

**FLORIDA BUILDING COMMISSION  
LEGISLATIVE TELECONFERENCE MEETING  
March 23, 2015  
10:00 AM**

**COMMISSIONERS PRESENT:**

Chairman Browdy  
Hamid Bahadori  
James Batts  
Seven Bassett  
Bob Boyer  
Oscar Calleja  
Nan Dean  
Kevin Flanagan  
Charlie Frank  
David Gilson  
Jeff Goff

Jeffrey Gross  
Robert Hamberger  
Brian Langille  
Beth Meyer  
Darrell Phillips  
Brad Schiffer  
Fred Schilling  
Jim Schock  
Jeff Stone  
Brian Swope  
Tim Tolbert

**COMMISSIONERS NOT PRESENT:**

Donald Brown  
E.J. Carlson

David Compton  
Drew Smith

**OTHERS PRESENT:**

Jim Richmond  
April Hammonds  
Chris Burgwald

Mo Madani  
Jim Hammers

**Welcome:**

Chairman Browdy opened the meeting at 10:05 am EST, Monday, March 23, 2015 and asked Jim Richmond to take the roll.

**Roll Call:**

Mr. Richmond called the roll and a quorum was determined.

**Introduction and background:**

Chairman Browdy advised the purpose of the call today is informational rather than requiring any decision process at least at this particular time. He asked that Mr. Richmond move to the Bill Matrix and discuss each Bill one by one.

Mr. Richmond asked Chairman Browdy to request a vote to approve the agenda for the call.

**Agenda:**

Chairman Browdy asked for a motion to approve the agenda for the conference call.

A motion was entered by Commissioner Boyer to approve the agenda. Commissioner Schock seconded the motion. The motion passed unanimously.

**Legislative Update and Bill Matrix:** [Matrix 3-23-15](#)

Mr. Richmond began with **House Bills 413 and 466**, he stated both which have moved since the last teleconference. He stated he reviewed the staff analysis that was done in the last Senate Committee, the Community Affairs Committee, and at least the Senate staff believes that the bill does not affect building code requirements or enforcement. Mr. Richmond said that may give some level of comfort, but still somewhat surprised that it would apply to smoke alarms with their critical nature, but the bills are proceeding.

Mr. Richmond further stated the bills were referencing the wireless alarm systems that do not require a permit to maintain, install, inspect or replace, they are non hard wired systems including smoke detectors.

Mr. Richmond asked if there were any questions on these two bills. There being none, he continued to the next bills on the matrix.

Mr. Richmond stated the next two bills **HB 525 and SB 592** relate to local water conservation practices adopted currently adopted into the code will roll into the future editions of the code. He said those bills are on the Community Affairs agenda in the Senate this afternoon and expect an amendment to the bill that will leave it as a local amendment in character but give it similar treatment to that afforded the flood amendments for CRS purposes. Mr. Richmond said basically a local government would not have to re-adopt those every three years to ensure that they continue proceeding on. He said all of the processes necessary to adopt them initially would remain in place and limitations as well.

Mr. Richmond stated **HB 525** has not moved as of yet, but if the Senate Bill moves there may be some movement in the House.

**Legislative Update and Bill Matrix (cont.):**

Mr. Richmond asked for any comments or questions. There being none, he continued with the next bills on the matrix.

Mr. Richmond stated **HB795** addresses the underwater lighting issue with a companion **SB 926** in the Senate by Senator Sobel. He said there has been no movement on those bills, however there has been a recent development on their subject which we will discuss under SB 1232.

Mr. Richmond asked for any comments or questions. There being none, he continued with the next bills on the matrix.

Mr. Richmond advised **HB 911 and SB 1034** that require a water heating device capable of using heat trapped from incidental sunlight in manufactured buildings has not moved in either chamber. He said we will continue to follow.

Mr. Richmond asked for any comments or questions. There being none, he continued with the next bill on the matrix.

Mr. Richmond stated **HB 915** has been now reported out and there were some substantial amendments done to it on March 10<sup>th</sup> and are listed in the matrix and include a specific designation of money from the \$925,000 annual appropriation to the Compliance and Mitigation Program. He said specifically to implement recommendations of Uniform Implementation Evaluation Workgroup that were completed a couple of years ago and by our review there are no recommendations that require any such funding, so he was not certain what the proponents were looking for. Mr. Richmond said also a designation that funds from that appropriations goes to the State Fire Marshal for non-binding interpretations of the Fire Prevention Code, He said there has been a modification to for what had been a water level detector now known as a water leak detector to hot water heaters in attics and conditioned space. Mr. Richmond said there is an additional element of the bill that expands on the codes current authorization for foundation permits, he said largely incorporates language that we have in the code but seeks to establish a pecking order in terms of the local permitting processes or at least impact that as it currently exists in saying that a foundation permit cannot be denied based on their requiring other approvals. Mr. Richmond stated that is a new element and the last element impacting us is requiring duct and air infiltration tests to be conducted by persons certified in accordance with national standards identified. He said in the bill itself the statutory language has all been amended onto HB 915 and a committee substitute has already been created.

