COMMISSIONERS PRESENT:

Dick Browdy, Chairman            Richard Goff
Steve Bassett                    Jeff Gross
James Batts                      Jeff Gross
Bob Boyer                        Robert Hamberger
Oscar Calleja                    Brian Langille
Jay Carlson                      Beth Meyer
David Compton                    Darrell Phillips
Nan Dean                         Bradley W. Schiffer
Kevin Flanagan                   Frederick Schilling
Charles Frank                    Jim Schock
Shane Gerwig                     Jeff Stone
Bradley W. Schiffer

COMMISSIONERS NOT PRESENT:

Hamid Bahadori                   Donald Brown

OTHERS PRESENT:

Jim Richmond                     Mo Madani
April Hammonds                   Jim Hammers
Chris Burgwald                   Chip Sellers

MEETING FACILITATION:

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

Time:  8:30 am

Chairman Browdy welcomed Commissioners, staff, and members of the public to Jacksonville and the February 10, 2016 plenary session of the Florida Building Commission. He stated that in addition to considering regular procedural issues including product and entity approvals, applications for accreditor and course approvals, petitions for declaratory statements, accessibility waivers, and recommendations from our various committees and workgroups, the primary focus of the February meeting is for the purpose of: approving the updated Code Modification Process for the TACs and Commission; to receive 2016 Legislative Session updates; and to consider and approve updated Energy Code compliance software.

Chairman Browdy stated that members of the public are requested to sign the attendance sheet on the speaker’s table in the center of the room. In addition, we have a sign-up sheet for general public comment. He advised as always, we will provide an opportunity for public comment on each of the Commission’s substantive discussion topics (actions that are not procedural or ministerial in content). Chairman Browdy stated that if they want to comment on a specific substantive Commission agenda item, please come to the speaker’s table when the issue is up for consideration so we know you want to speak. He said that public input is welcome, but should be offered before there is a formal motion on the floor. Chairman Browdy asked that all please remember to keep all electronic devices turned off or in a silent mode and thanked them for their cooperation.

Chairman Browdy stated that there are also buff colored “Public Comment Forms” on the speakers’ table that can be used to provide written comments. He said all written comments will be included in the Facilitator’s Summary Report and asked that they please give their completed “Public Comment Forms” to Jeff Blair.

Chairman Browdy advised that some of the licensing boards located within the Department of Business and Professional Regulation have adopted rules regarding continuing education credits for attending Florida Building Commission meetings and/or Technical Advisory Committee meetings and stated if your board participates you may sign-in on the kiosk laptop provided in the meeting room.
Roll Call:

Chairman Browdy asked that Jeff Blair performed roll call, a quorum was met with twenty four members present.

Chairman Browdy requested that Jeff Blair cover the agenda items for the meeting today.

Agenda Review and Approval:

Jeff Blair welcomed participants to the February Plenary Session and introduced the agenda.

A motion was entered by Commissioner Phillips to approve the agenda as presented. The motion was seconded by Commissioner Hamberger. The motion passed unanimously 24-0 in favor

Approval of the December 15, 2015 Facilitator’s Summary Report and Meeting Minutes:

Chairman Browdy requested a motion for the Approval of the December 15, 2015 Facilitator’s Summary Report and Meeting Minutes.

Commissioner Schilling entered a motion to approve the December 15, 2015 Facilitator’s Summary Report and Meeting Minutes as presented with no amendments offered. The motion was seconded by Commissioner Phillips. The motion passed unanimously with a vote of 24-0 in favor.

Florida Building Commission Meeting Dates:

Chairman Browdy provided the following dates for future meetings up to June 2017. He stated the meeting sites are to be determined.

- August 16 – 17, 2016
- October 11, 2016
- December 13, 2016
- February 7, 2017
- April 4, 2017
- June 13, 2017

Chairman Browdy asked for a motion to approve these meeting dates.

