



# FLORIDA BUILDING COMMISSION

"STRONGER CODES THROUGH SCIENCE AND CONSENSUS"

Florida Department of  
Business  
Professional  
Regulation

## FACILITATOR'S SUMMARY REPORT OF THE DECEMBER 15, 2015 FLORIDA BUILDING COMMISSION MEETING GAINESVILLE, FLORIDA

PROCESS DESIGN, CONSENSUS-BUILDING AND FACILITATION BY



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FLORIDA BUILDING COMMISSION

DECEMBER 15, 2015 FACILITATOR’S MEETING SUMMARY REPORT

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FLORIDA BUILDING COMMISSION  
DECEMBER 15, 2015 FACILITATOR'S SUMMARY REPORT



# FLORIDA BUILDING COMMISSION

"STRONGER CODES THROUGH SCIENCE AND CONSENSUS"

## OVERVIEW OF COMMISSION'S KEY ACTIONS AND DECISIONS

### TUESDAY, DECEMBER 15, 2015

#### WELCOME AND INTRODUCTIONS

Chairman Browdy welcomed the Commission, DBPR staff and the public to Gainesville and the December 15, 2015 plenary session of the Florida Building Commission. The Chair noted that the primary focus for the October 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: considering the report titled: *Florida Accessibility Code for Building Construction Review and Recommendations*, and the report on the public meeting regarding the same; and to approve the schedule for the 2016 Legislative Session Commission teleconference meetings.

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.

## I. PLENARY SESSION SUMMARY AND OVERVIEW

At the December 15, 2015 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, and recommendations from the Commission's various committees. Specific actions included voting unanimously: to accept the report titled: *Florida Accessibility Code for Building Construction Review and Recommendations*, and the report on the public meeting regarding the same; to approve the schedule for the 2016 Legislative Session Commission teleconference meetings; to approve Energy Code Compliance Software for the 5<sup>th</sup> Edition (2014) Florida Building Code, Energy Conservation, specifically COMcheck for demonstrating compliance with commercial building energy requirements; and, to accept the October 14, 2015 Joint Report of the Swimming Pool TAC and Electrical TAC.

*(Attachment 1—Meeting Evaluation Results)*

## II. COMMISSION ATTENDANCE

The following Commissioners attended the Tuesday, December 15, 2015 meeting:

Dick Browdy (Chair), Hamid Bahadori, Steve Bassett, James Batts, Bob Boyer, Donald Brown, Oscar Calleja, Jay Carlson, David Compton, Nan Dean, Kevin Flanagan, Charles Frank, Richard Goff, Jeff Gross, Robert Hamberger, Brian Langille, Beth Meyer, Darrell Phillips, Brad Schiffer, Frederick Schilling, Jim Schock, Drew Smith, and Brian Swope.

(23 of 25 seated Commissioners attended).

*Absent Commissioners:*

Davis Gilson, and Jeff Stone.

### DBPR STAFF PRESENT

Chris Burgwald, Jim Hammers, Nick Duval, April Hammonds, Mo Madani, Marlita Peters, Jim Richmond, and Chip Sellers.

### 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>

### III. AGENDA REVIEW AND APPROVAL

The Commission voted unanimously, 23 - 0 in favor, to approve the agenda for the December 15, 2015 meeting as posted/presented. Following are the key agenda items approved for consideration:

- To Consider Regular Procedural Issues: Agenda Approval and Approval of the October 15, 2015 Facilitator's Summary Report and Meeting Minutes.
- To Consider/Decide on Chair's Discussion Issues/Recommendations.
- To Consider/Decide on Accessibility Waiver Applications.
- To Consider/Decide on Approvals & Revocations of Products & Product Approval Entities.
- To Consider Applications for Accreditor and Course Approval.
- To Consider/Decide on Legal Issues: Petitions for Declaratory Statements.
- To Consider a Report on Public Meeting of December 14, 2015 Regarding Florida Specific Accessibility Requirements.
- To Receive a Legislative Report and Approve Conference Call Schedule for 2016 Session.
- To Consider Approval of Energy Code Compliance Software for the 5th Edition (2014) Florida Building Code, Energy Conservation.
- To Receive/Approve Facilitator's Report of Joint Meeting of Swimming Pool Technical Advisory Committee and Electrical Technical Advisory Committee, October 14, 2015.
- To Consider/Decide on Technical Advisory Committees (TACs): Code Administration, Electrical, Energy, Fire, Mechanical, and Roofing TACs.
- To Consider/Decide on Program Oversight Committees (POCs): Education and Product Approval POC Reports/Recommendations.
- To Receive Public Comment.
- To Discuss Commissioner Comments and Issues.
- To Review Committee Assignments and Issues for the Next Meeting—February 7, 2016 in Jacksonville, Florida.

