rule 61G20-1.001, Florida Building Code, was to implement changes in the Florida Building Code, 5th Edition (2014) to include code language complying with ch. 553, F.S. within ch. 2016-129, s. 34 L.O.F. (HB 535) regarding onsite renewable power generation.

The Chair noted that the Commission would implement the statutorily required Code change to the Florida Building Code pursuant to the statutory criteria allowing adoption without Code development

processes, using Chapter 120 rulemaking procedures pursuant to Section 553.73 (8) Florida Building Code (e.) Changes to or inconsistencies with federal or state law.

Specifically the supplemental rule hearing was for the purpose of including the Energy Rating Index Workgroup's and Energy TAC's recommendations regarding code amendment language for Sections R406.2 and R406.4 regarding the Energy Rating Index (ERI) alternative path for demonstrating compliance with the energy provisions of the Florida Building Code, Energy Conservation. At the September 21, 2016 Teleconference meeting the Commission adopted the Energy Rating Index Workgroup's and Energy TAC's package of consensus recommendations, and voted to conduct a supplemental rule hearing on Rule 61G20-1.001 on October 13, 2016, regarding the inclusion of the recommended Code provisions into the Florida Building Code, 5th Edition (2014). The Energy TAC met on September 30, 2016 to provide comments on the proposed code modifications deferred for the ERI Workgroup's recommendations, and voted to implement the ERI Workgroup's recommendations as revised by DBPR staff's code language comment regarding Sections R406.2, and R406.4. The proposed code language for the FBC 5th Edition (2014) conforms to the same language proposed for the FBC 6th Edition (2017).

The process used during the supplemental rule hearing was as follows:

For the onsite renewable power generation provisions of Section 34 the TAC's recommendations were provided, DBPR staff's and public comments were taken, and subsequently action was taken by the Commission.

Following are the actions taken by the Commission:

HB 535

Section 34 [regarding onsite renewable power generation]: Provides in the Code provisions for an alternative means (ERI) of demonstrating compliance with the energy provisions of the FBC.

Commission Action: approved the Energy TAC's recommendations (24 - 0 in favor).

[*TAC Recommendation:* Approve code fix per Energy Rating Index Workgroup's recommendations as amended by staff comments provided during the Energy TAC meeting]

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

Commission Actions:

MOTION—The Commission voted unanimously, 24 – 0 in favor, to approve the proposed rule text for revisions to Rule 61G20-1.001, Florida Building Code, Adopted, in response to comments received from the Energy Rating Index Workgroup, DBPR staff, and the public; and, to authorize the Department of Business & Professional Regulation to publish a Notice of Change for Rule 61G20-1.001, and to proceed with the adoption of Rule 61G20-1.001; and, to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Chairman of the Florida Building Commission.

XII. APPROVAL OF CHANGES TO AMENDED WORKPLAN FOR THE CODE UPDATE PROCESS FOR THE 6TH EDITION FLORIDA BUILDING CODE (2017)

Chairman Browdy noted that the Workplan was revised to reflect a proposed change in the date for the rule development workshop for the Commission to consider the TACs' recommendations regarding

proposed Code modifications. Specifically, the Workplan was revised to reflect moving the rule development workshop on the 6th Edition Florida Building Code (2017) update process from December 13, 2016 to February 7, 2017. Mo Madani reviewed the changes with the Commission.

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

Commission Actions:

MOTION—The Commission voted unanimously, 24 – 0 in favor, to approve the amended Workplan for the 2017 Code Update Process—6th Edition Florida Building Code (2017).

(Attachment 5—Updated Code Development Workplan)

XIII. CONSIDERATION OF PROPOSED MODIFICATIONS (EN 6727 AND 6933) TO THE 2015 INTERNATIONAL CODES FOR INCLUSION IN THE FLORIDA BUILDING CODE, 6TH EDITION (2017)

Chairman Browdy reminded the Commission that proposed Code modifications to the Florida Building Code were reviewed by the Commission’s TACs in meetings conducted in April 2016. The TAC’s recommendations regarding proposed Code modifications were posted to the Commission’s website for a minimum of 45 days and the public was provided an opportunity to comment on the TACs recommendations during this time-frame (second 45-day review period). The TACs met in June 2016 to review the public comments, and provided TAC comments to the Commission regarding whether the submitted public comments address their concerns relative to their original recommendations on proposed Code modifications (TAC feedback on public comments to the Commission). At that time the Energy TAC voted to recommend that the Commission defer action on proposed Energy Code modifications EN 6727 and EN 6933.