**Legislative Update and Bill Matrix (cont.):**

Mr. Richmond advised one last tweak is referral changes, more consistent with its construction header as opposed to its real health care impact even though it has the swimming pool language in it. He said the Health Care Appropriations Sub-Committee and the Health and Human Services Committee have been removed from that bill and have been substituted with Government Operations Appropriations and Regulatory Affairs; this puts the bill before committees that have more direct jurisdiction over the bulk of the subject matter of the bill.

Mr. Richmond continued with **SB 1232** and stated this bill was calendared Thursday afternoon for Monday's consideration. He said that there is one glorious function called a strike everything amendment and he only had a brief moment to read through it, but it looks like the Senate Bill will read like the House Bill which is common for this time of year. Mr. Richmond stated there was an additional amendment filed this morning that impacts the swimming pool lighting issue and this particular amendment would establish a task force to study and report to the Governor standards pertaining to grounding, bonding, lighting, wiring, and all electrical aspects for safety in and around public and private pools with a report due by October 1, 2015. He further stated it designates 10 members including the Chair of the Building Commissions and his/her designees, the State Surgeon General from the Department of Health, the agency head for the Department of Health with his/her designees and eight members appointment by the Chair of the Building Commission representing designated elements of the industry. Mr. Richmond said there are 8 listed on the bill, he said the members of the task force will then elect a chair and the Building Commission is to provide such staff information and other assistance necessary to assist the task force in carrying out the responsibilities, which he feels would include reimbursing task force members for travel and necessary expenses in accordance with 112. He said it does however, authorize conference calls or teleconferencing or similar technology for use in meetings. Mr. Richmond stated that is a new approach to the elements that are contained in HB 795 and Senator Sobel's other bill SB 796 but being rolled into the Building Code Bill. He said there will be some apparent fiscal impact to the extent that the group will meet in person and staffing cost and things like that but we will have to wait and see. Mr. Richmond said it was filed early this morning and he has not had a chance to analyze it in depth but wanted it out there for their consideration. He said it does seem fairly differential to the Commission although somewhat outside of our ordinary processes, it certainly in allowing the Chair of the Commission to appointment the bulk of members somewhat mindful of the expertise that we bring to the table.

Mr. Richmond asked for questions or discussion on this bill.

**Legislative Update and Bill Matrix (cont.):**

Commissioner Flanagan asked who proposed the task force.

Mr. Richmond stated he did not know, but he did say Senator Sobel who sits on the Committee where the bill is to be heard this afternoon recommended the amendment as she sponsored the bill addressing this issue. He said his understanding is that Senator Sobel and the Representative Stark were working with the father of the child who was tragically killed in an accident in a swimming pool and he believes that they have gotten that constituents approval before filing this as well. Mr. Richmond said that he has no personal knowledge of who is supporting this, however, he does know that our friends The Building Officials Associations and the Florida Pool and Spa Association both had their legislative days last week and made the rounds and were directing comments to this issue, so they may have had input on this as well.

Commissioner Flanagan thanked Jim and stated he felt Senator Sobel was involved in these changes.

Chairman Browdy stated going back to HB 915 and the reference to the \$925,000 annual appropriation for the Compliance and Mitigation Program. He said his recollection was that the recommendation from the Uniform Implementation Evaluation Workgroup was not subject to nor were there any funding issues attached to that. Chairman Browdy asked Mr. Richmond if his understanding was that it was the intent of Representative Eagle or the proponents that the recommendations of the group were so worthwhile that if there were some type of funding required it would come out of this fund. He said he was trying to understand the language.

Mr. Richmond stated that we are following up on this to find out exactly what the proponents are looking for. He said there were three recommendations from that workgroup, two of which were legislative, the definition of local technical amendment which was accomplished within four weeks of that report being completed, and then the availability of interpretive elements for accessibility requirements. Mr. Richmond stated that this was expanded on the following year in the Legislation. He said there was a third element that we need to move forward on that we need to draft a comment or correspondence to local government attorneys stating that the local governments need to comply with the law when dealing with local technical amendments, but he said it has just slid to the back burner in terms of more pressing issues. Mr. Richmond stated we should not have to tell lawyers to tell their clients to follow the law anyway, but that it certainly does not require \$30,000. He said that these are the three recommendations from the workgroup that were approved by the Commission and we are reaching out to determine what people are looking to spend this money on there.

Chairman Browdy thanked Mr. Richmond for the response.

