



**FLORIDA
BUILDING
COMMISSION**

"STRONGER CODES THROUGH SCIENCE AND CONSENSUS"



**FACILITATOR'S SUMMARY REPORT OF THE
JANUARY 26, 2018**

TELECONFERENCE PLENARY MEETING

TALLAHASSEE, FLORIDA

PROCESS DESIGN, CONSENSUS-BUILDING AND FACILITATION BY



CONSENSUS CENTER

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FLORIDA BUILDING COMMISSION

JANUARY 26, 2018 TELECONFERENCE MEETING SUMMARY REPORT



OVERVIEW OF COMMISSION'S KEY ACTIONS AND DECISIONS

FRIDAY, JANUARY 26, 2018

OPENING AND MEETING ATTENDANCE

The meeting was opened at 2:00 PM, and the following Commission members participated:

Jim Schock (Acting-Chair), Steve Bassett, James Batts, Bob Boyer, Don Brown, Kelley Smith Burk, Oscar Calleja, Jay Carlson, Dave Compton, Nan Dean, Shane Gerwig, Robert Hamberger, Brian Langille, Brad Schiffer, Fred Schilling, Drew Smith, Jeff Stone, and Don Whitehead.

(18 of the 26 currently seated Commissioners attended—69%).

Absent Commissioners:

Hamid Bahadori, Kevin Flanagan, Charles Frank, David Gilson, Richard Goff, Jeff Gross, Brian Swope, and Diana Worrall.

DBPR Staff Present

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

Public Present

There were no members of the public present.

Meeting Facilitation

Commission meetings are facilitated by Jeff Blair from the FCRC Consensus center at Florida State University. Information at: <http://consensus.fsu.edu/>



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>

STATEMENT OF TELECONFERENCE PARTICIPATION PROCESS

Jeff Blair reviewed the teleconference participation process with participants reminding them that it is important to keep their phones on mute to minimize background noise, not to put their phones on hold, and to wait until invited to speak to avoid confusion and chaos. Jeff emphasized that all participants will have ample time to speak on all substantive agenda items. Participants were reminded to state their names each time they speak.

AGENDA REVIEW AND APPROVAL

The Commission voted unanimously, 17 - 0 in favor, to approve the agenda for the January 26, 2018 teleconference meeting as presented/posted. Following are the key agenda items approved for consideration:

- To Approve the Agenda.
- To Consider/Decide on Chair's Discussion Issues/Recommendations.
- To Receive and Consider a Report of Legislative Activities Relevant to the Commission and Future Teleconference Meeting Dates.
- To Receive a Legal Report.
- To Consider Approval of Energy Code Compliance Software for the 6th Edition (2017) Florida Building Code, Energy Conservation.
- To Hear Public Comment.
- To Identify Needed Next Steps, Assignments, and Agenda Items For Next Meeting.

Agenda Amendments:

There were no amendments to the posted agenda.

The agenda and relevant linked attachments are available at the following URL: http://www.floridabuilding.org/fbc/commission/FBC_Legislative_CC_2018/01-26-18/Legis_Agenda_01-26-18.htm.

(Attachment I—Agenda)

MEETING SUMMARY AND OVERVIEW

At the January 26, 2018 Teleconference Commission meeting the Commission voted unanimously: to approve the Energy Code Compliance Software for the 6th Edition (2017) Florida Building Code, Energy Conservation, specifically REScheck version 4.6.5.0 Florida for demonstrating compliance with residential building energy requirements, conditioned on the vendor correcting the program consistent with DBPR staff's written comments. In addition, the Commission received: an update on legislative activities relevant to the Commission from the 2018 Legislative Session; and, a legal

issues briefing.

CHAIR'S DISCUSSION ISSUES AND RECOMMENDATIONS

Acting-Chair Schock, noting that he had already made the appointment, formally appointed Commissioner Brian Swope to the Lightning Protection Workgroup.

LEGISLATIVE UPDATE

Tom Campbell provided the Commission with an update on proposed legislation from the 2018 Legislative Session impacting the Florida Building Code System. The latest Bill Matrix including HB 23, HB 299, HB 1077, and SB 1312 are linked to the Commission's Agenda posted to the BCIS. Tom provided a matrix summarizing the following Bills: HB 299, SB 106, HB 23, SB 284, HB 327, HB 437, HB 372, HB 479, HB 655, SB 896, HB 589, CS/CS HB 725, CS/SB 1144, HB 1077, SB 1322, SB 1312, SB 908, and HB 723. Tom provided an update on the following Bills: HB 23, CS/CS HB 725, CS/SB 1144, HB 1077, SB 1322, SB 1312, SB 908, and HB 723.

