

**FLORIDA BUILDING COMMISSION
LEGISLATIVE TELECONFERENCE MEETING
February 29, 2016
10:00 AM**

COMMISSIONERS PRESENT:

Chairman Browdy
Seven Bassett
James Batts
Bob Boyer
Donald Brown
David Compton
Nan Dean
Kevin Flanagan
Charlie Frank (10:20 am)

Shane Gerwig
David Gilson
Jeff Goff
Jeffrey Gross
Brad Schiffer
Fred Schilling
Jim Schock
Brian Swope

COMMISSIONERS NOT PRESENT:

Hamid Bahadori
E.J. Carlson
Robert Hamberger
Darrell Phillips
Drew Smith

Oscar Calleja
Brian Langille
Beth Meyer
Jeff Stone

OTHERS PRESENT:

Jim Richmond
April Hammonds
Nick DuVal

Mo Madani
Jim Hammers
Norman Bellamy

Welcome:

Jim Richmond opened the meeting at 10:01 am, EST, Monday, February 29, 2016. Roll was called and a quorum was determined with 17 members present with Commissioner Frank joining after roll call.

Introduction and background:

Chairman Browdy stated the purpose of this meeting is to receive a legislative update on what is happening in the closing of the session and the legislative initiatives that will impact the Florida Building Commission. He said there will be time for questions and answers.

Agenda:

Mr. Richmond asked for comments, there being none, he asked for public comment, there being none, he asked for a motion to approve the agenda.

A motion was entered by Commissioner Compton to approve the agenda. Commissioner Boyer seconded the motion. The motion passed unanimously with 17 votes in favor.

Legislative Update :

Mr. Richmond advised that there was no matrix sent out. He said the Bills relating to the Commission are HB 535 and SB 704.

Mr. Richmond stated that HB 535 was heard in Committee on Thursday and subject to substantial amendments. He said SB 704 is on the agenda in the final Senate Committee on Tuesday. Mr. Richmond advised that there is currently a strike everything amendment pending on that and that he anticipates seeing a good bit of amendments to that amendment to make SB 704 look like HB 535.

Mr. Richmond then walked the Commission through the amendments made to HB 535 on Wednesday. He said that currently there is not another CS to the CS not published as of yet. Mr. Richmond advised that in the amendment to the amendment reveals bar number 490625 which indicates a strike everything amendment to the bill that was filed by Representative Eagle. He said that there are several amendments to this amendment.

Mr. Richmond said that in section 13 which is amendment to Section 515.27 of the FS and was the Pool Safety Bill that was passed several years ago and identified in its content four options for trying to protect against unauthorized entry into a pool. He said that the amendment being added now would add a fifth option or alternative which appears to be a pool alarm that actually sits in the pool and detects surface motion, pressure, sonar, laser or infrared type alarms that basically detect someone getting in the water. Mr. Richmond further stated the other four alternatives include pool barrier, pool cover, the doors and windows providing direct access to the pool have alarms, or all doors providing direct access from the home to the pool have be equipped with self-closing clips or latching devices and all have been integrated into the Code now for years and this would require us to add an alternative to the Code. He said there is a standard provided ASTM F 2208 for these alarms for this alternative and alarms that you attach to individual person such as a child are excluded from this alternative.

Mr. Richmond provided time for questions, there being none he continued.

Legislative Update (cont.):

Mr. Richmond stated the next section addresses the organization with the Accessibility Advisory Council and we have discussed this in the past.

Mr. Richmond said the next modification covers the allocations from the surcharge in the mitigation program that we have with that surcharge money that remains \$30,000 for the Work Group recommendations and \$15,000 for the informal interpretation process with the Florida Fire Prevention Code.

Mr. Richmond stated the next section initially contained a modification to go to a six year Code update cycle changing it from three years and provided six new alternatives for glitch modification. He said that based on an amendment to the amendment 304.599 was taken out of the bill so that is no longer up for consideration in the House version and in reference the amendment for SB 704 does contain this language, however he said he feels there will be an amendment to the amendment to take it out. Mr. Richmond stated that this will be tracked and a call is being scheduled for next Monday and he will brief them at that time.

Mr. Richmond said the remainder of that section was actually subject to change, the Fire Service Access Elevator issue has been modified and now essentially recognized the requirements of the Code for two Fire Service Access Elevators and restricts the Bills application to the limitations or changes to requirements for lobbies and access to those elevators that were contained in the Bill in concert to restricting it to one, which is moving it back in our direction a good bit.

There were no questions or comments at this time.

Mr. Richmond said the next section addresses the hearing officer panel that was in the Bill previously.

Mr. Richmond said one section that had been added that he had not seen before was the Building Code and Inspector's Board will be taking a look at is contained beginning in line 9997 and is not really a Commission issue but more a BCAIB licensing issue for building officials in that they are required to provide a reason for denying, revoking or modification of a request. He said failure to file grounds for these actions could result in disciplinary action against their licenses.

Mr. Richmond advised there is another new section added that relates to registration of alarms and systems that he does not feel is a building code issue.

There were no questions or comments at this time.