At the August 16 – 17, 2016 meeting the Commission considered and adopted code modifications for the Florida Building Code, 6th Edition (2017), and in that process, at the recommendation of the Energy TAC, deferred action on two modifications proposed for the Energy Code, EN 6727 and EN 6933, pending a recommendation from the Energy Rating Index Workgroup.

The Energy TAC met on September 30, 2016 to provide comments on the two proposed code modifications deferred for the ERI Workgroup’s recommendations, and voted by their comment to implement the ERI Workgroup’s recommendations pursuant to staff’s code language comment regarding Sections R406.2, R406.3, R406.3.1 and R406.4.

The Chair noted that subsequent to the Commission’s adoption of the two remaining proposed Code modifications the Commission would conduct a rule development workshop on February 7, 2017, and conduct a rule adoption hearing on the final version of the Code on June 8, 2017. The TACs will review proposed Glitch amendments after the Code’s effective date of December 31, 2017, if needed.

The Commission then considered the TAC’s recommendations and comments on public comments regarding proposed modifications EN 6727 and EN 6933 for the Florida Building Code, 6th Edition (2017).

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

Commission Actions:

MOTION—The Commission voted unanimously, 24 – 0 in favor, to approve adding the findings (A–I)* to the motions made regarding EN 6727 and EN 6933.

MOTION—The Commission voted unanimously, 24 – 0 in favor, to approve proposed modification EN 6727 that received public comment, as recommended by the Energy Technical Advisory Committee (Approve as Amended), amended by the public comment provided during the supplemental rule hearing, and subsequently amended by the FBC, based on the findings (A – I)*.

MOTION—The Commission voted unanimously, 24 – 0 in favor, to approve proposed modification EN 6933 that received public comment, as recommended by the Energy Technical Advisory Committee (No Affirmative Recommendation for the modification), and amended by the FBC, based on the findings (A–I).

MOTION—The Commission voted unanimously, 24 – 0 in favor, to amend the Commission’s adopted package of recommendations of approved Code modifications for the Florida Building Code, 6th Edition (2017) to include the Commission’s action on EN 6727 and EN 6933; to proceed with rule making; and, to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Chairman of the Florida Building Commission.

* (*Attachment 7—Findings Required to Address for Amending the FBC*)

XIV. 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. Committee reports are linked to the following URL (linked to Commission’s October 13, 2016 Agenda):

http://www.floridabuilding.org/fbc/commission/FBC_1016/index.htm.

Accessibility TAC

Commissioner Gross presented the TAC’s report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 24 – 0 in favor, to accept the TAC’s report as presented/posted (October 4, 2016).

Commissioner Gross requested that the issues involved in DS 2016-056 be added to the next Accessibility TAC meeting agenda for discussion.

(*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, 24 – 0 in favor, to accept the TAC’s report as presented/posted (October 4, 2016).

(See Agenda for Linked Committee Report)

Education POC

Commissioner Dean presented the POC’s report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 24 – 0 in favor, to accept the POC’s report as presented/posted (September 30, 2016).

(See Agenda for Linked Committee Report)

Energy Rating Index Workgroup

Jeff Blair presented the Workgroup’s report.

Commission Action:

MOTION—The Commission voted unanimously, 24 – 0 in favor, to accept the Workgroup’s report as presented/posted (August 17, 2016).

(See Agenda for Linked Committee Report)

Energy TAC

Commissioner Smith presented the TAC’s reports and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 24 – 0 in favor, to accept the TAC’s reports as presented/posted (September 12, 2016 and September 30, 2016).