Future Legislative Call Dates:

Tom indicated that the Commission approved dates for the remaining 2018 Legislative Session Conference calls as follows:

March 2nd and March 16th 2018 at 2:00 PM.

(Attachment 2—Bill Matrix)

LEGAL REPORT

Overview: At December 2017 meeting Justin Vogel reported that the Florida Association of American Institute of Architects, Inc. (FAAIA) had filed a rule challenge to the Commission's adoption of the 6th Edition (2017) Florida Building Code. Justin noted that the FAAIA has challenged the rule as invalid based on their belief that the rule is an invalid exercise of the Commission's delegated authority regarding implementation of the triennial update process for the Florida Building Code.

Update: Justin updated the Commission on the status of the rule challenge reporting that both parties submitted recommended orders to the Division of Administrative Hearings (DOAH) on January 18, 2018, and it is anticipated that the Administrative Law Judge (ALJ) will issue the final order in mid-February. Justin indicated that he would brief the Commission on what the impacts to the development of the 7th Edition (2020) Florida Building Code would be relative to both parties' recommended orders.

APPROVAL OF ENERGY CODE COMPLIANCE SOFTWARE FOR THE 6TH EDITION (2017) FLORIDA BUILDING CODE, ENERGY CONSERVATION

Acting-Chair Schock remarked that periodically the Commission is requested to consider approval of Energy Code Compliance Software for specific editions of the Florida Building Code, Energy Conservation.

Acting-Chair Schock indicated that the Commission was now being asked to consider approving Energy Code Compliance Software for the 6th Edition (2017) Florida Building Code, Energy Conservation, specifically REScheck version 4.6.5.0 Florida for demonstrating compliance with residential building energy requirements.

Commissioner Smith reported that the Energy TAC met on January 19, 2018 and reviewed the REScheck software for demonstrating compliance with residential building energy requirements and is recommending conditional approval (conditioned on the vendor correcting the program consistent with DBPR staff's comments).

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

Commission Actions:

MOTION—The Commission voted unanimously, 18 – 0 in favor, to approve the Energy Code Compliance Software for the 6th Edition (2017) Florida Building Code, Energy Conservation, specifically REScheck version 4.6.5.0 Florida for demonstrating compliance with residential building energy requirements, conditioned on the vendor correcting the program consistent with DBPR staff's written comments.

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, Vice-Chair Schock invited members of the public to address the Commission on any issues under the Commission's purview.

There were no general public comments offered.

COMMISSION MEMBER COMMENTS AND ISSUES

Acting-Chair Schock invited Commission members to offer any general comments to the Commission.

There were no Commissioner comments offered.

ADJOURN

The Acting-Chair thanked Commission members, staff and the public for their participation, and following a second roll call confirming a quorum (18 members were present) the Acting-Chair adjourned the meeting at 2:16 PM on Friday, January 26, 2018.

ATTACHMENT I
MEETING AGENDA

FLORIDA BUILDING COMMISSION
LEGISLATIVE UPDATE CONFERENCE CALL/WEBINAR
TALLAHASSEE, FLORIDA
JANUARY 26, 2018, 2:00 P.M.
CALL-IN NUMBER: UNITED STATES: 1-(866)899 4679
WEB PARTICIPATION URL: <https://global.gotomeeting.com/join/272658565>
MEETING ID/ACCESS CODE: 272-658-565

MEETING OBJECTIVES

- To Approve the Agenda
- To Consider/Decide on Chair's Discussion Issues/Recommendations.
- To Receive and Consider a Report of Legislative Activities Relevant to the Commission and future conference call dates
- To Receive Legal Report
- To Consider Approval of Energy Code Compliance Software for the 6th Edition (2017) Florida Building Code, Energy Conservation
- To Hear Public Comment
- To Identify Needed Next Steps, Assignments, and Agenda Items For Next Meeting

