

**FLORIDA BUILDING COMMISSION
LEGISLATIVE TELECONFERENCE MEETING
March 14, 2016
10:00 AM**

COMMISSIONERS PRESENT:

Chairman Browdy
Seven Bassett
Bob Boyer
Donald Brown
David Compton
Nan Dean
Kevin Flanagan

Charlie Frank
Shane Gerwig
Jeff Goff
Jeffrey Gross
Darrell Phillips
Brad Schiffer
Fred Schilling

COMMISSIONERS NOT PRESENT:

Hamid Bahadori
Oscar Calleja
David Gilson
Brian Langille
Jim Schock
Jeff Stone

James Batts
E.J. Carlson
Robert Hamberger
Beth Meyer
Drew Smith
Brian Swope

OTHERS PRESENT:

Jim Richmond
April Hammonds
Nick DuVal
Chris Burgwald

Mo Madani
Jim Hammers
Norman Bellamy

Welcome:

Jim Richmond opened the meeting at 10:03 am, EST, Monday, March 14, 2016. Roll was called and a quorum was determined with 14 members present.

Agenda:

Mr. Richmond 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 14 votes in favor.

Legislative Update :

Mr. Richmond advised the legislative update is limited to a single Bill at this point. He said that a copy of this bill was sent out for their review. Mr. Richmond stated those that are not familiar with the process and enrolled bill is one that has been passed out of both houses of the legislative and then goes to the Governor. He said in this case this bill in rapid fashion was signed by the officers and was already presented to the Governor last week. Mr. Richmond further advised that now the clock is ticking for the Governor's action on this bill.

Mr. Richmond stated that the issues that really impact the Building Commission are listed below by Sections.

Section 12 beginning at line 696 corrects a cross reference with Chapter 514 within 553.77.

Section 13 completes an exemption on temporary pools from regulation as public pools by the Department of Health.

Section 14 beginning at line 716 is an amendment to then Senator Wasserman-Schultz pool safety act to add basically swimming pool alarms that detect accidental or unauthorized entrance that meet ASTM Standard F2208 as being an alternative for compliance for residential swimming pool safety.

Section 15 beginning at line 746 is the modification to recognize the organization that currently exists on the Accessibility Advisory Council and that organization being the Pensacola Pen Wheels, Inc. employee the handicap Council. He said this has been in prior versions.

Section 16 beginning at line 774 is the allocation of funding for the recommendations made by the Building Code System Uniform Implementation and Evaluation Workgroup dated April 8th 2013 as well as funds to the State Fire Marshalls informal interpretations. He said this had also been in prior sections of the bill as well.

Section 17 beginning at line 819 deals with the issues of the Fire Prevention Code and Florida Building Code interpretations and local appeal boards. He stated at line 901 there is an editorial change to re-roofing when existing mechanical equipment can be required to be elevated. And beginning at line 908 is the most current enervation of the Fire Service Access Elevator issue.

Legislative Update (cont.):

Mr. Richmond stated that he would direct the Commissions attention to the final sentence that addresses standpipes to the Florida Fire Prevention Code and NFPA 14 Standard adopted by the State Fire Marshall. He said he believes that the issue that was described to him was that under the Building Code they are required to be accessible without opening the door to the elevator lobby and basically preserve its ability to use the staging area. Mr. Richmond stated by deferring to the Florida Fire Prevention Code and NFPA 14 which do not have similar requirements that it will no longer be a requirement in the State of Florida.

Chairman Browdy stated to clarify; this would eliminate the requirement for the second fire service elevator.

Mr. Richmond stated no the most current version of it actually recognizes it as the second fire service elevator, but does create some modifications to the elevator lobby requirements.

Chairman Browdy said the concerns that were addressed when we attempted to deal with the issue with the emergency rule still exists in that the language is pretty clear that the Florida Building Code shall require two fire service elevators in all buildings with a height greater than 120 feet. He said that has not changed to the extent that perhaps an alternative elevator could be used as a fire service elevator depending on the requirements as it relates to openings in the lobby would that not be correct.

