

**FLORIDA BUILDING COMMISSION
LEGISLATIVE TELECONFERENCE MEETING
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
March 24, 2017
2:00 p.m.**

MINUTES

COMMISSIONERS PRESENT:

Chairman Browdy
Hamid Bahadori
Seven Bassett
Bob Boyer
Donald Brown
Kelley Smith Burk
Oscar Calleja
David Compton
Nan Dean
Charlie Frank

Shane Gerwig
Richard Goff
Jeffrey Gross
Brad Schiffer
Fred Schilling
Jim Schock
Drew Smith
Jeff Stone
Brian Swope
Diana Worrall

COMMISSIONERS NOT PRESENT:

James Batts
Kevin Flanagan
Robert Hamberger
Darrell Phillips

E.J. Carlson
David Gilson
Brian Langille

OTHERS PRESENT:

Thomas Campbell
Nick Duval
Jim Hammers

Mo Madani
Chris Howell

Welcome:

Ms. Howell opened the meeting at 2:02 p.m., Monday, March 24, 2017. Roll was called and a quorum was determined with 20 members present.

Agenda:

Chairman Browdy asked for a motion to approve the agenda as posted.

A motion was entered by Commissioner Boyer to approve the agenda as posted. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 20 to 0.

Minutes March 6, 2017

Chairman Browdy asked for a motion to approve the minutes from March 6, 2017 as posted.

A motion was entered by Commissioner Schilling to approve the minutes from March 6, 2017 as posted. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 20 to 0

Chairman Browdy provided a brief introduction as to the purpose of the call today. He asked Mr. Campbell to provide the Legislative update for the Commission.

Legislative Update and Bill Matrix: (ATTACHMENT A)

Mr. Campbell began with the first bill on the matrix.

CS/SB 7000

Mr. Campbell stated this bill became a committee substitute last week with three main amendments to the original bill. He said the first amendment was a technical amendment related to water conservation practices or design criteria adopted by a local government shall be carried forward into new versions of the code. He said that amendment matched the language of HB 691. Mr. Campbell continued with the second amendment to the bill stating it would reduce TAC voting requirements to 66% or two thirds for approval of code amendments. He completed the amendments with the third stating it would require the Commission to adopt any provision from model codes necessary to maintain eligibility for federal funding from the National Flood Insurance Program, FEMA, and US Department of Housing and Urban Development.

CS/SB 7000 (cont.):

Comments:

Commissioner Schock commented on the last amendment regarding FEMA stating this is good news however, does not cover all of the issues and he provided examples and limitations.

Commissioner Boyer stated he was in agreement with Commissioner Schock.

Chairman Browdy stated that if you look at the summary and then compare to the bill there are some differences. He said the summary states it will require the Commission to use the 6th edition (2017), and subsequent editions of the Florida Building Code as the foundation code for the development of updates to the code and requiring the commission to review rather than update the code every three years. Chairman Browdy advised that the bill states if carried forward into the next edition of the code; requiring the commission to review, rather than update, the Florida Building Code every 3 years and provided clarification for the Commission.

Mr. Campbell stated currently the Commissions performs an update the Code every three years and with this bill it would require the Commission to review the model codes that bring in only a certain portions of those model codes through that review process. He said it would look different from what it looks like now when we use the model code as the foundation code and replace the old code every three years.

Chairman Browdy stated that then the definition of update is to use the ICC and if it is not used as the foundation code then in fact the code is not updated but just reviewed.

Mr. Campbell stated through that review process a portion of the International Code could be brought into the Florida base code but it would have to be an approved amendment to the Code though that review process.

Mr. Campbell stated he was correct and that he would tweak the matrix, he stated he was trying to bring out the differences in the processes should this bill pass.

Commissioner Calleja asked if it is true that they are going to take SB 7000 and combine into SB 860.

Mr. Campbell stated he would address when they get to 860 on the matrix.