*Amendments to the Posted Agenda:*

None.

*(Attachment 4—December 15, 2015 Commission Agenda)*

### IV. OCTOBER 15, 2015 FACILITATOR'S SUMMARY REPORT AND MEETING MINUTES

**MOTION**—The Commission voted unanimously, 23 - 0 in favor, to approve the October 15, 2015 Facilitator's Summary Report and Meeting Minutes as presented/posted.

*Amendments:* There were no amendments offered.

## V. CHAIR'S DISCUSSION ISSUES AND RECOMMENDATIONS

**Appointments.** Chairman Browdy reported that he spoke with the Governor's appointment office and appointments are expected prior to the end of the year.

**Commission Meeting Report Acceptance and Request for Commission Action Procedures Review.** At the Chair's request Jeff Blair provided the Commission with an overview of the difference between the Commission's acceptance of committee reports and specific requests for Commission action. Jeff noted that the Commission procedures used since inception in 1998, contemplate that when a TAC/POC/Workgroup or other committee submits a report for Commission consideration, the Commission is requested to accept the report. The Commission's acceptance of the report does not provide approval or support for any recommendation for Commission action contained within the report. Any committee request for a Commission action or actions must be made by separate motion or motions, depending on how the requests for action(s) are framed. Jeff noted that it is important to frame any request for a Commission action separate from the acceptance of a report. As a reminder, at each Commission meeting prior to the "Committee Reports" agenda item Chairman Browdy instructs: "Please frame any needed Commission action in the form of a motion."

**Code Coordination and Implementation Workgroup Recommendations Implementation.** Chairman Browdy requested that Jim Richmond meet with DBPR legislative staff to determine the implementation status of the Commission's package of 15 consensus recommendations designed to enhance the efficacy of the Code development process. The Chair requested that DBPR monitor implementation and that Jim report back to the Commission at the February 2016 meeting.

## VI. 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. Tavern on Tennessee, 1717 West Tennessee Street, Tallahassee**

**MOTION**—The Commission voted unanimously, 23 - 0 in favor, to grant the waiver from vertical accessibility as unreasonable based on economic hardship.

#### **b. FloorMasters, Hwy 301, Wildwood**

**MOTION**—The Commission voted unanimously, 23 - 0 to approve an amendment to the Council's recommendation on the waiver request by adding: and to the extent a waiver is necessary.

**MOTION**—The Commission voted unanimously, 23 - 0 in favor, to grant the waiver from vertical accessibility to the extent a waiver is necessary, as unreasonable based on economic hardship.

#### **c. NYZ Apocalypse, 5250 International Drive, Orlando**

**MOTION**—The Commission voted unanimously, 23 - 0 in favor, to defer action on the waiver, and to refer the waiver back to the Accessibility Council in order to allow the applicant an opportunity to provide reasonable accommodation to the mezzanines.

**d. Fidelity National Financial Hangar, 14601 Whirlwind Avenue, Jacksonville**

*MOTION*—The Commission voted unanimously, 23 - 0 in favor, to grant the waiver from vertical accessibility as unreasonable based on economic hardship.

**e. Around the Clock Fitness, 935 North Beneva Road, Suite 501, Sarasota**

*MOTION*—The Commission voted unanimously, 23 - 0 in favor, to grant the waiver from vertical accessibility to the extent necessary, as the lift satisfies the vertical accessibility requirements.