Mr. Madani advised in terms of this legislation the two fire service elevators are still required consistent with the Code. He said the difference is that for certain buildings that are 120 and above it allows the use of a protective corridor as an alternative to the required protected lobby. Mr. Madani stated also that for transient residential occupancies above 420 preserves the requirement for the protective lobby. He said what Mr. Richmond is talking about is the requirement in the Florida Building Code for accessibility for the hose that is connected to standpipe which is in Section 3007.10.1 Florida Building Code; he said it does not allow accessing the fire floor through the protected lobby to avoid any smoke migrations into the lobby rendering that elevator and lobby unusable. Mr. Madani further stated this legislation would not apply to group R1 and R2. He said the standard NFPA 14 and the Florida Fire Prevention Code will be used instead and to his knowledge there is no similar requirement in the Florida Fire Prevention Code as required under Section 3007.10.1 of the Florida Building Code. Mr. Madani said that he believes this legislation preserves things that are in the Florida Building Code and the only concern raised by us has to do with the accessibility for the hose and the protected lobby.

Commissioner Schiffer asked if we will remove that requirement from the Code.

Legislative Update (cont.):

Mr. Madani stated we will have to do two things, one we provide an exception in chapter four high rise which allows the protected corridor and revise chapter thirty which addresses fire access elevator and add exception for the standby post connections for groups R1 and R2 which will refer them to NFPA 14 and the Florida Fire Prevention Code. He said there will be some adjustments to the Code as exceptions in this case.

Section 18 beginning at line 932 this section is adding an architect and engineer to the binding interpretation panel.

Section 19 beginning at line 1073 contains information added in last version and is a licensing issue for building officials. Language was added requiring building code administrators or plan reviewer to provide a reason for a denial, revocation or modification request. He said if they fail to do so the language provided states they are subject to disciplinary action against their licenses pursuant to FS 468-621(1)(j).

Section 20 pertains to alarm system registrations. Mr. Richmond advised this section does not directly impact our issues directly.

Section 21 beginning at line 1168 local enforcement issues where fees cannot be charged for certain items.

Section 22 beginning at line 1197 is a section that adds Underwriters Labs and Intertek Testing Services and these have been in prior version of the bill as well.

Section 23 beginning at line 1216 contains a couple of modifications brief in nature but impactful. Mr. Richmond stated starting at line 1233 is where the prior version just addressed the work associated with the prevention of degradation of a residence and there were a couple of things added for purposes of exclusion from cost for calculation whether or not openings need to be retro-fitted in the home. He said added to this is roofing covering replacement and work related to degradation of the residence. Mr. Richmond stated those items will be excluded from the calculation of the \$50,000 for purposes of retrofit. Mr. Richmond stated at line 1254 and going through 1254 this is striking sunset deemed to comply roof mountable equipment that did expire with this edition of the code but is now in place.

Section 24 Smoke alarms, Mr. Richmond stated they did add in replace with 10 year non-removable non-replaceable battery alarms as a result of level one alterations. He said anything that is not a level one alteration or above could be replaced in kind or there is no prohibition of replacement in kind.

Legislative Update (cont.):

Section 25 beginning at line 1277 is the blower door mechanical ventilation issue and as it ultimately turned out it changed as we referred to in the last edition of this bill and basically is a tweak to the air changes permissible and a further delay of the blower door testing July 1, 2017.

Mr. Richmond stated the next section is a companion to the Section 25 that allows certain licensed individuals to perform blower door testing.

Chairman Browdy stated at the end of the day for everybody we have not eliminated the blower door test. He said we have changed the air exchange from 5 to 3 and have essentially delayed the implementation requirements of the blower door tests and made it less stringent than it was than the original requirements under the Florida Energy Code.

Mr. Richmond stated yes that is correct.

Section 26 Mr. Richmond stated that this section is really a clarification. He said the Code allowed a great deal of discretion for the building official to determine who could perform blower door test. Mr. Richmond advised what this does is create a greater realm of people that are entitled to that approval and does not restrict the possibility of others as well.