**Legislative Update and Bill Matrix (cont.):**

Commissioner Schock stated he had sent an e-mail prior to the meeting on three Senate Bills that he attached that we may want to look into. He said he could provide a quick synopsis.

Mr. Richmond stated he may have one already covered, but asked that he be allowed to complete the agenda prior to discussing the additional bills.

Mr. Richmond asked if this completed the discussion on SB 1232 and HB 915.

Commissioner Schiffer inquired on SB 1232 on line 624 there is something in there that says The Florida Building Code may not require more than one fire access elevator in buildings that are occupancy group R-2.

Mr. Madani stated that is part of the amendment and one of the amendments that we are adding.

Commissioner Schiffer asked if that means we will carry this forward.

Mr. Madani stated he has not looked at it in depth as it just came in. He said that he would need to look at it as he will not know what the problem is until then.

Commissioner Schiffer stated that was another section line 766 where they are trying to reduce dead-end corridors within an apartment and may not exceed 50-feet protected by sprinkler system. He said the wording within an apartment scares him.

Mr. Madani asked if it was under 633?

Commissioner Schiffer stated SB 1232 line 766 in the amendment.

Mr. Madani stated he has not had a chance to review. He said that is under 633 which is Fire Marshall.

Commissioner Schiffer then asked on line 762 of the amendments on areas of refuge, he is not sure what that means.

Mr. Madani stated this appears to be under Chapter 633 which is under the Fire Marshall.

Commissioner Schiffer stated there are some differences in the Fire Code and Building Code on refuge. He said that Mr. Madani indicated this was under Fire Code.

Mr. Madani stated yes, it does appear to be under the Fire Code; however, he will review for any impact on Florida Building Code.

**Legislative Update and Bill Matrix (cont.):**

Commissioner Schiffer stated the fire service elevators are kind of a good idea, especially in small elevator designs. He said he has a revision in the base code for this cycle.

Mr. Madani said that in regard to the dead end corridor this would bring it closer to the building side.

Commissioner Schiffer stated the problem, we have a 50 foot dead end corridor outside of the apartment, but the way this is worded dead end corridors within the apartment, we have travel and common path within the apartment, but we do not have the dead end corridor within the apartment. He said this could mean that you have to have a common path and that could throw units out of compliance.

**Commissioner Comments:**

Mr. Richmond asked for any additional comments or questions on this bill. There being none, he said he had received some e-mail traffic on some additional bills. He stated these bills were SB 1486 and HB 1151 and are basically for residential master building permitting. Mr. Richmond said these bills really are more directly impacting to local governments and their permitting practices and left to their discretion under our act and under the Building Code. He said they have looked at them to make sure they do not create any catch twenty two in the requirements of the Building Code, but did not spot anything immediately and this covers one of the Bills on Commissioner Schock's e-mail.

Mr. Richmond asked if Commissioner Schock wanted to add anything to his findings or were there any comments or questions from other members.

Commissioner Schock stated he did not have anything to add on these bills.

Chairman Browdy asked if the intent of these bills is inclusion in Chapter One to encourage building departments that facilitate permitting through the master building permitting processes is what was intended or are they requiring this, he does not understand.

Jim Richmond stated he did not read it to require, he feels that it is something that the Code Administration TAC would want to look at for perhaps the next update cycle as including something within Chapter One as it clearly does become a minimum requirement for plan review, inspection and minimum standards of issuance of permits and certificates of occupancy. He said he does not think it requires a change to our Chapter One but it may be the proper initiative for change for future editions to remain consistent with statutory requirements.

**Commissioner Comments (cont.):**

Commissioner Schock added that it appeared to him that they added the language shall create to pretty much make it mandatory on building departments to create the process.

Mr. Richmond stated it is his understanding that is the intent of the sponsors is to make it a mandatory element for all building departments to have a master permitting process.

Mr. Madani stated this permitting is to specific criteria, that are already there anyway, and it is more of a public/local administrative procedure than state wide. He said it is to allow the process to be available and is not the only one and is specific criteria and the prototype plans that we had where it allowed for a master filing of plans for alike type buildings and is most likely available in most districts.

Commissioner Schock proceeded with SB 1148 and said this has to do with FS 633 which is the Fire Marshal Statute but allows nonresidential farm buildings to have assembly occupancies taking place so many times a year and have a bunch of criteria to it. He said the reason it caught his eye, is because Duval and St. Johns Counties have venues where they were using barns for weddings and the barns were never permitted as they were exempt and now we are allowing them to be used for assemblies and there were issues with that. Commissioner Schock stated it does not mention the Building Code it only speaks to exemption to the Fire Code.

Mr. Madani said the only thing we have in the Code is following the exemption, the details of the exemption comes from the Department of Agriculture, we do not have any say in the exemption, it is outside of our venue.