Commissioner Schilling entered a motion to approve the meeting dates as provided. Commissioner Schiffer seconded the motion. The motion passed with a vote of 23-1 in favor.
Appointments:

Chairman Browdy stated that the Governor has appointed Jeremy “Shane” Gerwig to represent code officials. Shane is from Clermont and is the building division manager and building official for Lake County. His term runs from December 18, 2015 to January 15, 2019. Welcome to Shane.

Chairman Browdy announced the following Commissioners that were re-appointed by the Governor.

Brad Schiffer has been reappointed to represent architects. He said Commissioner Schiffer is from Naples and is the owner of T AXIS, Inc. Chairman Browdy stated that we are pleased that Commissioner Schiffer has been reappointed for an additional term running from December 18, 2015 to August 11, 2019.

Kevin Flanagan has been reappointed to represent electrical contractors. Commissioner Flanagan is from Fort Lauderdale and is the president of C&F Electric, Inc. Chairman Browdy stated that we are pleased that Commissioner Flanagan has been reappointed for an additional term running from December 18, 2015 to January 30, 2019.

Brian Swope has been reappointed to represent roofing sheet metal. Commissioner Swope is from Wesley Chapel and is the vice-president of sales and operations for Tampa Roofing Company. Chairman Browdy stated that we are pleased that Commissioner Swope has been reappointed for an additional term running from December 18, 2015 to May 1, 2019.

Robert Boyer has been reappointed to represent Municipal or Charter Counties. Commissioner Boyer is from Palm City and is codes, products and training coordinator for the Palm Beach County Building Department. Chairman Browdy stated that we are pleased that Commissioner Boyer has been reappointed for an additional term running from December 18, 2015 to July 26, 2019.

Jeffrey Stone has been reappointed to represent building product manufacturers. Commissioner Stone is from Saint Petersburg Beach and is the owner of Stone Resource Systems. Chairman Browdy stated that we are pleased that Commissioner Stone has been reappointed for an additional term running from December 18, 2015 to July 27, 2019.

Jeffery Gross has been reappointed to represent the building management industry. Commissioner Gross is from Hollywood and is the president of Jeffery Gross Associates Architects PA. Chairman Browdy stated that we are pleased that Commissioner Gross has been reappointed for an additional term running from December 18, 2015 to November 21, 2019.
Appointments (cont.):

Don Brown has been reappointed to represent the insurance industry. Commissioner Brown is from DeFuniak Springs and is the owner of Donald Brown Consulting and the president of First National Insurance Agency. Chairman Browdy stated that we are pleased that Commissioner Brown has been reappointed for an additional term running from December 18, 2015 to November 21, 2019.

Darrell Phillips has been reappointed to represent public education. Commissioner Phillips is from Tallahassee and is an architect, construction planner, and design manager for the Florida Department of Education. Chairman Browdy stated that we are pleased that Commissioner Phillips has been reappointed for an additional term running from December 18, 2015 to November 21, 2019.

Chairman Browdy stated in addition, he has been reappointed as the Chairman for the Florida Building Commission for an additional term running from December 18, 2015 to October 13, 2019.

TAC/POC Appointments:

Chairman Browdy advised that he is appointing Commissioner Schilling as the chairman of the Plumbing TAC, and Commissioner Boyer who has been serving as the chair will remain on the TAC as a member. He thanked Commissioner Boyer for serving so well as the chairman over the past several years, and thanks to Fred for agreeing to serve as chairman.

Chairman Browdy advised that he is appointing Commissioner Goff to replace himself on the Code Administration TAC. Chairman Browdy thanked Commissioner Goff for agreeing to serve.

Accessibility Advisory Council Appointments:

Chairman Browdy stated the he was pleased to announce that the Department of Business and Professional Regulation Secretary Ken Lawson has made the following appointments to the Accessibility Advisory Council:

Joe Del Vecchio appointed to represent the Paralyzed Veterans of America. Chairman Browdy stated Mr. Del Vecchio was present in the audience.

Julia Mintzer was appointed to represent the hearing impaired. Chairman Browdy stated Ms. Mintzer was present in the audience.
TAC/POC Appointments (cont.):

Caroline Stachurski was appointed to represent Disability Rights of Florida. Ms. Stachurski was present in the audience.