**f. The Mimosa Hotel Addition, 6525 Collins Avenue, Miami Beach**

*MOTION*—The Commission voted unanimously, 23 - 0 in favor, to grant the waiver from vertical accessibility based on the historic nature of the building.

**g. Sanibel Historical Museum and Village (Shore Haven Home), 950 Dunlop Road, Sanibel**

*MOTION*—The Commission voted unanimously, 23 - 0 in favor, to grant the waiver from vertical accessibility as unreasonable based on economic hardship, and the historic nature of the building.

**h. SJM By the Sea, LLC., 256 Commercial Boulevard, Lauderdale by the Sea**

*MOTION*—The Commission voted unanimously, 23 - 0 in favor, to defer action on the waiver in order to get more information on the cost of vertical accessibility, number of occupants, and participation from applicant.

**VII. CONSIDERATION OF APPLICATIONS FOR PRODUCT AND ENTITY APPROVAL**

Commissioner Compton 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, 23 - 0 in favor, to approve the consent agenda of products recommended for approval to the 2014 Code as revised, removing FL 19181 from the consent agenda for individual consideration.

*Commission Actions Regarding Product Approval Applications With Comments:*

*MOTION*—The Commission voted unanimously, 23 - 0 in favor, to conditionally approve product FL 19181 based on the condition requested by the applicant, to revise the product name and to ensure all documentation reflects the product name change condition(s) recommended by the POC.

*MOTION*—The Commission voted unanimously, 23 - 0 in favor, to conditionally approve product FL 15270 R-1 based on the condition(s) recommended by the POC.

*MOTION*—The Commission voted unanimously, 23 - 0 in favor, to conditionally approve product FL 19024 based on the condition(s) recommended by the POC.

*MOTION*—The Commission voted unanimously, 23 - 0 in favor, to conditionally approve product FL 3557 R-5 based on the condition(s) recommended by the POC, including the additional condition that the application also be revised to meet the condition required for approval as listed by staff in the product approval application report.



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

There was no Commission action required regarding the December 2015 DBPR Applications. The complete results of Commission decisions regarding applications for product and entity approval are available on the BCIS.

*(See BCIS Website for Linked Committee Report)*

## **VIII. 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, 23 – 0 in favor, to approve the amended consent agenda for approval of advanced accredited courses #: 753.0, 760.0, 761.0, 755.0, and 744.0. Course #766.0 was removed from the consent agenda for individual consideration.

**MOTION**—The Commission voted unanimously, 22\* – 0 in favor, to approve advanced accredited course #: 766.0.

*\*Commissioner Bassett abstained from the vote due to a potential conflict of interest.*

**MOTION**—The Commission voted unanimously, 23 – 0 in favor, to conditionally approve advanced accredited course #: 758.0.

**MOTION**—The Commission voted unanimously, 23 – 0 in favor, to conditionally approve advanced accredited course #: 759.0.

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

## **IX. LEGAL REPORT**

April Hammonds indicated that there were no legal issues to report.

## **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 2015-109 by Robin Davies of Bracken Engineering**

**Motion**—The Commission voted unanimously, 22\* - 0 in favor, to answer the question as follows: Yes, section 708 applies because there is a conflict in the Code and section 708 is more specific to reroofing/repair pursuant to section 102.1. Note the Commission did not vote in favor of the TAC's recommendation on the Petition.

*\*Commissioner Compton abstained from voting due to a potential conflict of interest.*

**b. DS 2015-113 by David Galassi of Marion County Building Safety Department**

*Motion*—The Commission voted unanimously, 23 - 0 in favor, to approve the Building Fire TAC’s recommendations on the Petition (to approve staff’s analysis/recommendation).

**c. DS2015-125 by Gary R. Beaumont of Beaumont Electric Co.**

*Motion*—The Commission voted unanimously, 23 - 0 in favor, to approve the Electrical TAC’s and the Energy TAC’s recommendations on the Petition (to approve staff’s analysis/recommendation).