(See Agenda for Linked Committee Report)

Product Approval POC

Commissioner Stone presented the Committee’s report and any recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 24 – 0 in favor, to accept the POC’s report as presented/posted (October 3, 2016).

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

Structural TAC

Commissioner Compton presented the TAC’s report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 24 – 0 in favor, to accept the TAC’s report as presented/posted (October 4, 2016).

(See Agenda for Linked Committee Report)

OTHER COMMISSION ACTIONS

There were no additional Commission actions.

XV. 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:

- Amanda Hickman, LBA: requested clarification regarding the Commission's action on EN 6727.
- Jeff Blair, Facilitator: explained that the Commission approved the ERI Workgroup's and Energy TAC's recommendations including DBPR staff's comments as amended by public comment during the supplemental rule hearing to revise Section R406.2 to strike ~~this Code~~ and replace with the 2015 International Energy Conservation Code globally.
- Arlene Stuart, AZS Consulting: thanked the Commission for their work.
- Doug Buck, FHBA: indicated that FEMA has a program to assist homeowners with damage resulting from natural disasters such as hurricanes. Doug noted that FEMA is conducting investigations and should issue their findings soon. Doug noted that investigations to date indicate that the Florida Building Code performed very well during Hurricane Matthew. Doug suggested that perhaps DBPR can follow-up with FEMA on this.

XVI. COMMISSION MEMBER COMMENT 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:

- Bassett: indicated that providing the 2015 IECC as the backstop for compliance with the Energy Code when using the ERI path was not necessary to ensure energy saving products are used. Steve indicated that homeowners who are willing to pay for the cost of installing solar energy are committed to conserving energy and would still use quality windows and maximum insulation.
- Schiffer: requested that the revised Florida Building Code, 5th Edition (2014) that contains the amendments approved by the Commission should be available and easy to locate on the BCIS.
- Mo Madani: responded that he would ensure this is the case.
- Brown: noted the Commission's success with using the consensus process was an impressive accomplishment, and the Milestones demonstrate the scope of the Commission's many consensus decisions. He indicated that the State is not capturing the full benefits of the Code due to inconsistencies in enforcement, and this is an issue that should be evaluated. Commissioner Brown stated that from the UF investigations it appears the Code performed extremely well, and that the use of cameras and technology is beneficial, but can't replace having an onsite assessment or an onsite evaluation by a building official for building inspections. Stated that a close examination of any failures resulting from the impacts of Hurricane Matthew is needed and should be supported.
- Chairman Browdy: stated agreement with Commissioner Brown and feels that technology should be used where appropriate and beneficial, but at this point site visits are still needed and it is important to talk with homeowners when conducting damage assessments.

- Calleja: asked whether the Commission’s recommendations to the Legislature regarding the ERI addressed the issue of timeframes.
- Mo Madani, DBPR: responded that yes, the Commission’s ERI Report to the Legislature recommends: That there should not be a time stipulation for the recommended ERI Code modification providing for the use of onsite renewable power generation. The Workgroup agreed that since the Legislation appeared to stipulate a timeframe of between 3 – 6 years that the Commission should request the maximum time of 6 years, further request that the Legislature clarify their intent in this regard, and recommend to the Legislature that there should not be any statutory timeframes associated with this provision, and that the ERI provision should be treated according to the same procedures for review that govern all code provisions utilizing the Commission’s Code update cycle.
- Bassett: indicted that the Commission should take action to support UF conducting additional research onsite and with an opportunity to speak with homeowners and investigate the interiors of damaged homes.
- Drew Winters, DBPR: responded that DBPR is clear that the Commission supports UF conducting follow-up research from the impacts of Hurricane Matthew, and that DBPR staff would work with UF on the contract as needed.

XVII. NEXT COMMISSION MEETING OVERVIEW AND ISSUES

The December 12 - 13, 2016 meeting in St. Pete Beach will focus on the Commission’s regular procedural and substantive issues, any needed rule development initiatives, and updates on the Code development process. The Commission Plenary Session will be one day and conducted on December 13, 2016.