Chairman Browdy advised also present in the audience was Linda Parnell a member of the Advisory Council. He stated they had a meeting yesterday and that he thanked them for staying to attend the Commission Meeting.

Consideration of Accessibility Waiver Applications:

Chairman Browdy stated the Commission will now consider this month’s requests for accessibility waivers. He advised April Hammonds will serve as legal counsel and present the Accessibility Advisory Council’s recommendations. Chairman Browdy then asked Ms.

NYZ Apocalypse 5250 International Drive, Orlando - Council recommended denial.

Commissioner Schock entered a motion to accept the recommendation of denial. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 24-0.

SJM By the Sea, LLC 256 Commercial Blvd Lauderdale by the Sea, 33308 - Council recommended granting based on unreasonable economic hardship.

Michael Dudas was present for any questions from the Commission. He stated he does agree with the Council decision.

Commissioner Schiffer entered a motion to accept the recommendation of granting based on unreasonable economic hardship. Commissioner Meyer seconded the motion. The motion passed unanimously with a vote of 24-0.

Prestige Hotel of Vero Beach 1526 Ocean Drive Vero Beach, 32963 – Council recommended granting based on technical infeasibility.

Juan Rossel was present for any questions from the Commission. He stated he does agree with the Council decision.

Commissioner Schiffer entered a motion to accept the recommendation of granting based on technical infeasibility. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 24-0.
Consideration of Accessibility Waiver Applications (cont.):

**Young Life Southwind Dorm**  18115 SE 95th Street Ocklawaha, 32179 - Council recommended denial.

Stacey Noll was present to address questions of the Commission. She stated she does not agree with the Council decision.

There was in-depth discussion among the Commissioners, including questions of Ms. Noll. There was a request from the Commission to defer to provide the applicant with an opportunity to conduct research and consult with the appropriate building official regarding whether a religious exemption to the accessibility requirements may apply.

A motion was entered by Commissioner Schilling to defer to allow the petitioner to make a determination and bring forth evidence or either not come back because the building official has made that determination. If returning bring forth additional evidence that may warrant the Commission to change their minds. This would be taken up at the next Commission Meeting in April. The motion was seconded by Swope. The motion passed with a vote of 19 to 5.

**Pete's Turn**  Atlantic Beach Drive Atlantic Beach, 32233 - Council recommended denial.

Commissioner Schock entered a motion to accept the recommendation of granting based on technical infeasibility. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 24-0.

**Mt Vernon Hotel**  6084 Collins Ave Miami Beach, 33140 - Council recommended granting based on historical nature.

Commissioner Carlson entered a motion to accept the recommendation of granting based on historical nature. Commissioner Meyer seconded the motion. The motion passed unanimously with a vote of 24-0.

**Thomas and Amber Wirth**  1360 Indian River Road Sebastian, 32958 – Council recommended granting based on unreasonable economic hardship.

Doug Loseke was present representing applicant to answer questions. He stated he does agree with the Council decision.

Commissioner Schiffer entered a motion to accept the recommendation of granting based on unreasonable economic hardship. Commissioner Meyer seconded the motion. The motion passed unanimously with a vote of 24-0.
Consideration of Accessibility Waiver Applications (cont.):

**Brickell Animal Hospital**  130 SW 8th Street Miami, 33130 - Council recommended granting based on unreasonable economic hardship.

Commissioner Gross entered a motion to accept the recommendation of granting based on unreasonable economic hardship. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 22 to 2.

**Windmill Park**  700 Lyons Road Coconut Creek, 33063. – Council recommended denial.

Merrill Romanik, Architect, representing Windmill Park was present for questions. She stated she did not agree with the decision.

There was in-depth discussion regarding this being a City owned building and project and Title II ADA and the Florida Building Code.

Commissioner Schilling entered a motion to accept the recommendation of denial. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 22 to 2.