**d. DS2015-134 by Joseph Hetzel of Door & Access Systems Manufacturers Association**

*Motion*—The Commission voted unanimously, 21 - 0 in favor, to approve the Code Administration TAC’s and the Energy TAC’s recommendations on the Petition (to approve staff’s analysis/recommendation).

**e. DS 2015-135 by Robin Davies of Bracken Engineering**

*Motion*—The Commission voted unanimously, 21\* - 0 in favor, to answer the question as follows: Yes, section 708 applies because there is a conflict in the Code and section 708 is more specific to reroofing/repair pursuant to section 102.1. Note the Commission did not vote in favor of the TAC’s recommendation on the Petition.

*\*Commissioner Compton abstained from voting due to a potential conflict of interest.*

**f. DS2015-136 by Julien Croteau**

*Motion*—The Commission voted unanimously, 19\* - 0 in favor, to approve the Mechanical TAC’s recommendations on the Petition (to Deny the Petition on the advice of legal counsel on the basis that the issue in question is pertaining to “past conduct of another” and that the Florida Building Commission has no authority to address declaratory statements regarding prior editions of the Florida Building Code).

*\*Commissioners Bassett and Flanagan abstained from voting due to a potential conflict of interest.*

**X. RECOMMENDATIONS OF FINAL REPORT “FLORIDA ACCESSIBILITY CODE FOR BUILDING CONSTRUCTION REVIEW AND RECOMMENDATION”, AND REPORT OF DECEMBER 14, 2015 PUBLIC MEETING**

Chairman Browdy reported that during fiscal year 2014-2015 the Commission funded a project conducted by the University of Florida (UF) to evaluate the Florida-specific provisions of the Florida Accessibility Code for Building Construction (FACBC). The ADA Standards for Accessible Design establishes design requirements for the construction and alteration of facilities so as to not discriminate against individuals with disabilities. In 2011, the Florida Building Commission (FBC) updated the Florida Accessibility Code for Building Construction to incorporate the 2010 ADA Standards and Florida law, Part II, Chapter 553, Florida Statutes. The FBC has maintained provisions of the Florida law that were thought to be more stringent than the ADA guidelines.

The purpose of the research project was to determine whether these Florida-specific provisions are necessary and to develop a technical basis for these items. The most recent version of the design standards was adopted in 2010 and this was the version used for comparison to the Florida design standards during the research project.

In order to determine a technical basis for the Florida-specific items it was deemed important to understand what technical basis was used to develop the 2010 ADA Standards, as well as Chapter 11 of the International Building Code and the ANSI Standards. Through research conducted by the University of Florida and the experience and knowledge of the ADA specialist hired by UF, an explanation and recommendation was made for each of the Florida specific items. In the Report UF concluded that a majority of these items did not need to be changed, however a few provisions either should be expanded or reduced. It was recommended that the provisions for the removal of architectural barriers and parking space widths be reduced. The provisions for curbs adjacent to on-street parking spaces and the removal of parking barriers should be expanded. It was also recommended that the language be changed for clarification of requirements in the following provisions: door opening force, additional hotel and motel features, and vertical accessibility.

The University of Florida research team clarified that they provided recommendations based on data available online and from the knowledge and resources of the ADA contractor. They noted that they conducted a technical study of a politically driven issue so the views of specific contractors and disability organizations were not taken into consideration. It was recommended “the Florida Building Commission meet with contractors and disability organizations in the state of Florida to get their perspectives on the recommendations.”

The Accessibility TAC reviewed the recommendations and provided their comments and recommendations regarding possible changes to the FACBC and these were incorporated into the Final Report.

At the June 2015 meeting the Commission voted to proceed with the next steps for consideration of the recommendations and incorporated TAC comments from the report titled: *Florida Accessibility Code for Building Construction Review and Recommendations*.

At the October 15, 2015 meeting the Commission voted to conduct a public meeting in conjunction with the December 15, 2015 Commission meeting for the purpose of receiving public input regarding the recommendations from the report titled: *Florida Accessibility Code for Building Construction Review and Recommendations*. The public meeting was conducted on December 14, 2015.

