

FLORIDA BUILDING COMMISSION



FACILITATOR'S SUMMARY REPORT OF THE FEBRUARY 27, 2012 TELECONFERENCE MEETING *TALLAHASSEE, FLORIDA*

FACILITATION, MEETING AND PROCESS DESIGN BY



CONSENSUS CENTER

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*This document is available in alternate formats upon request to DBPR, Codes & Standards,
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FLORIDA BUILDING COMMISSION
FEBRUARY 27, 2012 TELECONFERENCE MEETING SUMMARY REPORT

MONDAY, FEBRUARY 27, 2012

OPENING AND MEETING ATTENDANCE

The meeting was opened at 10:00 AM, and the following 12 Commissioners participated:

Dick Browdy (Chair), Ed Carson, Herminio Gonzalez, Ken Gregory, Dale Greiner, Jeff Gross, Jon Hamrick, Scott Mollan, Nick Nicholson, Rafael Palacios, Chris Schulte, and Jeff Stone.

DCA Staff Present

Leslie Anderson-Adams, Rick Dixon, Ila Jones, Mo Madani, and Marlita Peters.

Meeting Facilitation

The meeting was facilitated by Jeff Blair from the FCRC Consensus center at Florida State University. Information at: <http://consensus.fsu.edu/>



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, 11 – 0 in favor, to approve the agenda as posted/presented including the following objectives during the February 27, 2012 meeting:

- To Hear a Legislative Update
- To Discuss and Decide on Relevant Legislative Issues
- To Consider 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 CS/CS/HB 651 (*Representative Davis*) the House's companion bill to SB 704 (*Senator Bennett*). The Commission reviewed the provisions of SB 704 at the January 17, 2012 Commission Teleconference Meeting.

DISCUSSION OF CS/CS/HB 651

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" which is consistent with the definition contained in SB 704 except for requiring an emergency means of escape to the outside. Staff has requested in their analysis of the Bill that this provision be conformed to the provisions of SB 704.

Mo advised that Section 14 has the same provisions as SB 704 relative to providing an exemption from the Florida Building Code for hunting structures having less than 1000 square feet.

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 has basically the same requirements (with some minor differences) as SB 704 regarding convening a Screen Enclosures Workgroup to develop recommendations for 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.

Section 19 provides that exposed mechanical equipment or appliances fastened to a roof or installed on the ground are deemed to comply with the wind resistance requirements of the 2007 Florida Building Code, and are not required to comply with the Code's wind resistance requirements until the effective date of the 2013 Florida Building Code. The Commission discussed this issue and following discussion agreed as follows:

Commission Action:

Motion—The Commission voted unanimously, 11 - 0 in favor, to charge DBPR staff with preparing a staff analysis incorporating the Commission's comments regarding Section 19 of CS/CS/HB 651 for review and approval by Chairman Browdy. The Commission expressed concern with simply delaying the effective date for mechanical equipment or appliances fastened to a roof or installed on the ground to comply with the wind resistance requirements of the Florida Building Code from the effective date of the 2010 Code to the effective date of the 2013 Code (lines 1133-1134). The Commission recommends that provisions be added to the law requiring Industry to work with the Commission to develop a standardized method for demonstrating compliance with the requirements of the Code for inclusion in the 2013 Florida Building Code. The Commission also recommends that the deemed to comply language in lines 1129-1130 be changed from the 2007 Florida Building Code to the 2010 Florida Building Code.

(See Attachment II—Relevant Sections of CS/CS/HB 651)

LOGISTICS

Commission conference call meetings have been scheduled for each week of the Legislative session but meetings will only be held if information had changed and/or if input from the Commission is needed regarding legislative issues. Notice will be posted on the Commission's website by the Friday before each Monday conference call regarding whether the next scheduled teleconference Commission meeting will be conducted.

NEXT STEPS

Unless cancelled, the Commission will conduct teleconference meetings each Monday during the 2012 Florida Legislative Session as follows:

March 5, 2012 and March 12, 2012. The calls will start at 10:00 AM and Commissioners will be notified prior to each teleconference meeting.

Notice will be posted on the Commission's website by the Friday before each Monday conference call regarding whether the meeting will be conducted.

The next teleconference meeting is tentatively scheduled for 10:00 AM, Monday, March 5, 2012*.

** May be cancelled depending on Legislative action during the week of February 27, 2012.*

ADJOURN

The Chair adjourned the meeting at 10:55 AM.

ATTACHMENT I
MEETING AGENDA

FLORIDA BUILDING COMMISSION
CONFERENCE CALL MEETING
FEBRUARY 27, 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 Other Old and New Business as Approved by the Chair
- To Consider Commissioner and Public Comment

MEETING AGENDA—FEBRUARY 27, 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
	5.)	Consider Old Business
	6.)	Consider New Business
	7.)	Consider Commissioner Comments
	8.)	Consider Public Comments
	9.)	<i>Adjourn</i>

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ATTACHMENT II

2012 HOUSE BILL 651 CS2 COMMISSION RELEVANT LEGISLATION

CS/CS/HB 651—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.

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 not be in compliance with the Florida Building Code, the local enforcing agency must identify the specific plan or project features that do not comply with the applicable codes, chapters, and sections 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 must identify the specific plan features that do not comply with the applicable codes, chapters, and sections and provide this information to the local enforcing agency. The local enforcing agency must then provide this information to the permit applicant.

Section 16. (1) 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. The workgroup shall be composed of the following members:

- (a) Three members who represent the Building Officials Association of Florida;
- (b) Two members who represent the screen enclosure manufacturing industry;
- (c) Two members who represent the aluminum contractors industry;
- (d) One member who represents the Florida Home Builders Association;
- (e) One member who represents the Florida Swimming Pool Association;
- (f) One member who represents the building products industry; and
- (g) One member who is employed as a structural engineer.

(2) The workgroup shall include in the rule, at a minimum, that:

- (a) Each alternative screen enclosure be designed for site-specific use.
- (b) An alternative screen enclosure that serves as a required barrier for a swimming pool keep the screen in place at the minimum height required for the barrier.
- (c) Each alternative screen enclosure include clear, highly visible labels for panels that need to be cut, retracted, or removed when winds are forecast to exceed 75 miles per hour.
- (d) Screens that have to be removed, cut, or retracted be accessible for cutting, retracting, or

removing without the use of ladders or scaffolding.

(e) The contractor provide a replacement screen at the initial point of sale to repair an alternative screen enclosure that is designed to require cutting the screen when wind speeds are forecast to exceed 75 miles per hour.

(f) The contractor installing the alternative screen enclosures notify 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 forecast to exceed 75 miles per hour.

(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 shall 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 no later than October 1, 2012. The commission shall file the rule for adoption by January 2, 2013, unless the commission files a letter by such date with the Administrative Procedures Committee explaining the reasons for not completing rulemaking. Upon final adoption of the rule, the commission must incorporate such requirements into the next version of the Florida Building Code. This section is repealed upon adoption and implementation of the rule into the Florida Building Code.

Section 19. 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 18. This act shall take effect July 1, 2012.