CS/SB 7000 (cont.):

Commissioner Bassett inquired if the Florida specifics would stay in.

Mr. Campbell stated that is one of the issues.

Mr. Madani explained how the process would work should this language go through.

Commissioner Gerwig asked about the information circulating that there are about 1000 amendments/consideration as part of the ICC process, so that will now become our responsibility and will it impair the process.

Mr. Madani addressed his concern stating our process will be very much the same as it is now.

Mr. Campbell stated if the bill were to pass, we would need to go into the rule to update the process to read as the bill is mandating.

Commissioner Brown stated he agrees with Commissioner Schock on this bill and his concern over the impact and uncertainty.

Commissioner Schiffer asked if there are any benefits vocalized.

Commissioner Schock stated the builders feel they do not have a say in the I-Code process. He feels the builders are trying to hijack the Florida Building Code.

Chairman Browdy stated he disagrees he believes the primary reason is that the builders feel the code changes move in such a rapid pace that they industry does not have time to get accustomed with the language and practice the changes before it updates again.

Commissioner Calleja stated ICC has no contractors on their voting process, there is no voice and they feel they do have that voice here in Florida. He said the Florida specific amendments being thrown out and has to be re-addressed every three years; this would allow that to remain as it unless change is necessary. Commissioner Calleja offered some alternatives.

HB 559 and SB 642:

Mr. Campbell stated there has been no change or actions on these bills.

There were no questions or comments.

SB 514-HB 741-HB 1123 and SB 1442

Mr. Campbell stated these bills refer to the reduction of the surcharge from 1.5% to 1 %. He stated the first two have moved through half of the committees and the second two bills have gone to committees but have not been heard yet.

There were no questions or comments.

CS/SB 222 and HB 145:

Mr. Campbell stated these bills have acquired differences in languages as they have gone through committees. He said that the language only changes definition of ambulatory surgical centers and does not require Commission to create new standards with input from AHCA. These bills relate to recovery care centers.

There were no questions or comments.

SB 306:

Mr. Campbell stated this bill speaks to members of the Florida Building Commission abstaining from voting on a matter that would inure to any gain or loss of the commissioner, a principal of the commissioner, or a relative. He said there is no action on this bill.

There were no questions or comments.

HB389:

Mr. Campbell stated this bill related to installation of carbon monoxide detectors in parking structures and advised the bill was withdrawn before it was heard.

There were no questions or comments.

CS/CS/SB 190 and CS/CS/HB 241:

Mr. Campbell said the requirements for low voltage electric fences may require code changes to conform with the new statutory requirements. He stated that the SB has gone through one committee favorably, but the HB has not been presented on calendar for vote in a new committee.

There were no questions or comments.

HB 727 and SB 1398:

Mr. Campbell stated that both of these bills relate to the ADA compliance and new process it wants to set up to stop drive by ADA law suits. He stated there has been no activity on the bills except SB 1398 has been referred to some committees.

Chairman Browdy asked if there is any requirement to maintain remediation plans with the state.

Mr. Campbell stated at this time no.

Commissioner Worrall stated that the bill language says “a certified expert to provide the owner of a place of public accommodation a certification of conformity if the facility conforms to specified provisions of the Americans with Disabilities Act; specifying that such certificate is valid for 3 years.

Mr. Campbell stated that is what the bill would require if the bill passed, but as of now there is no requirement that the remediation plans be stored.

Commissioner Worrall stated that may be, however, the bill also states “An owner of a place of public accommodation may request that a facility be inspected by a certified expert. However, use of an expert certified under this section is not required.

Chairman Browdy stated this bill is a bit confusing.

CS/SB 860 and HB 909:

Mr. Campbell stated these bills creates an internship path to certification as a building inspector or plans examiner and adds definition of “residential plans examiner”. He said it adds performing plan reviews as a building official under an interagency service agreement to the definition of “building code administrator”. Mr. Campbell advised it contains the original language from SB 7000 concerning changes to the process for developing and adopting the Florida Building Code. The language from SB 7000 starts at line 317 of the bill and does not include any of the new amendment language. He did advise however that HB 909 does not contain original language from SB 7000.