MEETING AGENDA—JANUARY 26, 2018

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

2:00 p.m.	1.)	Welcome and Opening, Roll Call
	2.)	Review and Approval of Meeting Agenda
	3.)	Chairman's Discussion/Issues: Lightning Protection Workgroup Appointment – Commissioner Brian Swope
	4.)	Legislative Update Bills: HB 23, HB 299, HB 1077, SB 1312 Bill Matrix Linked: Future Legislative Call Dates: March 2, 2018 March 16, 2018 All calls will be held at 2:00 p.m.
	5.)	Legal Report
	6.)	To Consider Approval of Energy Code Compliance Software for the 6 th Edition (2017) Florida Building Code, Energy Conservation
	7.)	Public Comment
	8.)	Identify Needed Next Steps, Assignments, and Agenda Items For Next Meeting
	9.)	<i>Adjourn</i>

ATTACHMENT II

BILL MATRIX

Bill #	Sponsor	Summary	Committees of Reference	Recent Activity
HB 299	McClain	Reduces the size of the Commission from 27 members to 11 members.	Careers & Comp Subco. Commerce Committee	Careers and Comp Subco., voted 10-4 in favor. Now, in Commerce Committee.
SB 106	Campbell	Fire Safety Standards; Authorizing certain buildings to have specified balcony guard openings, etc.	Community Affairs Banking and Insurance Rules	Referred to committees and subcommittees.
HB 23	Fitzhegan	Creates standards for recovery care centers. The commission, with technical assistance from AHCA, is to update current special occupancy standards to include recovery care centers.	Health and Human Services Committee	Passed House 79-23. Awaiting Senate referrals.
SB 284 HB 327 HB 437 SB 372 HB 479 HB 655 SB 896	Book Richardson Lee Garcia Williams Edwards Farmer	Requiring nursing facilities to have emergency power supply available to keep essential functions operational.		Referred to committees and subcommittees.
HB 589	Newton	Public Meetings; Specifies that certain boards and commissions are subject to public meetings requirements; revises public meeting notice requirements; provides that member of public has right to speak at public meeting; requires members of board or commission to respond to questions made at public meetings within a specified timeframe; repeals provision relating to reasonable opportunity to be heard at public meetings; provides penalties.	Oversight, Transparency, and Admin Subco. Local, Federal, and Veterans Affairs Subco. Government Accountability Committee	Referred to committees and subcommittees.
CS/CS HB 725 CS/SB 1144	Williamson Perry	Permit Fees; Requires governing body of local government to post its permit and inspection fee schedules & link to annual building permit & inspection utilization report on its website; provides reporting requirements.	Local, Federal, and Veterans Affairs Subco. Careers and Comp. Subco. Government Accountability Committee Community Affairs Approp. Subco., Finance and Tax Appropriations	Passed Local, Federal, and Veterans Affairs Subco., as a committee substitute. Passed Careers and Comp. Subco., as a CS/CS. Passed Community Affairs Committee as a committee substitute.
HB 1077	Diamond	Defines open permits. Creates disclosures, procedures, and standards for closing “open	Careers and Comp. Subco. Local, Federal, and Veterans	Referred to subcommittees and committees.

SB 1322	Powell	permits.” Requires the Building Commission to adopt procedures to encourage property owners and builders to timely close out permits.	Affairs Subco. Commerce Committee Regulated Industries Community Affairs Rules	
SB 1312	Thurston	Requires the Florida Building Code to contain a provision mandating all state-subsidized developments have an operational emergency power source that provides an independent source of electric power for at least one week during a power outage.	Community Affairs Regulated Industries Rules	Referred to committees.
SB 908 HB 723	Steube McClain	Construction Bonds; Requires notice of nonpayment to be verified; provides notice of nonpayment requirements; provides that claimant or lienor who serves fraudulent notice of nonpayment shall be deprived of rights under bond; requires notice of nonpayment to be in prescribed form; provides that provision relating to attorney's fees applies to certain suits brought by contractors; deems contractors to be insureds or beneficiaries for certain purposes; provides that contractor may record notice identifying bond as conditional payment bond prior to project commencement in order for duty of surety to pay lienors to be coextensive with contractor's duty to pay.	Judiciary Community Affairs Rules Careers and Compton Subco. Civil Justice Claims Subco. Commerce Committee	Referred to committees and subcommittees.