(Attachment 5—Commission Meeting Schedule)

STAFF ASSIGNMENTS FROM THE OCTOBER 13, 2016 MEETING

Negotiate with UF to conduct follow-up assessments of structural damage resulting from Hurricane Matthew. Specifically, interview homeowners and investigate any interior damage to residential structures.

ADJOURNMENT

The Chair thanked Commission members, staff and the public for their attendance and participation, and adjourned the meeting at 11:00 A.M. on Thursday, October 13, 2016.

ATTACHMENT 1
FLORIDA BUILDING COMMISSION MEETING EVALUATION RESULTS

OCTOBER 13, 2016—GAINESVILLE, FLORIDA

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

Number of Respondents: 21 of 24 Commissioners present completed meeting evaluations.

1. OVERALL MEETING ASSESSMENT.

- 9.8 The background information was very useful.
- 9.8 The agenda packet was very useful.
- 9.6 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.

- 9.9 Chair's Issues and Recommendations.
- 9.9 Applications for Accessibility Waiver Applications Approvals.
- 9.8 Applications for Products and Product Approval Entities Approvals.
- 9.8 Applications for Accreditor and Course Approvals.
- 9.8 Petitions for Requests for Declaratory Statements—Legal Report.
- 9.8 Supplemental Rule Hearing for Rule 61G20-1.001, Florida Building Code.
- 9.8 Florida Building Code 6th Edition (2017) Amended Workplan Approval.
- 9.8 Proposed Modifications (EN 6727 and 6933) to the 2015 International Codes for Inclusion in the Florida Building Code, 6th Edition (2017) approval.
- 9.8 TAC, POC, Committee, and/or Workgroup Reports and Recommendations.

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

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

4. MEMBERS LEVEL OF SATISFACTION WITH THE MEETING.

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

5. HOW WELL THE NEXT STEPS WERE COMMUNICATED.

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

6. WHAT MEMBERS LIKED BEST ABOUT THE MEETING.

- Enjoyed the UF presentation. Great to see the Code in use.
- Great job Jeff Blair.
- Discussions.
- Hurricane presentation.
- On time, good facility and location.

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

- More advanced notification of and access to meeting supporting documents.
- Have coffee available.

8. OTHER GENERAL COMMENTS.

None were offered.

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 59 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 13, 2016 MEETING AGENDA

FLORIDA BUILDING COMMISSION
PLENARY SESSION
OCTOBER 13, 2016

HILTON UNIVERSITY OF FLORIDA CONFERENCE CENTER
1714 SW 34TH STREET
GAINESVILLE, FLORIDA

MEETING OBJECTIVES

- To Approve Regular Procedural Topics (Agenda and Minutes)
- To Consider/Decide on Chair's Discussion Issues/Recommendations.
- To Consider/Decide on Accessibility Waiver Applications.
- To Consider/Decide on Approvals and Revocations of Products and Product Approval Entities.
- To Consider/Decide on Petitions for Declaratory Statement.
- To Consider Applications for Accreditor and Course Approval.
- To Hold a Supplemental Rule Hearing for Rule: 61G20-1.001.
- To Approve Revised Workplan for Code Update Process for the 6th Edition (2017), The Florida Building Code.
- To Consider proposed Modifications (EN 6727 and 6933) to the 2015 International Codes for inclusion in the Florida Building Code, 6th Edition (2017).
- 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.

Meetings are held by teleconference and webinar unless otherwise indicated

September 12	10:00 a.m.	Energy Technical Advisory Committee
September 30	10:00 a.m.	Energy Technical Advisory Committee
September 30	1:00 p.m.	Education Program Oversight Committee
October 3	10:00 a.m.	Product Approval Program Oversight Committee
October 3	2:00 p.m.	Accessibility Advisory Council
October 4	10:00 a.m.	Code Administration Technical Advisory Committee
October 4	1:00 p.m.	Accessibility Technical Advisory Committee
October 4	2:30 p.m.	Structural Technical Advisory Committee

MEETING AGENDA—OCTOBER 13, 2016

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

8:30	1.)	Welcome and Opening, Roll Call
	2.)	Review and Approval of Meeting Agenda
	3.)	Review and Approval of Previous Meeting Minutes and Facilitator's Summary