Commissioner Brown asked if that this would eliminate what little comfort that some would have received in the amended version addressing Federal issues.

Mr. Campbell stated yes it would if 860 were to pass as it is now.

Commissioner Schiffer asked what the reason would be to move this into another bill at the same time.

CS/SB 860 and HB 909 (cont.):

Mr. Campbell stated he was not sure other than it is to keep both versions out there and may be piggy backed it into another bill.

Commissioner Schock stated he heard that one of the members of the Committee said it would be attached to any construction bill that came through.

HB 691:

Mr. Campbell stated this had been previously discussed as it was added as an amendment to SB 7000.

There were no questions or comments.

HB 1021 and SB 1312:

Mr. Campbell advised this is one of the big construction bills and puts into action a lot of the actions of the Construction Industry Work Task Force. He said there was a lot of discussion of adding language to prohibit the adoption of ASHRAE Standard 90.1-2013 9.4.1.1(g). Mr. Campbell stated this is in the Energy Conservation, 6th Edition, Florida Building Code (2017) and would need to be removed if this passes.

There were no questions or comments.

SB 1634 and CS/HB 1215:

Mr. Campbell stated that they had recently discovered these bills. The bills change the standards for residential elevators. He said the bill states the Florida Building Commission must adopt a provision authorizing the permanent installation of a nonremovable, hoistway door space guard designed and installed to withstand a force of 75 pounds applied horizontally in residential elevators. The Florida Building Commission shall also adopt, into the building code, Section 399.031, F.S., relating to clearance requirements between elevator doors for elevators inside a private residence. He provided the language starting with line 28.

There were no questions or comments.

General Comments and Questions:

Commissioner Schock asked Mr. Campbell the general timeline is pending for some of these bills to get through and the possibility of them getting through.

Mr. Campbell stated that if the bills have companions and they have gone through committees they most likely will make it to the floor. He further stated it could go through all the committees and not get introduced on the floor. Mr. Campbell stated he has viewed all the committee meetings and the most prominent one is SB 7000, the fee reduction bill is being calendared in all committees and will most likely continue to move. He stated the construction bill 1021 and 1312 were well accepted in committee and he feels they will continue to move.

Mr. Madani stated in 2013 the legislation went all the way through committees and did not get adopted.

Chairman Browdy announced the next legislative calls.

Public Comment:

April Hammonds, Esq stated that she would like to address the Commission and specifically thanked Chairman Browdy for his leadership and support during her five plus years serving the Commission as their Chief Legal Counsel. She thanked all of the Commissioners for sharing their knowledge and their confidence in her as their Counsel. Ms. Hammonds advised due to changes she resigned her position as the Commission's Legal advisor with DBPR effective March 22, 2017 to devote more time to family issues. She stated she wished the Commission only the greatest of success.

Chairman Browdy stated that her representation of the Commission was extraordinary. He said he has never felt better protected in all of the years he has served in various capacity with the Commission and he knows that the members of the Commission join him in wishing her the very best professional and even more personally as she moves through the challenges with family illness. Chairman Browdy stated again that the Commission appreciated her services.

Ms. Rebecca Quinn, stated she is confused over the third amendment that states "Requires the Commission to adopt any provision from model codes necessary to maintain eligibility for federal funding from the National Flood Insurance Program, FEMA, and US Department of Housing and Urban Development." She advised there is no funding from the NFIP goes to FEMA. Ms. Quinn agreed with Commissioner Schock on the impact and need for further information.

Chairman Browdy stated that the Plenary Session will be April 4, 2017 in Ocala.

Final Roll Call:

Ms. Howell performed a final roll call. There were 18 of the original 20 members on the call.

Commissioner Smith-Burk advised via e-mail that she would need to leave the call early.

Commissioner Swope also notified staff via e-mail that he had to drop from the call at 2:40 p.m.

Adjournment:

Chairman Browdy thanked everyone for joining the call and stated there was no further business and therefore adjourned the meeting at 3:00 p.m.

ATTACHMENT A

Bill #	Sponsor	Summary	Committees of Reference	Recent Activity
<p>CS/SB 7000</p> <p>HB 901 (Similar)</p>	<p>Comm. Affairs</p> <p>McClain</p>	<p>Requiring the commission to use the 6th edition (2017), and subsequent editions of the Florida Building Code as the foundation code for the development of updates to the code and requiring the commission to review rather than update the code every three years. Technical amendments related to water conservation practices or design criteria adopted by a local government shall be carried forward into new versions of the code. Reduces TAC voting requirements to 66% for approval of code amendments. Requires the Commission to adopt any provision from model codes necessary to maintain eligibility for federal funding from the National Flood Insurance Program, FEMA, and US Department of Housing and Urban Development.</p>	<p>Appropriations Subco. Gen. Gov. Appropriations</p> <p>Careers and Comp. Subco. Commerce Committee</p>	<p>Favorable vote, on amended bill, from Appropriations Subco. Gen. Gov. Added language concerning water conservation amendments, voting requirements for TAC's, and mandatory adoption of certain portions of model code.</p>
<p>HB 559</p> <p>SB 642</p>	<p>Duran</p> <p>Garcia</p>	<p>Commissioner of Education shall grant requests from local school boards for exemptions from SREF requirements. Cost/benefit analysis must accompany the exemption</p>	<p>Prek-12 Appropriations Subco. PreK-12 Quality Subco. Appropriations Committee</p>	<p>Referred to committees and subcommittees.</p>

(Similar)		request.	<p>Education</p> <p>Appropriations Subco. K-12 Ed. Appropriations</p>	
SB 514	Stargel	Reduce permit fee surcharge from 1.5% to 1%. Estimated reduction in fees of \$7 million over the first three fiscal years.	<p>Regulated Industries</p> <p>Appropriations Subco. Gen. Gov. Appropriations</p>	Favorable 9-0 by Reg. Industries Committee.
HB 741 (Identical)	Trumbull		<p>Careers and Comp Subco. Government Ops. Subco.</p> <p>Commerce Committee</p>	Favorable 13-0 by Careers and Competition. Favorable 10-0 by Government Ops. Subco.
HB 1123	Drake		<p>Ways and Means Committee</p> <p>Appropriations Committee</p>	
SB 1442 (Identical)	Broxson		<p>Transportation Committee</p> <p>Appro. Subco. on Finance and Tax Appropriations Committee</p>	
CS/SB 222	Steube	<p>Only changes definition of ambulatory surgical centers and does not require Commission to create new standards with input from AHCA.</p> <p>Creates standards for recovery care centers. The commission, with technical assistance from AHCA, is to update current</p>	<p>Health Policy</p> <p>Appropriations Subco. for HHS Appropriations</p>	Health Policy Committee voted in favor 4-1.
HB 145 (Compare)	Fltzhegan		<p>Health Innovation Subco. Health Appropriations Subco. Health and Human Services</p>	Health Appropriations Subco. voted in favor of HB 145 12-3. Health and Human Services vote in favor 13-4.

		special occupancy standards to include recovery care centers.		
SB 306	Clemens	Permitting a member of the Florida Building Commission to abstain from voting on a matter that would inure to any gain or loss of the commissioner, a principal of the commissioner, or a relative. Requiring a member to abstain from voting if the matter is brought pursuant to 120.569, 120.60 or 120.80.	Ethics and Elections Government Oversight Community Affairs Rules	Referred to committees and subcommittees.
HB 389	Willhite	Revising provisions requiring the installation of carbon monoxide detectors in “residential parking structures” instead of all attached garages.	Careers and Competition Subco. Commerce Committee	Withdrawn prior to introduction.
CS/CS/SB 190	Artiles	Local jurisdictions are to issue permits for low voltage electric fences like low voltage alarm systems. Requirements for low voltage electric fences may require code changes to conform with new statutory requirements.	Regulated Industries Community Affairs Rules	Community Affairs voted in favor of committee substitute 7-0.
CS/CS/HB 241	Williamson	Local jurisdictions are to issue permits for low voltage electric fences like low voltage alarm systems. Changes definition of low voltage alarm system to include closed circuit tv and access controls. Requirements for low voltage electric fences may require code changes to conform with new statutory requirements.	Agriculture and Property Rights Subco. Local, Federal and Veterans Affairs Subco. Commerce Committee	CS/CS/HB 241 received a 12-0 favorable vote by the Local, Federal and Veterans Affairs Subco.

HB 727	Leek, Edwards	Requires DBPR to establish a program to license ADA compliance experts. ADA compliance experts perform inspections of places of public accommodation to determine compliance with subchapter III, 42 U.S.C. s. 12182, of the American with Disabilities Act. Requires DBPR to create a registry to store remediation plans and certificates of conformity.	Careers and Comp Subco. Gov. Ops. Appro. Subco. Commerce Committee	Referred to committees and subcommittees
SB 1398 (Similar)	Stewart	Requires courts of this state to use remediation plans when determining if a suit for a violation of Title III of the ADA was brought in good faith and the appropriateness of attorney's fees.	Regulated Industries Appro. Subco. Gen. Gov. Appropriations	
CS/SB 860	Brandes	Creates an internship path to certification as a building inspector or plans examiner. Adds definition of "residential plans examiner". Adds performing plan reviews as a building official under an interagency service agreement to the definition of "building code administrator". Contains the original language from SB 7000 concerning changes to the process for developing and adopting	Community Affairs Regulated Industries Rules Careers and Comp. Subco. Oversight, Transparency & Admin. Subco. Commerce	Community Affairs voted in favor of committee substitute 6-0. Careers and Comp. Subco., voted in favor of committee
CS/HB 909 (Similar)	Goodson			

		<p>the Florida Building Code.</p> <p>Does not contain original language from SB 7000.</p>	Committee	substitute 15-0.
HB 691	Jacobs	Any technical amendment related to water conservation practices shall be carried forward into subsequent editions of the code. The amendments are subject to review pursuant to Section 553.73, Florida Statutes.	Careers & Competition Subco. Local, Fed, and Veterans Affairs	Referred to committees and subcommittees.
HB 1021	Avila	Provides funding for the continuation of the Construction Industry Workforce Task Force. Requires the Commission to amend the Florida Building Code to remove from the Florida Building Code- Energy Conservation duplicative commissioning requirements, to allow commissioning reports to be prepared by licensed design professionals, electrical engineers and mechanical engineers and	Careers and Comp. Subco. Appropriations Committee Commerce Committee	The Careers and Competition Subcommittee voted 13-0 in favor of the bill.
SB 1312 (Similar)	Perry	to prohibit the adoption of ASHRAE Standard 90.1-2013 9.4.1.1(g). Requires the DOE and the DEO to commission a study implementing several of the legislative recommendations from the Construction Workforce Task Force.	Not referred	

SB 1634	Steube	By October 1, 2017, the Florida Building Commission must adopt a provision authorizing the permanent installation of a nonremovable, hoistway door space guard designed and installed to withstand a force of 75 pounds applied horizontally in residential elevators. The Florida Building Commission shall also adopt, into the building code, Section 399.031, F.S., relating to clearance requirements between elevator doors for elevators inside a private residence.	Community Affairs Rules	Community Affairs voted in favor 6-0.
CS/HB 1215 (Identical)	Jacquet		Careers and Competition Subco. Government Operations and Tech. Appro. Subco. Commerce Committee	Careers and Competition Subco. voted in favor of a committee substitute 13-0.