Mr. Richmond advised the Commissioners that he was moving onto a series of sections that apply to the Fire Code and their issues.

Section 30 Beginning at line 1425 that reconvenes the Calder Sloan Pool and Electrical Safety Task Force which has been in several bills this year and last and have already been a subject of meeting for the Pool TAC and the Electrical TAC.

Mr. Richmond stated on line 1454 is the Construction Industry Task Force and has been in versions of prior bills and may have gained a few members but the mission remains consistent.

Section 32 and Section 33 reinstated the provisions relating to the zero lot lines subdivisions that we had we had in earlier versions of the Code with one addition which is measuring the width between buildings.

Commissioner Flanagan said in discussion regarding permits, does this make it more feasible for people to get permits.

Mr. Madani stated if this passes it will go back to the 2010 version which should be ok for permits.

Legislative Update (cont.):

Section 34 Basically is the Alternative Performance Path to demonstrate compliance with the Energy Code. Mr. Richmond advised there was a sentence added at the end to be added to the Code and he did not feel that was the intention but it directs the Commission to determine whether onsite renewal power generation may be used for a period longer than three years but not more than six consecutive years.

Arlene Stewart advised that she could add to that by saying that this particular message to the energy rating index. She said in some states allow onsite generation with a particular standard that can be used to show compliance. Ms. Stewart continued by saying that there is a new standard out in the ICC and there is a lot of controversy about whether or not on-site power generation (solar) should be used in lieu of or in addition to the building mechanical measures. She further stated that they can be used in some places and in others they don't so it would be up to the Commission if they wanted to allow use of solar power.

Mr. Madani stated that this is requiring the Commission to maybe perform a study to look at this mandate and if it can be used for the specific time frames.

Section 35 beginning at line 1587 is shower lining requirements pulling from the 2010 Plumbing Code.

Section 36 beginning at line 1601 is the Fire Separation issue and cleans up the table as opposed to the text and requirements of the 2010 Code.

Section 37 was on both sides House and Senate and they arrived at middle ground essentially between the Fire Code and the Building Code essentially. Mr. Richmond stated that it increases the size of dining facilities essentially where they can be allowed without sprinklers to an occupancy load of 200 patrons or more.

Section 38 the last sections reference the e-permitting permits and the mandate and is a local government issue and not with the Commission.

Mr. Richmond stated the Governor has the bill and essentially has 15 days for response.

Mr. Richmond asked for any questions from the Commission at this time.

Chairman Browdy stated going back to BOAF panel and the requirement for an Engineer and Architect. He asked if we have the list or can we get the list of those persons serving on the panel.

Mr. Richmond advised it is public record and yes we do have a list, however this has not passed into law yet so those two positions have not been assigned.

Legislative Update (cont.):

Commissioner Schiffer asked if the Governor has the ability to line item veto.

Mr. Richmond said he could line item veto that appropriate funds. He said typically unless it is appropriation related he does not have authority.

Chairman Browdy asked for any public comment.

Arlene Stewart asked what the timeline was for gubernatorial action on the bill.

Mr. Richmond said it would be in the next two weeks.

Arlene Stewart asked if this will be available for the Code Mod Meeting.

Mr. Richmond and Mr. Madani stated yes it will be discussed.

Chairman Browdy asked Mr. Richmond to address the issue of Commissioner use of rental cars.

Mr. Richmond spoke to the Commission on the Rental Car issues and what is required of the Commissioners. He said that if they want confirmation letter of state business; let him know so that he can get the letter they will need.

Commissioner Schiffer asked if mileage will still be paid. Yes at this time.

Commissioner Bassett said as a member of the Fire Prevention Code they are limiting cost to rental and not allowing mileage. He asked that they be notified if our policy changes.

Chairman Browdy then spoke shortly about the continuing education and the importance of using the Kiosk.

Mr. Richmond advised this is the correct way to get the credit for their professional licenses.

Final Roll Call:

Mr. Richmond performed ending roll call. There were 14 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 10:39 am.