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, 21 – 0 in favor, to accept the Report titled: *Florida Accessibility Code for Building Construction Review and Recommendations*.

***MOTION***—The Commission voted unanimously, 21 – 0 in favor, to accept the report from the December 14, 2015 Public Meeting.

Chairman Browdy requested that Jim Richmond add this issue to the list of legislative topics to monitor when he meets with DBPR legislative staff to discuss the implementation of the Code coordination and implementation recommendations.

## **XI. LEGISLATIVE REPORT AND CONFERENCE CALL SCHEDULE**

Jim Richmond provided the Commission with a summary of pending legislation pertaining to the Florida Building Code System under consideration during the 2016 Legislative Session. Jim noted that current bills of interest are CS HB 535 and SB 704.

Following Jim's summary of legislative items of interest Chairman Browdy noted that each year the Commission schedules a series of teleconference meetings to receive updates and provide any needed guidance and/or recommendations to staff pertaining to proposed legislation of interest to the Commission. Typically the calls are on Mondays and start at 10:00 AM. The Chair instructed that it will be important for Commissioners to participate, and that there is a need to ensure the Commission has a quorum for each meeting. The Chair thanked Commissioners in advance for their commitment to participate. Following is the approved schedule for the 2016 Legislative Session Commission teleconference meetings:

January 25, 2016, February 22, 2016, February 29, 2016, and March 7, 2016.

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, 22 – 0 in favor, to approve the schedule for 2016 Legislative Session Commission teleconference meetings.

## **XII. APPROVAL OF ENERGY CODE SOFTWARE FOR THE 5<sup>TH</sup> EDITION (2014) FLORIDA BUILDING CODE, ENERGY CONSERVATION**

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

The Chair explained that the Commission was being asked to consider approving additional Energy Code Compliance Software for the 5<sup>th</sup> Edition (2014) Florida Building Code, Energy Conservation, specifically COMcheck for demonstrating compliance with commercial building energy requirements.

Commissioner Smith reported that the Energy TAC reviewed the COMcheck software for demonstrating compliance with commercial building energy requirements and recommended approval.

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, 22 – 0 in favor, to approve the Energy Code Compliance Software for the 5<sup>th</sup> Edition (2014) Florida Building Code, Energy Conservation, specifically COMcheck for demonstrating compliance with commercial building energy requirements.

**XIII. FACILITATOR’S SUMMARY REPORT OF OCTOBER 14, 2015 JOINT MEETING OF SWIMMING POOL AND ELECTRICAL TACC**

Chairman Browdy reported that the 2015 Florida Legislature identified the need to evaluate the electrical aspects of swimming pool safety focusing on minimizing electrocution risks linked to swimming pools. In response, the Florida Building Commission approved a research project (technical enrichment) for a *Swimming Pool Electrocution Prevention Study*. In order to implement the project the Commission convened a process to develop recommendations for pool safety focused on the prevention of electrocution in swimming pools. The Commission determined that the project would be evaluated and recommendations developed by convening concurrent meetings of the Commission’s Swimming Pool Technical Advisory Committee and Electrical Technical Advisory Committee (TAC). The objective of the project was to evaluate key topical issues, and as appropriate develop code amendment proposals designed to minimize electrocution risks linked to swimming pools.

At the October 15, 2015 meeting the Commission voted unanimously to adopt the Swimming Pool TAC’s and Electrical TAC’s swimming pool safety consensus package of recommendations focused on the prevention of electrocution in swimming pools.

Subsequent to the October 15, 2015 Commission meeting the Facilitator’s Summary Report of the October 14, 2015 Joint Meeting of the Swimming Pool and Electrical TACs was posted and ready for the Commission’s acceptance of the Report during the December 15, 2015 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, 23 – 0 in favor, to accept the October 14, 2015 Joint Report of the Swimming Pool TAC and Electrical TAC.

**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 15, 2015 Agenda): [http://www.floridabuilding.org/fbc/commission/FBC\\_1215/index.htm](http://www.floridabuilding.org/fbc/commission/FBC_1215/index.htm).