Legislative Update (cont.):

Mr. Richmond moved on to section 20 of the amendment stating the section may change to section 21 but it will be hard to see until CS number three comes out. He said this section relates to product approval evaluation entities and inner testing services and NA Inc. has been added to the evaluation entities that has already added Underwriters Lab as an additional evaluation entity and they will be authorized to perform within our statewide system for product approval evaluation.

There were no questions or comments at this time.

Mr. Richmond moved on to section 22 where there is some language that was inserted last year regarding battery powered smoke alarms and the replacement of battery powered smoke alarms and requiring a ten year non-removable non-replaceable battery instead of the standard nine volt battery. He said this language would limit that requirement for replacement to those replaced as a result of a level one alteration and although it is not explicit in the language use of the terminology clearly indicates the existing building code.

There was discussion of the current language in the building code and a possible glitch needed for clarification.

Mr. Richmond continued with section 27 which relates to the Calder Sloan Swimming Pool Electrical Safety Task Force that has been discussed in the past and has been pretty much fulfilled by the Commission.

Mr. Richmond stated section 28 relates to an issue that arose at the bills last stop and that is the Construction Industry Task Force and the change to that is the addition of three new members to the existing roster. He said the new members would consist of a member from the Florida Carpenters Regional Council, National Electrical Contractors Association Florida Chapter and a member representing Florida Electrical Workers Association. Mr. Richmond stated the remainder of those requirements and the direction of the Task Force remain the same and your Chairman will also serve on that Task Force.

There were no questions or comments at this time.

Mr. Richmond stated the next section refers to the fire separation distance issue actually the next two sections and basically reinstating the provisions that we had in the 2010 FBC and were not in the 5th Edition and that will result in a modification to the building Code.

Legislative Update (cont.):

Mr. Richmond advised the next section is 31 and is for demonstrating compliance with the energy code under the 5th Edition and pre-adopting what is in the next edition of the IECC basically allowing the use of energy rating indexes as demonstration of compliance with the code. He said the change from the last bill previously stated that an index score of 65 was needed to demonstrate compliance, in the current version it has been dropped back to a 58 as indicated in the IECC so where there has been a 13 percent adjustment, that has been dropped to the IECC compliance going forward.

There were no questions or comments at this time.

Mr. Richmond continued with section 32 which is a new provision in the bill which is reinstating some exceptions that existed in the 2010 edition of the code for the need for shower lining requirements and basically floor surfaces under shower heads provided for rinsing laid directly on the ground, shower compartments where the finished shower drain is depressed a minimum of two inches below the surrounding finished floor on the first floor level and the shower recess is poured integrally with the adjoining floor. He said those were contained in the 2010 Code and not carried forward into the 2014 Code, this will require us to adopt them into the 2014 Code.

There were no questions or comments at this time.

Mr. Richmond stated section 33 is a new issue and rose concern that there may be some conflict between this and the earlier provisions relating to fire separation distance. He said this is further implementation of the requirements of the 2010 code for fire separation distance and the projections and protection required for those types of projections into the 2014 5th Edition.

Mr. Madani provided further clarification of the language.

There was discussion on the language and reasoning for this change.

Mr. Richmond stated section 36 relates to regulation of restaurants, cafeterias or similar dining facility including an associated commercial kitchen shall be required to have sprinklers only if it has a fire area occupancy load of 200 patrons or more. He said he believed the Senate bill initially reflected 300 patrons. Mr. Richmond said this splits the difference creating a medium point and will require a modification to the code and the Fire Code will also need to be modified.

There were additional comments from the Commission Members expressing their thoughts on this issue.

Legislative Update (cont.):

Mr. Richmond stated the last issue to point out is the modification that occurred to the blower door requirements and that was done in the amendment to the amendment by Representative Eagle and has it over from an outright prohibition of enforcement of the requirements of blower door testing and mechanical ventilation to modifying that requirement and the means by which compliance is demonstrated. He then asked Mr. Madani to break this down technically.

Mr. Madani provided the technical breakdown of this process for the Commission.

Mr. Richmond then asked questions and concerns that need to be addressed.

Mr. Richmond stated that there will a Committee Meeting this afternoon and will delegate any other changes.

There was continued discussion among the Staff and Commissioner.

Mr. Richmond stated there was another item that he would like to note even though it is somewhat out of our realm, but still through the alternative method of compliance it does impact the demonstration. He said that the same amendment that made this change also lists out providers of rating systems in statute and includes Residential Energy Services Network, Commercial Energy Services Network, The Building Performance Institute and the Florida Solar Energy Center. Mr. Richmond further stated that would essentially create a finite set of systems that can be used as building an energy rating system in the State.

There were no questions or comments at this time.

Mr. Richmond stated this is the most current report, and SB 704 will be in Committee and he said he felt it will have many amendments and will look like HB 535 as much as can be accomplished. He said there are two weeks in the Session and will need to be put out on the floor in order for them to become law.

There was a question and answer session following the report with questions from the Commissioners.

Final Roll Call:

Mr. Richmond performed ending roll call. There were 17 members present at the end of the call. No members dropped from the call.

Adjournment:

There was no further business and Chairman Browdy adjourned the meeting at 11:00 am.