	Reports: <i>August 16-17, 2016, and September 21, 2016 Teleconference</i>
4.)	Chair's Discussion Issues: <i>Review of FBC Consensus Process</i>
5.)	Accessibility Waiver Applications
	<ol style="list-style-type: none"> 1. McHardy Renovation Waiver #134 Deferred- 432 MLK Blvd Stuart 34994 2. 22 Seminole Waver #43 - 22 SE Seminole Street, Stuart 34994 3. 241 MIAMI LLC Waiver # 175 - 241 77th Street, Miami Beach 33139 4. Courtside Grille Waiver # 177 - 110 Fountain Pkwy N, St. Petersburg 33716 5. Vero Millwork, Inc. Waiver # 172 - 4900 42nd Place, Vero Beach 32967
6.)	Applications for <i>Product</i> and <i>Entity</i> Approval
7.)	Applications for Accreditor and Course Approval
8.)	Petitions for Declaratory Statement <i>Legal Report</i>
	<ol style="list-style-type: none"> 1. DS 2016 – 056 by Kathleen Ann Wilks. 2. DS 2016-058 by Matt Spiak of Sprint Corporation 3. Declaratory Statement: DS2016-063 by Rune Leno of Innovative Construction Inspections, Inc. 4. Declaratory Statement: DS2016-064 by Rune Leno of Innovative Construction Inspections, Inc.
9.)	Supplemental Rule Hearing: Rule 61G20-1.001 Conduct Supplemental Rule Hearing: Rule 61G20-1.001, Florida Building Code Adopted (Inclusion of code language complying with ch. 2016-129, s. 34, Laws of Fla. into the Florida Building Code, Energy Conservation, 5th Edition (2014)) Staff Comments
10.)	Report/Updates on Code Process for 6 th Edition (2017), The Florida Building Code <i>work plan</i>
11.)	Consideration of proposed Modification (EN 6727 and 6933) to the 2015 International Codes for inclusion in the Florida Building Code, 6 th Edition (2017) Staff Comments Tracking Chart Detail Report Report
12.)	Committee Reports:
	<ol style="list-style-type: none"> a.) Accessibility TAC October 4, 2016 b.) Code Administration Technical Advisory Committee; October 4, 2016 c.) Education Program Oversight Committee; September 30, 2016 d.) Energy Rating Index Work Group; August 17 Summary Report Facilitators Report e.) Energy Technical Advisory Committee; September 12, 2016, September 30, 2016 f.) Product Approval Program Oversight Committee; October 3, 2016 g.) Structural Technical Advisory Committee; October 4, 2016
13.)	Public Comment
14.)	Commissioner Comment
15.)	<i>Adjourn</i>

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

(UPDATED OCTOBER 13, 2016)

COMMISSION MEETING SCHEDULE

FY 2016-2017	LOCATION
August 15-17, 2016	Fort Lauderdale (Embassy Suites)
October 13, 2016	Gainesville (Hilton)
December 12 - 13, 2016	St. Pete Beach (Trade Winds Island Resort)
February 7, 2017	TBD
April 4, 2017	TBD
June 13, 2017	TBD

COMMISSION’S UPDATED CODE UPDATE WORKPLAN

6TH EDITION (2017) FBC CODE UPDATE DEVELOPMENT TASKS
ADOPTED UNANIMOUSLY AUGUST 18, 2016
REVISED JUNE 8, 2016 AND OCTOBER 13, 2016

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

12. 6 TH 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 th 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 th Edition (2017) FBC and publish “ Preliminary Supplement ”. 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 Preliminary Supplement	7/1/2015 – 1/3/2016
Proposed amendments reviewed by staff and posted to the Commission website	1/13/2016
1 st 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 st 45 day	4/1-15/2016

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

ATTACHMENT 6

FBC CONSENSUS PROCESS

CONSENSUS DEFINITIONS

Consensus is a **Process, an Attitude and an Outcome**. Consensus processes have the potential of producing better quality, more informed and better-supported outcomes.