### **Building Fire TAC**

Commissioner Bahadori presented the TAC's report and recommendations.

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

**MOTION**—The Commission voted unanimously, 23 – 0 in favor, to accept the TAC's report as presented/posted (December 2, 2015).

*(See Agenda for Linked Committee Report)*

### **Code Administration TAC**

Commissioner Carlson presented the TAC's report and recommendations.

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

**MOTION**—The Commission voted unanimously, 23 – 0 in favor, to accept the TAC's report as presented/posted (December 7, 2015).

*(See Agenda for Linked Committee Report)*

### **Education POC**

Commissioner Dean presented the POC's report and any recommendations.

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

**MOTION**—The Commission voted unanimously, 23 – 0 in favor, to accept the POC's report as presented/posted (December 3, 2015).

*(See Agenda for Linked Committee Report)*

### **Electrical TAC**

Commissioner Flanagan presented the TAC's report and recommendations.

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

**MOTION**—The Commission voted unanimously, 23 – 0 in favor, to accept the TAC's report as presented/posted (December 7, 2015).

*(See Agenda for Linked Committee Report)*

### **Energy TAC**

Commissioner Smith presented the TAC's report and recommendations.

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

**MOTION**—The Commission voted unanimously, 23 – 0 in favor, to accept the TAC's report as presented/posted (December 8, 2015).

*(See Agenda for Linked Committee Report)*

### **Mechanical TAC**

Commissioner Bassett presented the TAC's report and recommendations.

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

**MOTION**—The Commission voted unanimously, 23 – 0 in favor, to accept the TAC's report as presented/posted (December 1, 2015).

*(See Agenda for Linked Committee Report)*

### **Product Approval POC**

Commissioner Compton presented the Committee's report and any recommendations.

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

**MOTION**—The Commission voted unanimously, 23 – 0 in favor, to accept the POC's report as presented/posted (December 8, 2015).

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

### **Roofing TAC**

Commissioner Swope presented the TAC's report and recommendations.

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

**MOTION**—The Commission voted unanimously, 23 – 0 in favor, to accept the TAC's report as presented/posted (December 2, 2015).

*(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:***

- Mark Zehnal (FRSA): indicated that FRSA appreciated the Commission's decision regarding the two roofing related declaratory statements.
- Arlene Stewart (AZS Consulting): asked whether comments on proposed code amendments would be restricted to only the exact language submitted, or could comments be provided on the underlying key concepts or intention of the proposed code amendment.
- Mo Madani (DBPR): responded that comments can be made to the broader concepts involved within the scope of the proposed code amendment.

## **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:*

- Jim Schock: asked what the submittal date is for proposed code amendments to the 2017 FBC.
- Mo Madani (DBPR): responded the deadline is midnight January 1, 2016. Thanked participants for their involvement in the code development process and wished everyone happy holidays.
- Steve Bassett: wished participants happy holidays.
- Oscar Calleja: noted that the Legislature recently changed the process so that Florida specific amendments are not automatically carried forward with each code update cycle, and indicated that if the process was changed back so that Florida specific amendments carry forward, many problems would be eliminated.
- Brad Schiffer: noted that there is currently legislation proposed to carry forward Florida Specific amendments in updated code versions.
- Dick Browdy: thanked all of the Commissions and TAC/POC members for their important service to the citizens of Florida, and thanked the stakeholders for their service as well. Dick noted that the efforts of all of the participants in the process are greatly appreciated.

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

The February 9, 2016 meeting in Jacksonville will focus on the Commission's regular procedural and substantive issues, and any needed rule development initiatives.

*(Attachment 5—Commission Meeting Schedule)*

### **STAFF ASSIGNMENTS FROM THE OCTOBER 15, 2015 MEETING**

- Develop an implementation plan for the adopted Code Coordination and Implementation recommendations.
- Develop code amendment proposals for the adopted swimming pool electrical safety recommendations.