**Product and Entity Approval:**

Chairman Browdy advised Commissioner Stone will present the POC’s recommendations for entity approvals and the consent agenda for products recommended for approval, and Jeff Blair will present the POC’s recommendations for product approvals with discussion and/or comments.

Commissioner Stone entered a motion to approve the consent agenda for 29 entities as posted. Commissioner Compton seconded the motion. The motion passed with a vote of 22 to 0. (22 members present for vote).

Commissioner Stone entered a motion to approve the consent agenda for 111 product applications. Commissioner Compton seconded the motion. The motion passed 21-0. (21 members present for vote).

Mr. Blair presented the following products for discussion:

**15505-R-2** – Commissioner Stone entered a motion to conditionally approve as recommended by the POC. Commissioner Compton seconded the motion passed unanimously with a vote of 21-0. (21 members present for vote).
Applications for Accradiator and Course Approval:

Chairman Browdy advised that Commissioner Dean will now present the Education POC’s recommendations regarding applications for accredditor and course approval.

Commissioner Dean presented 5 advanced accredited courses for approval on the consent agenda: **768.0, 767.0, 769.0 and 772.0**.

Commissioner Dean entered a motion to approve the 4 advanced courses on the consent agenda. Commissioner Calleja seconded the motion. The motion passed unanimously 17-0 (17 members present for vote).

Commissioner Dean presented one administratively approved course **413.2**.

Commissioner Dean entered a motion to approve the one administratively approved course on the consent agenda. Commissioner Calleja seconded the motion. The motion passed unanimously 17-0 (17 members present for vote).

Commissioner Dean stated there was one accredditor for approval, Mr. David Aihe.

Commissioner Dean entered a motion to approve the accredditor application for Mr. David Aihe. The motion was seconded by Commissioner Calleja. The motion passes unanimously 17-0. (17 members present for vote).

Legal Update:

Chairman Browdy stated that prior to the declaratory statements; April Hammonds, Esq. will be providing information any legal matter to report.

Ms. Hammonds stated there were no other legal issues to report.

Chairman Browdy requested Ms. Hammonds to now present the declaratory statements.

Petitions for Declaratory Statement: [Legal Report](#)

**DS2015-150** by Rolando Soto of the Broward County Board of Rules and Appeals

Ms. Hammonds read the petition from Rolando Soto of the Broward County Board of Rules and Appeals with response.

Ms. Hammonds stated that the Mechanical and Structural TACs both recommended deferral to allow petitioner to provide additional information and amend their questions.
Petitions for Declaratory Statement (cont.):

Commissioner Calleja entered a motion to accept the staff, Mechanical TAC and Structural TAC recommendation to defer. Commissioner Boyer seconded the motion. The motion passed unanimously 24-0.

DS 2015-154 by David John, P.E. of Stan Weaver & Company

Ms. Hammonds read the petition from David John, P.E. of Stan Weaver & Company with response.

Ms. Hammonds stated the Energy TAC voted unanimously to recommend the Commission approve staff’s recommendation on the Petition.

Commissioner Calleja entered a motion to accept the staff and Energy TAC recommendation. Commissioner Smith seconded the motion. The motion passed unanimously with a vote of 24-0.

Legislative Report:

Jim Richmond stated there are several bills that touch on the Commission, but the main bills are CS for HB 535 and its companion bill SB 704. Mr. Richmond provided an update on the status of the bills. He said SB 704 now has a new Committee Substitute as of February 1, 2016. Mr. Richmond provided additional language and issues. He also spoke on the issue with building permits being added speaking to development permits.

Mr. Richmond stated there will be another update provided on the next Legislative Conference call on February 22, 2016 at 10 am.

Mr. Richmond asked if there were any questions or comments.

Commissioner Bassett stated he wanted to have the notices out for the calls way in advance. He also asked about the solar contractor issue.

He said if it is licensing it would be referred to the licensing board.

Arlene Stewart stated that what she was discussing was a licensing issue.

Commissioner Schiffer questioned the life of the Education POC.