As a **PROCESS**, consensus is a problem solving approach in which all members:

- Jointly share, clarify and distinguish their concerns;
- Educate each other on substantive issues;
- Jointly develop alternatives to address concerns; and then
- Seek to adopt recommendations everyone can embrace or at least live with.

In a consensus process, members should be able to honestly say:

- I believe that other members understand my point of view;
- I believe I understand other members' points of view; and
- Whether or not I prefer this decision, I support it because it was arrived at openly and fairly and because it is the best solution we can achieve at this time.

Consensus as an **ATTITUDE** means that each member commits to work toward agreements that meet their own and other member needs and interests so that all can support the outcome.

Consensus as an **OUTCOME** means that agreement on decisions is reached by all members or by a significant majority of members after a process of active problem solving. In a consensus outcome, the level of enthusiasm for the agreement may not be the same among all members on any issue, but on balance all should be able to live with the overall package. Levels of consensus on the Commission or on a committee outcome can include a mix of:

- Members who strongly support the solution;
- Members who can "live with" the solution; and
- Some Members who do not support the solution but agree not to veto it.

COMMISSION CONSENSUS PROCESS OVERVIEW

- There have been over 175 Florida Building Commission meetings since inception. Consensus has been achieved on all substantive Building Code System issues over the course of the process to date.
- There have been 63 special issue Commission appointed workgroups that have met and developed consensus recommendations that were subsequently adopted by the Commission. The workgroups held a total of 195 meetings between them.
- There have been approximately 1000 TAC and POC meetings since inception. Consensus has been achieved on all substantive recommendations made to the Commission.

- The Florida Building Commission has a proven record of building consensus on complex issues where stakeholders have divergent interests.
- The Florida Building Code is the strongest consensus and science based building code in the country.
- The Florida Building Commission provides a forum for stakeholders representing different interests to participate in a consensus-building process where issues affecting the construction industry are discussed and evaluated on their technical merits and cost-benefits to the citizens of the State of Florida.
- The Florida Building Commission consensus process is neutrally facilitated to ensure fairness and objectivity for stakeholders and the Commission.

COMMISSION'S ADOPTED CONSENSUS PROCESS

[Adopted Unanimously May/June 1999; Revised Unanimously October 2008, April 2012, and August 2012]

The Florida Building Commission (FBC) will seek 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% acceptance or support is not achievable, final decisions will require at least 75% 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.

ATTACHMENT 7

FINDINGS REQUIRED BY STATUTE FOR AMENDING THE FLORIDA BUILDING CODE

- A. The modification is needed in order to accommodate the specific needs of this state; and
- B. The modification has a reasonable and substantial connection to the health, safety, and welfare of the general public; and
- C. The modification strengthens or improves the Florida Building Code, or in the case of innovation or new technology, will provide equivalent or better products or methods or systems of construction; and
- D. The modification does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities; and
- E. The modification does not degrade the effectiveness of the Florida Building Code; and
- F. The modification has the following fiscal impact:
 - 1. The fiscal impact of enforcement imposed upon local government is as indicated by the proponent.
 - 2. The fiscal impact of compliance imposed upon building and property owners is as indicated by the proponent.
 - 3. The fiscal impact of compliance imposed upon industry is as indicated by the proponent.
 - 4. The fiscal impact of compliance imposed upon small business is as indicated by the proponent (no impact or as specified by the proponent).
- G. The modification's benefits noted with regard to fiscal impact and efficacy outweigh the costs imposed.
- H. The modification does not diminish requirements related to wind resistance or prevention of water intrusion contained in the Code or its referenced standards and criteria.
- I. Florida specific amendments that expire with the updated code and are resubmitted as amendments to the updated Code have addressed whether:
 - 1. The provisions contained in the proposed amendment are addressed in the applicable international code.
 - 2. The amendment demonstrates by evidence or data that the geographical jurisdiction of Florida exhibits a need to strengthen the foundation code beyond the needs or regional variations addressed by the foundation code, and why the proposed amendment applies to this state.
 - 3. The proposed amendment was submitted or attempted to be included in the foundation codes to avoid resubmission to the Florida Building Code amendment process.