### **STAFF ASSIGNMENTS FROM THE DECEMBER 15, 2015 MEETING**

- Consult with DBPR legislative staff to determine the implementation status of the Commission's package of 15 consensus recommendations designed to enhance the efficacy of the Code development process, and report back to the Commission at the February 2016 meeting.
- Consult with DBPR legislative staff regarding monitoring any implementation efforts regarding recommendations from the report titled: *Florida Accessibility Code for Building Construction Review and Recommendations*.

## **ADJOURNMENT**

The Chair thanked Commission members, staff and the public for their attendance and participation, and adjourned the meeting at 11:24 A.M. on Tuesday, December 15, 2015, following a vote of 23 – 0 in favor of adjournment.



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

**DECEMBER 15, 2015—GAINESVILLE, FLORIDA**

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

**Number of Respondents: 19 of 23 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.
- 9.8 \_\_\_ The objectives for the meeting were stated at the outset.
- 9.8 \_\_\_ Overall, the objectives of the meeting were fully achieved.

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

- 9.8 \_\_\_ Chairs Issues and Recommendations.
- 9.8 \_\_\_ Accessibility Waiver Applications.
- 9.8 \_\_\_ Approvals of Products and Product Approval Entities.
- 9.8 \_\_\_ Applications for Accreditor and Course Approvals.
- 9.8 \_\_\_ Petitions for Requests for Declaratory Statements—Legal Report.
- 9.8 \_\_\_ Report on Public Meeting of December 14, 2015 Approval.
- 9.8 \_\_\_ Legislative Report and Approval of Conference Call Schedule for 2016 Session.
- 9.8 \_\_\_ Energy Code Compliance Software Approval.
- 9.8 \_\_\_ Facilitator’s Report of October 14, 2015 Pool Safety Project Meeting Summary Approval.
- 9.9 \_\_\_ TAC, POC, Committee, and/or Workgroup Reports and Recommendations.

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

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

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

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

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

- 9.9 \_\_\_ 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.**

- Great job staff.
- Great job Jeff Blair.
- Very interesting and good meeting.
- Very good meeting. On time, good sound system and nice facility.
- Good location in Gainesville.
- Good meeting. Thank you.
- Everything.

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

- Coffee in room.
- Coffee.
- Too humid in meeting room.

**8. OTHER GENERAL COMMENTS.**

- Great job Jeff Blair.

*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
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**  
**DECEMBER 15, 2015 MEETING AGENDA**

**FLORIDA BUILDING COMMISSION**  
**PLENARY SESSION**  
**OCTOBER 15, 2015**

**HILTON UNIVERSITY OF FLORIDA CONFERENCE CENTER**  
**1714 SW 34<sup>TH</sup> 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 Consider a Report on Public Meeting of December 14, 2015
- To Receive a Legislative Report and Approve Conference Call Schedule for 2016 Session
- To Consider/Approve of Energy Code Compliance Software for the 5th Edition (2014) Florida Building Code, Energy Conservation
- To Receive/Approve Facilitator's Report of Joint Meeting of Swimming Pool Technical Advisory Committee and Electrical Technical Advisory Committee, October 14, 2015
- To Receive/Decide on Reports and Recommendations from Committees.
- To Hear Public Comment.
- To Identify Needed Next Steps, Assignments, and Agenda Items For Next Meeting.

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

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

<b>December 1</b>	<b>10:00 a.m.</b>	<b>Mechanical Technical Advisory Committee</b>
<b>December 2</b>	<b>10:00 a.m.</b>	<b>Building Fire Technical Advisory Committee</b>
<b>December 2</b>	<b>1:30 p.m.</b>	<b>Roofing Technical Advisory Committee</b>
<b>December 3</b>	<b>10:00 a.m.</b>	<b>Education Program Oversight Committee</b>
<b>December 3</b>	<b>2:00 p.m.</b>	<b>Accessibility Advisory Council</b>
<b>December 7</b>	<b>10:00 a.m.</b>	<b>Code Administration Technical Advisory Committee</b>
<b>December 7</b>	<b>2:00 p.m.</b>	<b>Electrical Technical Advisory Committee</b>
<b>December 8</b>	<b>10:00 a.m.</b>	<b>Product Approval Program Oversight Committee</b>
<b>December 8</b>	<b>1:00 p.m.</b>	<b>Energy Technical Advisory Committee</b>
<b>December 14</b>	<b>1:00 p.m.</b>	<b>Public Meeting on Florida Specific Accessibility Requirements</b>