Chairman Browdy stated the intent of this is to remove education from the Building Commission.
Legislative Report (cont.):

Commissioner Schiffer asked for discussion of wording and how it is reviewed.

Mr. Madani stated staff does have input on wording that affects the code.

Mr. Richmond stated staff will complete staff analysis, but this can be changed many times.

Commissioner Calleja asked if the Commission can advocate.

Mr. Richmond explained the process and flow of how the language is heard and the directions it takes.


Chairman Browdy stated at the June 19, 2015 meeting the Commission voted to approve Energy Code Compliance Software for the 5th Edition (2014) Florida Building Code, Energy Conservation, specifically EnergyGauge Summit 5.1 for demonstrating compliance with commercial building energy requirements and EnergyGauge USA 4.0.01 for demonstrating compliance with residential building energy requirements. He further stated at the August 18, 2015 meeting the Commission voted to approve REScheck for demonstrating compliance with residential building energy requirements. Chairman Browdy said in addition, at the December 15, 2015 meeting the Commission voted to approve COMcheck for demonstrating compliance with commercial building energy requirements.

Chairman Browdy said the Commission is now being asked to consider approving updates to approved Energy Code Compliance Software for the 5th Edition (2014) Florida Building Code, Energy Conservation, specifically EnergyGauge USA 5.0.03 for demonstrating compliance with residential building energy requirements, and EnergyGauge Summit 5.20 for demonstrating compliance with commercial building energy requirements.

Chairman Browdy said the Energy TAC reviewed the EnergyGauge USA 5.0.03 for demonstrating compliance with residential building energy requirements, and EnergyGauge Summit 5.20 for demonstrating compliance with commercial building energy requirements software updates and is recommending approval. Commissioner Smith will provide the Energy TAC’s recommendation and Mo will provide any technical background needed and answer members’ questions.

Commissioner Smith stated the TAC reviewed EnergyGauge USA 5.0.03 and EnergyGauge Summit 5.20 in their last meeting and they were approved.

Chairman Browdy asked for questions or comments, there being none he asked for a motion to approve the Energy Code Compliance Software update for the 5th Edition (2014) Florida Building Code, Energy Conservation, specifically EnergyGauge USA 5.0.03 for demonstrating compliance with residential building energy requirements.

Commissioner Smith entered a motion to approve the Energy Code Compliance Software update for the 5th Edition (2014) Florida Building Code, Energy Conservation, specifically EnergyGauge USA 5.0.03 for demonstrating compliance with residential building energy requirements. Commissioner Calleja seconded the motion. The motion passed unanimously with a vote of 24-0.


Commissioner Smith entered a motion to approve the Energy Code Compliance Software update for the 5th Edition (2014) Florida Building Code, Energy Conservation, specifically EnergyGauge Summit 5.20 for demonstrating compliance with commercial building energy requirements. Commissioner Calleja seconded the motion. The motion passed unanimously with a vote of 24-0.


Mo Madani reviewed the TACs’ meeting schedule for the review of proposed Code modifications for the 2017 FBC Code Update Process.

There was an opportunity for public comment discussion as well as questions and answers among the Commission.


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Committee Reports and Recommendations:

Chairman Browdy requested TAC and POC chairs to confine their reports to a brief summary of any key recommendations, emphasizing any issues requiring an action from the Commission. He asked if the TAC/POC requires Commission action, to frame the needed action in the form of a proposed motion. Chairman Browdy stated this will ensure that the Commission understands exactly what the TAC/POC’s are recommending, and the subsequent action requested of the Commission. Acceptance of a committee report does not approve any recommendations contained within the report.
Committee Reports and Recommendations (cont.):

**Building Fire Technical Advisory Committee; 12-28-15**

Commissioner Schiffer provided a brief summary of the Fire TAC teleconference meeting on December 28, 2015 in the absence of Commissioner Bahadori.

A motion was entered by Commissioner Schiffer to accept the Fire TAC report. The motion was seconded by Commissioner Frank. The motion passed unanimously with a vote of 24 to 0.

