

FLORIDA BUILDING COMMISSION



FACILITATOR'S SUMMARY REPORT OF THE MARCH 12, 2012 TELECONFERENCE MEETING

TALLAHASSEE, FLORIDA

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FLORIDA BUILDING COMMISSION
MARCH 12, 2012 TELECONFERENCE MEETING SUMMARY REPORT

MONDAY, MARCH 12, 2012

OPENING AND MEETING ATTENDANCE

The meeting was opened at 10:00 AM, and the following 14 Commissioners participated:

Dick Browdy (Chair), Bob Boyer, Ed Carson, Kiko Franco, Herminio Gonzalez, Ken Gregory, Dale Greiner, Jeff Gross, Jon Hamrick, Scott Mollan, Drew Smith, Jim Schock, Chris Schulte, and Jeff Stone.

DCA Staff Present

Leslie Anderson-Adams, Ila Jones, Mo Madani, Marlita Peters, and Ann Stanton.

PROJECT WEBPAGE

Information on the project, including agenda packets, meeting reports, and related documents may be found in downloadable formats at the project webpage below:

<http://consensus.fsu.edu/FBC/index.html>

AGENDA REVIEW AND APPROVAL

The Commission voted unanimously, 14 – 0 in favor, to approve the agenda as posted/presented including the following objectives during the April 12, 2012 meeting:

- To Approve Regular Procedural Topics (Agenda)
- To Consider Chair's Discussion Issues and Recommendations
- To Consider Legislative Updates
- To Consider Approval of Energy Code Compliance Software
- To Consider Other Old and New Business as Approved by the Chair
- To Consider Commissioner and Public Comment

The complete Agenda is included as “*Attachment I*” of this Report.

(See *Attachment I—Meeting Agenda*)

LEGISLATIVE ISSUES UPDATE

Mo Madani, Commission Staff, provided an update on legislative issues of interest to the Commission relative to the 2012 Florida Legislative Session, and answered member's questions. Staff provided the Commission with a status update on the passage of SB704ER (*CS/CS/SB 704 2nd Engrossed*) {*Senator Bennett*}. The House's companion bill is CS/CS/HB 651 {*Representative Davis*}.

Senate Bill 704ER is currently pending signature by the Governor. Ila Jones indicated that the Governor has the Bill and may sign as recently as March 12, 2012.

DISCUSSION OF SB 704ER

Section 3. Mo Madani advised that Section 3 of the bill amends s. 381.0065 F.S., regarding onsite sewage treatment and disposal systems to add a definition of "bedroom". The Commission's recommendation to add "in accordance with the Florida Building Code" was added to 2. e. as requested.

Section 9. Amends subsection (3) of section 489.105, Florida Statutes, to provide that Class A and Class B air-conditioning contractors and Mechanical Contractors may test and evaluate central air-conditioning, refrigeration, heating, and ventilating systems, including duct work; however, a mandatory licensing requirement is not established for the performance of these specific services.

Section 13. Section 553.721, F.S., is amended to provide that beginning in the 2013-2014 fiscal year Building Permit Fee surcharge funds of \$925,000 be provided to the Florida Building Code Compliance and Mitigation Program each fiscal year. Funding in the amount of \$925,000 has been appropriated from the Residential Construction Mitigation Program to cover Commission training and other issues for FY 2012-13.

Section 14. Amends subsection (10) of section 553.73, F.S. to provide an exemption from the Florida Building Code for hunting structures having less than 1000 square feet meeting the prescribed criteria.

Section 15. Requires local enforcement agencies to provide specific explanations whenever a permit is denied or revoked for not complying with the Code, and whenever a local building code administrator or inspector finds that the plans are not in compliance with the Florida Building Code.

Section 16. Provides that exposed mechanical equipment or appliances fastened to a roof or installed on the ground in compliance with the Code using rated stands, platforms, curbs, slabs, or other means are deemed to comply with the wind resistance requirements of the 2007 Florida Building Code until the effective date of the 2013 Florida Building Code. The described mechanical equipment will be required to comply with the provisions of the Code with the effective date of the 2013 Code.

Chairman Browdy asked for the mechanical equipment issue to be referred to the Mechanical TAC for evaluation relative to working with Industry to ensure steps are taken for equipment to be in compliance with the 2013 Code. At the February Teleconference meeting the Commission expressed a desire to collaborate with Industry to develop a standardized method for demonstrating compliance with the requirements of the Code for inclusion in the 2013 Florida Building Code.

Section 19. Requires the Commission to convene a Screen Enclosures Workgroup to develop recommendations regarding a rule for implementing an alternative design method for screen enclosures which allows for the removal of a section of the screen to accommodate high-wind events consistent with the provisions of the Florida Building Code.

(See Attachment II—Relevant Sections of CS/CS/SB 704 2nd Engrossed)

CONSIDER APPROVAL OF ENERGY CODE COMPLIANT SOFTWARE FOR THE 2010 FLORIDA BUILDING CODE, ENERGY CONSERVATION

At the December meeting the Commission adopted the *Energy Simulation Tool Approval Technical Assistance Manual (the Manual)*. The *Manual* serves as a “Technical Assistance Manual” for computer tool vendors to use in a self-certification process for demonstrating compliance with the Energy Code performance compliance options for residential and commercial buildings. The Chair indicated that for the agenda item the Commission would consider approval of energy simulated calculation tools applications submitted by vendor(s) (vendors seek approval of their software by providing self-certification that the software submitted meets the requirements to demonstrate compliance of the 2010 Florida Energy Code for residential and/or commercial buildings and the procedures of the “Energy Simulation Tool Approval Technical Assistance Manual, TAM-2010-1.0”⁰. The first application was approved at the January 31, 2012 meeting. There was only one application for approval at the March 12, 2012 Teleconference Meeting: the Florida Solar Energy Center has submitted certification for approval of their program EnergyGauge USA 3.0 for residential energy code compliance as per the requirements described in the *Manual*. The Energy TAC reviewed the application and recommended approval. Following an overview, questions and answers, public comment and Commission discussion, the Commission took the following action:

Commission Actions:

Motion—(Amendment) The Commission voted unanimously, 14 – 0 in favor, that approval by the Commission is subject to the certification and disclaimer* language detailed in FSEC’s Submittal Letter dated February 23, 2012 (specific language provided below).

Motion—The Commission voted unanimously, 14 – 0 in favor, to approve EnergyGauge USA 3.0 software for demonstration of Code compliance (for residential energy code compliance) as amended.

****Certification***

To the best of our knowledge, judgment and interpretation, we certify that the software submitted meets the requirements to demonstrate compliance of the 2010 Florida Energy Code for residential buildings and the procedures of the “Energy Simulation Tool Approval Technical Assistance Manual, TAM-2010-1.0.”

Disclaimer

The software is provided "as is", without warranty of any kind, express or implied, including but not limited to the warranties of merchantability, fitness for a particular purpose and noninfringement. In no event shall the authors or copyright holders or the University of Central Florida be liable for any claim, damages or other liability, whether in an action of contract, tort or otherwise, arising from, out of or in connection with the software or the use or other dealings in the software.

COMMISSION MEMBER COMMENTS

Commission members were offered an opportunity to make any additional comments they would like to offer.

Following are Commission member's comments and relevant answers:

Carson: congratulated Chairman Browdy on the "bedroom" definition legislation.

ADJOURN

The Chair adjourned the meeting at 10:36 AM, after a vote of 14 – 0 in favor to adjourn.

ATTACHMENT I
MEETING AGENDA

FLORIDA BUILDING COMMISSION
CONFERENCE CALL MEETING

APRIL 12, 2012—10:00 A.M.

TALLAHASSEE, FLORIDA

CALL-IN NUMBER: 1.888-808-6959 CONFERENCE CODE: 7975951832

OBJECTIVES

- To Approve Regular Procedural Topics (Agenda)
- To Consider Chair’s Discussion Issues and Recommendations
- To Consider Legislative Updates
- To Consider Approval of Energy Code Compliance Software
- To Consider Other Old and New Business as Approved by the Chair
- To Consider Commissioner and Public Comment

Meeting Agenda—March 12, 2012; 10:00 a.m.

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

10:00 A.M.	1.)	Welcome and Opening, Roll Call
	2.)	Review and Approval of Meeting Agenda
	3.)	Chairman’s Issues and Recommendations
	4.)	Consider Legislative Updates Report
	5.)	Consider Approval of Energy Code Compliant Software for the 2010 Florida Building Code, Energy Conservation Energy TAC Minutes 03-07-12 EGUSA Letter (pdf) EnergyGauge EG 3.0 Manual Full Software Test Report (.pdf) Link to trial EnergyGauge USA 3.0
	6.)	Consider Old Business
	7.)	Consider New Business
	8.)	Consider Commission Comments
	9.)	Consider Public Comments
	9.)	<i>Adjourn</i>

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ATTACHMENT II

2012 SENATE BILL 704 CS2 COMMISSION RELEVANT LEGISLATION

CS/CS/SB 704 2ND ENGROSSED—LEGISLATION RELEVANT TO THE FLORIDA BUILDING CODE

Section 3

381.0065 Onsite sewage treatment and disposal systems; regulation.—

(2) DEFINITIONS.—As used in ss. 381.0065-381.0067, the term:

(b)1. "Bedroom" means a room that can be used for sleeping and that:

a. For site-built dwellings, has a minimum of 70 square feet of conditioned space;

b. For manufactured homes, is constructed according to the standards of the United States Department of Housing and Urban Development and has a minimum of 50 square feet of floor area;

c. Is located along an exterior wall;

d. Has a closet and a door or an entrance where a door could be reasonably installed; and

e. Has an emergency means of escape and rescue opening to the outside in accordance with the Florida Building Code.

2. A room may not be considered a bedroom if it is used to access another room except a bathroom or closet.

3. "Bedroom" does not include a hallway, bathroom, kitchen, living room, family room, dining room, den, breakfast nook, pantry, laundry room, sunroom, recreation room, media/video room, or exercise room.

Section 14. Subsection (10) of section 553.73, Florida Statutes, is amended to read:

553.73 Florida Building Code.—

(10) The following buildings, structures, and facilities are exempt from the Florida Building Code as provided by law, and any further exemptions shall be as determined by the Legislature and provided by law:

(a) Buildings and structures specifically regulated and preempted by the Federal Government.

(b) Railroads and ancillary facilities associated with the railroad.

(c) Nonresidential farm buildings on farms.

(d) Temporary buildings or sheds used exclusively for construction purposes.

(e) Mobile or modular structures used as temporary offices, except that the provisions of part II relating to accessibility by persons with disabilities shall apply to such mobile or modular structures.

(k) A building or structure having less than 1,000 square feet which is constructed and owned by a natural person for hunting and which is repaired or reconstructed to the same dimension and condition as existed on January 1, 2011, if the building or structure:

1. Is not rented or leased or used as a principal residence;

2. Is not located within the 100-year floodplain according to the Federal Emergency Management Agency's current Flood Insurance Rate Map; and

3. Is not connected to an off-site electric power or water supply.

Section 15. Subsections (1) and (2) of section 553.79, Florida Statutes, are amended to read: 553.79 Permits; applications; issuance; inspections.—

(1) After the effective date of the Florida Building Code adopted as herein provided, it shall be unlawful for any person, firm, corporation, or governmental entity to construct, erect, alter, modify, repair, or demolish any building within this state without first obtaining a permit therefor from the appropriate enforcing agency or from such persons as may, by appropriate resolution or regulation of the authorized state or local enforcing agency, be delegated authority to issue such permits, upon the payment of such reasonable fees adopted by the enforcing agency. The enforcing agency is empowered to revoke any such permit upon a determination by the agency that the construction, erection, alteration, modification, repair, or demolition of the building for which the permit was issued is in violation of, or not in conformity with, the provisions of the Florida Building Code.

Whenever a permit required under this section is denied or revoked because a plan or the construction, erection, alteration, modification, repair, or demolition of a building is found by the local enforcing agency to be not in compliance with the Florida Building Code, the local enforcing agency shall identify the specific code chapters and sections upon which the finding is based, and provide this information to the permit applicant.

Installation, replacement, removal, or metering of any load management control device is exempt from and shall not be subject to the permit process and fees otherwise required by this section.

(2) Except as provided in subsection (6), an enforcing agency may not issue any permit for construction, erection, alteration, modification, repair, or demolition of any building or structure until the local building code administrator or inspector has reviewed the plans and specifications required by the Florida Building Code, or local amendment thereto, for such proposal and found the plans to be in compliance with the Florida Building Code. If the local building code administrator or inspector finds that the plans are not in compliance with the Florida Building Code, the local building code administrator or inspector shall identify the specific plan features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the local enforcing agency. The local enforcing agency shall provide this information to the permit applicant.

Section 16. Subsection (4) of section 553.844, Florida Statutes, is amended to read:

553.844 Windstorm loss mitigation; requirements for roofs and opening protection.—

(4) Notwithstanding the provisions of this section, exposed mechanical equipment or appliances fastened to a roof or installed on the ground in compliance with the code using rated stands, platforms, curbs, slabs, or other means are deemed to comply with the wind resistance requirements of the 2007 Florida Building Code, as amended. Further support or enclosure of such mechanical equipment or appliances is not required by a state or local official having authority to enforce the Florida Building Code. This subsection expires on the effective date of the 2013 ~~2010~~ Florida Building Code.

Section 19. The Florida Building Commission shall establish a workgroup to assist the commission in developing a rule for implementing an alternative design method for screen enclosures which allows for the removal of a section of the screen to accommodate high-wind events consistent with the provisions of the Florida Building Code.

(1) The workgroup shall be comprised of the following representatives:

(a) Two members who represent the screen enclosure manufacturing industry;

(b) Two members who represent the aluminum contractors industry;

(c) One member who represents the Florida Home Builders Association;

(d) One member who represents the Florida Swimming Pool Association;

- (e) Three members who represent the Building Officials Association of Florida;
- (f) One member who represents the building products industry; and
- (g) One member who is employed as a structural engineer.
- (2) The workgroup shall address the following factors to be included in the rule:
 - (a) An alternative design method for a screen enclosure that is site-specific engineered;
 - (b) A screen enclosure design using the alternative method that serves as a barrier that is required for a swimming pool and remains in place at the minimum height required for the barrier;
 - (c) A screen enclosure design using clear, highly visible labels for panels that can be cut, retracted, or removed when winds are forecasted to exceed 75 mph;
 - (d) A design for a screen that can be removed, cut, or retracted without the use of a ladder or scaffolding;
 - (e) A requirement that the contractor provide replacement screen at the initial point of sale to repair the screen enclosure for designs that require cutting; and
 - (f) An alternative design for a screen enclosure that requires the contractor to provide notice to the homeowner and the local building department that the homeowner must cut, retract, or remove a panel or panels of the screen enclosure in accordance with engineering or manufacturer's instructions when wind speeds are expected to exceed 75 mph.
- (3) The Florida Building Commission shall appoint the workgroup no later than 15 days after the effective date of this act to draft a proposed rule. Rulemaking must be initiated pursuant to chapter 120, Florida Statutes, as soon as practicable after appointment of the workgroup. The commission shall file a notice of proposed rule by October 1, 2012. The Florida Building Code Commission shall file the rule for adoption by January 2, 2013, unless the commission files a letter on or before that date with the Joint Administrative Procedures Committee explaining the reasons for not completing rulemaking. Upon final adoption of the rule, the Florida Building Commission shall incorporate these requirements into the next version of the Florida Building Code. This section expires upon adoption of the rule and its inclusion in the Florida Building Code.

Section 20. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2012.