**MEETING AGENDA—DECEMBER 15, 2015**

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

<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</b>
	<b>4.)</b>	<b>Chair’s Discussion Issues:</b>
	<b>5.)</b>	<b>Accessibility Waiver Applications</b>
		<ul style="list-style-type: none"> <li>a. Tavern on Tennessee, 1717 West Tennessee Street, Tallahassee</li> <li>b. FloorMasters, Hwy 301, Wildwood</li> <li>c. NYZ Apocalypse, 5250 International Drive, Orlando</li> <li>d. Fidelity National Financial Hangar, 14601 Whirlwind Avenue, Jacksonville</li> <li>e. Around the Clock Fitness, 935 North Beneva Road, Suite 501, Sarasota</li> <li>f. The Mimosa Hotel Addition, 6525 Collins Avenue, Miami Beach</li> <li>g. Sanibel Historical Museum and Village (Shore Haven Home), 950 Dunlop Road, Sanibel</li> <li>h. SJM By the Sea, LLC., 256 Commercial Boulevard, Lauderdale by the Sea</li> </ul>
	<b>6.)</b>	<b>Applications for Product and Entity Approval</b>
	<b>7.)</b>	<b>Applications for Accreditor and Course Approval</b>
	<b>8.)</b>	<b>Petitions for Declaratory Statement</b>
		<ul style="list-style-type: none"> <li>a. DS 2015-109 by Robin Davies of Bracken Engineering</li> <li>b. DS 2015-113 by David Galassi of Marion County Building Safety Department</li> <li>c. DS2015-125 by Gary R. Beaumont of Beaumont Electric Co.</li> <li>d. DS2015-134 by Joseph Hetzel of Door &amp; Access Systems Manufacturers Association International</li> <li>e. DS 2015-135 by Robin Davies of Bracken Engineering</li> <li>f. DS2015-136 by Julien Croteau.</li> </ul>
	<b>9.)</b>	<b>Review Recommendations of Final Report “Florida Accessibility Code for Building Construction Review and Recommendation”, Report of 12/14 Public Meeting</b>
	<b>10.)</b>	<b>Legislative Report and Conference Call Schedule</b> 1/25/16, 2/22/16, 2/29/16, 3/7/16 CS HB 535 [if available] SB 704

	11.)	Consider Approval of Energy Code Compliance Software for the 5th Edition (2014) Florida Building Code, Energy Conservation
	12.)	Facilitator's Report of Joint Meeting of Swimming Pool Technical Advisory Committee and Electrical Technical Advisory Committee of October 14, 2015
	13.)	Committee Reports:
		<ul style="list-style-type: none"> <li>a. Building Fire Technical Advisory Committee;</li> <li>b. Code Administration Technical Advisory Committee</li> <li>c. Education Program Oversight Committee;</li> <li>d. Electrical Technical Advisory Committee;</li> <li>e. Energy Technical Advisory Committee;</li> <li>f. Mechanical Technical Advisory Committee;</li> <li>g. Product Approval Program Oversight Committee;</li> <li>h. Roofing Technical Advisory Committee;</li> </ul>
	14.)	Public Comment
	15.)	Commissioner Comment
	16.)	<i>Adjourn</i>



**ATTACHMENT 5**  
**COMMISSION'S UPDATED MEETING SCHEDULE AND WORKPLAN**

**(UPDATED DECEMBER 15, 2015)**

**COMMISSION MEETING SCHEDULE**

<b>FY 2015 - 2016</b>	<b>LOCATION</b>
August 18, 2015	Daytona Beach
October 14 - 15, 2015	Daytona Beach (Plaza Hotel)
December 15, 2015	Gainesville (Hilton)
February 9, 2016	Jacksonville (Hyatt Regency)
April 15, 2016	Gainesville (Hilton)
June 8, 2016	Gainesville (Hilton)