Commissioner Schock said in some ways that is correct, however it is going to contradict the Building Code unless they coordinate better or you will have the Fire Marshall saying it is okay and the building official saying it is not.

Mr. Richmond said that in part the exemption is termed farm buildings used for agricultural purposes.

Mr. Madani said that there are guidelines and criteria to obtain the exemption.

Commissioner Schock advised he wanted to also bring up SB 504 which is in regards to playground safety. He says it is requiring playground safety standards and guidelines to be used for playground safety and it includes municipal playgrounds, playgrounds under HOA's and it talks about may be permitted not shall be and the ADA requirements would be of interest. Commissioner Schock stated he just wanted to bring this to the attention of staff and the Commission.

**Commissioner Comments (cont.):**

Commissioner Schock stated that SB 1094 is really more for building officials and flood plain managers. He said that it looks like they want to have the elevation certificates require the surveyor to submit those directly to the Department of Emergency Management, kind of like we do with the energy sheets and submit it to the State. Commissioner Schock said this is for awareness, as the Building Code does require elevation certificates and the reason he brought it up.

Mr. Madani stated that was correct.

Mr. Richmond asked if there were any additional comments or concerns.

Chairman Browdy stated perhaps he missed the section regarding the accreditation process language that was in HB 915 and ask if there had been any progress.

Jim Richmond said there has been no movement. He said it still remains there and strikes both the Commission's authority to have an accreditation program as well as our authority to expend money on the development of advanced modules.

Chairman Brody stated we have not been spending money on advanced modules the way we did initially. He said his recollection was that part of our initial scope of work is to have oversight on continuing education and he is wondering if all other language making that a requirement scoping issued for the Commission would be removed if this accreditation of Building Code related continuing education courses is eliminated from the Commissions scope of services.

Mr. Richmond stated that in large part he was correct in that the Commission has not expended funds direct in terms of development of courses but what had evolved over the years eventually was this Building Code Compliance Mitigation program that the proponents placed under the auspices of the Department of Community Affairs first and now Business and Professional Regulations and that involves the \$925,000 contract with the Building a Safer Florida each year and has to some extent included an element that included an element that involved development of advanced modules for delivery to building officials, residential contractors and others. He said that we have expended some of the \$925,000 in course development; he said he believed it would be characterized as such. Mr. Richmond stated the accreditation aspect is within 553.4, the Building Commissions Chapter, and the accreditation program is really the sole reference to our participation in education and it evolved through several items over the years. He said one concern that we have raised that Commission approved courses are called for in some of the other practice acts as a condition of renewing licensure and all of a sudden if they take away accreditation without taking away those requirements, there will be a lot of design professionals and contractors who cannot get their licenses renewed because there will be no Commission approved courses as we will not have mechanism to approve them.

**Commissioner Comments (cont.):**

Chairman Browdy stated that this could pose some interesting conflicts within the licensure community and the continuing education to determine whether or not the Commission approved courses are required across the licensure board requirements. He said he was pleased that the accreditation program did not cost the State anything but at the same time gave us the opportunity to have some oversight to assure that courses were in compliance with the latest edition of the code. Chairman Browdy said he would hate to see that availability even if it was volunteer in nature to a great extent to be eliminated from the requirements for licensure in code education.

Chairman Browdy asked if there were any other comments.

Commissioner Gross asked when ICC will have the first printing of the code available.

Mr. Madani advised that a mass e-mail is about to go out advising that the printed version is now available for purchase and they will start distributing the code the end of March. He said regarding the CD's there will be a PDF download there will be no CD's and those will be available for purchase now and out by April 7, 2015 and he feels we are on target.

Chairman Browdy asked for further comments, there being none he asked Mr. Richmond to follow up.

Mr. Richmond advised this is all of the information for the time being. He stated that there will be a lot of activity this afternoon as a couple of these Bills are scheduled for this afternoon including Senate Building Code Bill. Mr. Richmond stated he feels there will be a lot to discuss at our in person meeting coming up in a couple of weeks.

Chairman Browdy stated that the Workgroup will be meeting in Citra the afternoon before the Plenary Session.

Mr. Richmond stated yes the meeting will be in the afternoon.

**Follow-up Roll Call:**

Mr. Richmond performed a second roll call as directed by procedural changes at the last Commission Meeting. Quorum remained with 22 Commissioners on the line with no calls dropped.

**Conclusion:**

Mr. Richmond stated he would like to wrap up the call by apologizing for the miscommunication of the numbers for this morning. He said this telephone number they used to dial in is the one that will be used for the remainder of the calls as well as the pass code. Mr. Richmond stated that reminders will still go out to them. He said that would conclude the information for this meeting.

**Adjournment:** Chairman Browdy adjourned the meeting at 10:48 am.