**Education Program Oversight Committee;**

Commissioner Dean provided a brief summary of the Education POC meeting held via teleconference on January 29, 2016.

A motion was entered by Commissioner Dean to accept the Education POC report. The motion was seconded by Commissioner Calleja. The motion passed unanimously with a vote of 24 to 0.

**Electrical Technical Advisory Committee;**

Mo Madani provided a brief summary of the Electrical TAC teleconference meeting on December 28, 2015.

A motion was entered by Commissioner Flanagan to accept the Electrical TAC report. The motion was seconded by Commissioner Phillips. The motion passed unanimously with a vote of 24 to 0.

**Energy Technical Advisory Committee; (12-29-15) (01-27-16)**

Commissioner Smith provided a brief summary of the two Energy TAC teleconference meetings on December 29, 2015 and January 27, 2016.

A motion was entered by Commissioner Smith to accept the Energy TAC reports. The motion was seconded by Commissioner Calleja. The motion passed unanimously with a vote of 24 to 0.
Committee Reports and Recommendations (cont.):

**Mechanical Technical Advisory Committee; (12-29-15) (01-28-16)**

Commissioner Bassett provided a brief summary of the Mechanical TAC teleconference meetings on December 29, 2015 and January 28, 2016.

A motion was entered by Commissioner Bassett to accept the Mechanical TAC report. The motion was seconded by Commissioner Calleja. The motion passed unanimously with a vote of 24 to 0.

**Plumbing Technical Advisory Committee: 12-29-15**

Commissioner Boyer provided a brief summary of the Plumbing TAC teleconference meeting on December 29, 2015.

A motion was entered by Commissioner Boyer to accept the Mechanical TAC report. The motion was seconded by Commissioner Schilling. The motion passed unanimously with a vote of 24 to 0.

**Product Approval Program Oversight Committee:**

Commissioner Stone provided a brief summary of the Product Approval POC meeting held via teleconference on January 28, 2015.

A motion was entered by Commissioner Stone to accept the Product Approval POC report. The motion was seconded by Commissioner Compton. The motion passed unanimously with a vote of 2 to 0.

**Roofing Technical Advisory Committee; 12-28-15**

Commissioner Swope provided a brief summary of the Roofing TAC meeting held via teleconference on December 28, 2015.

A motion was entered by Commissioner Swope to accept the Roofing TAC report. The motion was seconded by Commissioner Batts. The motion passed unanimously with a vote of 24 to 0.
Committee Reports and Recommendations (cont.):

Structural Technical Advisory Committee; (12-28-15) (01-28-16)

Commissioner Schock provided a brief summary of the Structural TAC teleconference meetings on December 28, 2015 and January 28, 2016.

A motion was entered by Commissioner Schock to accept the Mechanical TAC report. The motion was seconded by Commissioner Compton. The motion passed unanimously with a vote of 24 to 0.

Public Comment:

Chairman Browdy advised if anyone wished to address the Commission and had not yet signed the speaker’s list please do so now. He said that the Commission welcomes their comments on its actions or any other topic under the Commission’s purview and authority.

There was no public comment.

Commission Member Comments and Issues:

Chairman Browdy opened the floor for comments from the Commission.

Commissioner Gross asked who to mail in re-imbursements since Mr. Chambers has relocated.

Commissioners were advised to send to Chris Burgwald.

Commissioner Gross addressed the attachment to the folder regarding Enterprise which is owned by National.

Mr. Richmond stated there are some conditions. He said appointed officials are authorized to use state rates but would need documentation to show business relationship. Mr. Richmond stated he would provide further details when they become available.

Commissioner Bassett spoke on his experience with Enterprise. He said in addition for CEU there are some classes available tomorrow at the University of North Florida.

Mr. Richmond addressed the Commission regarding the credits receive for meeting attendance. He said he will check with the Education Unit at DBPR. Mr. Richmond also provided track of the CEU’s logged in on the Kiosk in the meeting room.

Commissioner Gross explained the process of the AIA credits on licensing.

Adjournment 10:53 am: