



# FLORIDA BUILDING COMMISSION

"STRONGER CODES THROUGH SCIENCE AND CONSENSUS"

Florida Department of  
Business  
Professional  
Regulation

## FACILITATOR'S SUMMARY REPORT OF THE FEBRUARY 10, 2016 FLORIDA BUILDING COMMISSION MEETING JACKSONVILLE, FLORIDA

PROCESS DESIGN, CONSENSUS-BUILDING AND FACILITATION BY



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**FLORIDA BUILDING COMMISSION**  
**FEBRUARY 10, 2016 FACILITATOR’S MEETING SUMMARY REPORT**

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**FLORIDA BUILDING COMMISSION**  
**FEBRUARY 10, 2016 FACILITATOR'S SUMMARY REPORT**



# FLORIDA BUILDING COMMISSION

"STRONGER CODES THROUGH SCIENCE AND CONSENSUS"

## OVERVIEW OF COMMISSION'S KEY ACTIONS AND DECISIONS

### WEDNESDAY, FEBRUARY 10, 2016

#### WELCOME AND INTRODUCTIONS

Chairman Browdy welcomed the Commission, DBPR staff and the public to Jacksonville and the February 10, 2016 plenary session of the Florida Building Commission. The Chair noted that the primary focus for the February meeting, in addition to considering regular procedural issues including product and entity approvals, applications for accreditator and course approvals, petitions for declaratory statements, accessibility waivers, and recommendations from the Commission's various committees, was for the purpose of: approving the updated Code Modification Process for the TACs and Commission; receiving 2016 Legislative Session updates; and approving updated Energy Code compliance software.

The Chair explained that if one wished to address the Commission on any of the issues before the Commission they should sign-in on the appropriate sheet(s), and as always, the Commission will provide an opportunity for public comment on each of the Commission's substantive discussion topics. The Chair explained that if one wants to comment on a specific substantive Commission agenda item, they should come to the speaker's table at the appropriate time so the Commission knows they wish to speak. The Chair noted that public input is welcome, but should be offered before there is a formal motion on the floor.

Chairman Browdy explained 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. Participants whose board participates may sign-in on the laptop kiosk station located in the meeting room.

## **I. PLENARY SESSION SUMMARY AND OVERVIEW**

At the February 10, 2016 meeting conducted in Jacksonville the Commission considered and decided on Chair's issues and recommendations, product and entity approvals, applications for accreditor and course approvals, petitions for declaratory statements, accessibility waivers, and recommendations from the Commission's various committees. Specific actions included voting unanimously: to approve the Energy Code Compliance Software update for the 5<sup>th</sup> Edition (2014) Florida Building Code, Energy Conservation, specifically EnergyGauge USA 5.0.03 for demonstrating compliance with residential building energy requirements; to approve the Energy Code Compliance Software update for the 5<sup>th</sup> Edition (2014) Florida Building Code, Energy Conservation, specifically EnergyGauge Summit 5.20 for demonstrating compliance with commercial building energy requirements; to approve the TAC Code modification review meeting schedule for the 2017 Code Update Process—6<sup>th</sup> Edition Florida Building Code (2017); to approve the revised Workplan for the 2017 Code Update Process—6<sup>th</sup> Edition Florida Building Code (2017); to approve the Commission's Code modification review process for the 2017 Code Update Process—6<sup>th</sup> Edition Florida Building Code (2017); to approve the TACs' Code modification review process for the 2017 Code Update Process—6<sup>th</sup> Edition Florida Building Code (2017); and, to approve the TAC review process for reviewing public comments on TACs' recommendations regarding proposed Code modifications for the 2017 Code Update Process—6<sup>th</sup> Edition Florida Building Code (2017).

*(Attachment 1—Meeting Evaluation Results)*

## **II. COMMISSION ATTENDANCE**

The following Commissioners attended the Wednesday, February 10, 2016 meeting:

Dick Browdy (Chair), Steve Bassett, James Batts, Bob Boyer, Oscar Calleja, Jay Carlson, David Compton, Nan Dean, Kevin Flanagan, Charles Frank, Shane Gerwig, David Gilson, Richard Goff, Jeff Gross, Robert Hamberger, Brian Langille, Beth Meyer, Darrell Phillips, Brad Schiffer, Frederick Schilling, Jim Schock, Drew Smith, Jeff Stone, and Brian Swope.

(24 of 26 seated Commissioners attended).

*Absent Commissioners:*

Hamid Bahadori, and Donald Brown.

### **DBPR STAFF PRESENT**

Chris Burgwald, Jim Hammers, April Hammonds, Mo Madani, Jim Richmond, and 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/>



CONSENSUS CENTER

## **PROJECT WEBPAGE**

Information on the Florida Building Commission project, including agenda packets, meeting reports, and related documents may be found at the Commission Webpage. Located at the following URL: <http://floridabuilding.org/c/default.aspx>

## **III. AGENDA REVIEW AND APPROVAL**

The Commission voted unanimously, 24 - 0 in favor, to approve the agenda for the December 15, 2015 meeting as posted/presented. Following are the key agenda items approved for consideration:

- To Consider Regular Procedural Issues: Agenda Approval and Approval of the October 15, 2015 Facilitator's Summary Report and Meeting Minutes.
- To Consider/Decide on Chair's Discussion Issues/Recommendations.
- To Consider/Decide on Accessibility Waiver Applications.
- To Consider/Decide on Approvals & Revocations of Products & Product Approval Entities.
- To Consider Applications for Accreditor and Course Approval.
- To Consider/Decide on Legal Issues: Petitions for Declaratory Statements.
- To Receive a Legislative Report.
- To Consider/Approve an Update of the Code Modification Review Process for the 6<sup>th</sup> Edition of the Florida Building Code.
- To Consider Approval of Energy Code Compliance Software Updates for the 5<sup>th</sup> Edition (2014) Florida Building Code, Energy Conservation.
- To Consider/Decide on Technical Advisory Committees (TACs): Building Fire, Electrical, Energy, Mechanical, Plumbing, Structural, and Roofing TACs.
- Energy, Mechanical, Roofing, and Structural TACs.
- To Consider/Decide on Program Oversight Committees (POCs): Education and Product Approval POC Reports/Recommendations.
- To Receive Public Comment.
- To Discuss Commissioner Comments and Issues.
- To Review Committee Assignments and Issues for the Next Meeting—April 12, 2016 in Gainesville, Florida.

*Amendments to the Posted Agenda:*

None.

*(Attachment 4—February 10, 2016 Commission Agenda)*

## **IV. DECEMBER 15, 2015 FACILITATOR'S SUMMARY REPORT AND MEETING MINUTES**

**MOTION**—The Commission voted unanimously, 24 - 0 in favor, to approve the December 15, 2015 Facilitator's Summary Report and Meeting Minutes as presented/posted.

*Amendments:* There were no amendments offered.

## V. CHAIR'S DISCUSSION ISSUES AND RECOMMENDATIONS

### Florida Building Commission Meeting Schedule for FY 2016-2017

Chairman Browdy reported that the Commission's proposed meeting schedule for Fiscal-Year 2016-2017 is as follows:

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

Following the opportunity provided for questions and answers, public comment and discussion, the Commission took the following action:

#### *Commission Action:*

**MOTION**—The Commission voted, 23 – 1 in favor, to approve the Commission's meeting schedule for Fiscal-Year 2016 - 2017.

### Appointments/Reappointments

Chairman Browdy reported that the Governor made the following appointments and reappointments to the Florida Building Commission:

*The Governor made the following new appointment to the Commission:*

Jeremy "Shane" Gerwig was appointed 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. The Chair welcomed Shane to the Commission.

*The Governor reappointed the following Commissioners:*

Brad Schiffer was reappointed to represent architects. Brad is from Naples and is the owner of TAXIS, Inc. Brad was reappointed for an additional term running from December 18, 2015 to August 11, 2019.

Kevin Flanagan was reappointed to represent electrical contractors. Kevin is from Fort Lauderdale and is the president of C&F Electric, Inc. Kevin was reappointed for an additional term running from December 18, 2015 to January 30, 2019.

Brian Swope was reappointed to represent roofing sheet metal & AC contractors. Brian is from Wesley Chapel and is the vice-president of sales and operations for Tampa Roofing Company. Brian was reappointed for an additional term running from December 18, 2015 to May 1, 2019.

Robert Boyer was reappointed to represent Municipal or Charter Counties. Bob is from Palm City and is codes, products and training coordinator for the Palm Beach County Building Department. Bob was reappointed for an additional term running from December 18, 2015 to July 26, 2019.

Jeffrey Stone was reappointed to represent building product manufacturers. Jeff is from Saint Petersburg Beach and is the owner of Stone Resource Systems. Jeff was reappointed for an additional term running from December 18, 2015 to July 27, 2019.

Jeffery Gross was reappointed to represent the building management industry. Jeff is from Hollywood and is the president of Jeffery Gross Associates Architects PA. Jeff was reappointed for an additional term running from December 18, 2015 to November 21, 2019.

Don Brown was reappointed to represent the insurance industry. Don is from DeFuniak Springs and is the owner of Donald Brown Consulting and the president of First National Insurance Agency. Don was reappointed for an additional term running from December 18, 2015 to November 21, 2019.

Darrell Phillips was reappointed to represent public education. Darrell is from Tallahassee and is an architect, construction planner, and design manager for the Florida Department of Education. Darrell was reappointed for an additional term running from December 18, 2015 to November 21, 2019.

Richard Browdy was reappointed as the Chair of the Florida Building Commission. Dick is from Jacksonville and is the president of Browdy and Browdy, Inc. Dick was reappointed for an additional term running from December 18, 2015 to October 13, 2019.

### **TAC Appointments**

The Chair announced the following TAC appointments:

**Plumbing TAC.** The Chair appointed Commissioner Schilling (Plumbing Contractor Representative to the Commission) as the chair of the Plumbing TAC, and Commissioner Boyer who has been serving as the chair will remain on the TAC as a member. The Chair thanked Bob for serving as the chair over the past several years, and thanked Fred for agreeing to serve as the new chair.

**Code Administration TAC.** The Chair appointed Commissioner Goff to take his seat on the Code Administration TAC. The Chair thanked Richard for agreeing to serve.

### **Accessibility Advisory Council Appointments**

The Chair noted that he was pleased to announce that DBPR Secretary Ken Lawson made the following appointments to the Accessibility Advisory Council:

Joe Del Vecchio was appointed to represent the Paralyzed Veterans of America.

Julia Mintzer was appointed to represent the hearing impaired.

Caroline Stachurski was appointed to represent Disability Rights Florida.

## **VI. CONSIDERATION OF ACCESSIBILITY WAIVER APPLICATIONS**

April Hammonds, Accessibility Advisory Council legal advisor, presented the Accessibility Advisory Council's recommendations for all applications, and the Commission reviewed and decided on the Waiver applications submitted for their consideration.

### ***Commission Actions Regarding Accessibility Waiver Applications:***



**a. NYZ Apocalypse, 5250 International Drive Orlando, 32819**

*MOTION*—The Commission voted unanimously, 24 - 0 in favor, to deny the waiver request.

**b. SJM By the Sea, LLC. 256 Commercial Blvd Lauderdale by the Sea, 33308**

*MOTION*—The Commission voted unanimously, 24 - 0 in favor, to grant the waiver from vertical accessibility as unreasonable based on economic hardship.

**c. Prestige Hotel of Vero Beach 1526 Ocean Drive Vero Beach, 32963**

*MOTION*—The Commission voted unanimously, 24 - 0 in favor, to grant the waiver from vertical accessibility as unreasonable based on economic hardship.

**d. Young Life Southwind Dorm 18115 SE 95th Street Ocklawaha, 32179**

*MOTION*—The Commission voted, 19 - 5 in favor, to defer action on the waiver in order to get additional information, and 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.

**e. Pete's Turn Atlantic Beach Drive Atlantic Beach, 32233**

*MOTION*—The Commission voted unanimously, 24 - 0 in favor, to deny the waiver request.

**f. Mt Vernon Hotel 6084 Collins Ave Miami Beach, 331**

*MOTION*—The Commission voted unanimously, 24 - 0 in favor, to grant the waiver from vertical accessibility based the historic nature of the building.

**g. Thomas and Amber Wirth 1360 Indian River Road Sebastian, 32958**

*MOTION*—The Commission voted unanimously, 24 - 0 in favor, to grant the waiver from vertical accessibility as unreasonable based on economic hardship.

**h. Brickell Animal Hospital 130 SW 8th Street Miami, 33130**

*MOTION*—The Commission voted, 22 - 2 in favor, to grant the waiver from vertical accessibility as unreasonable based on economic hardship.

**i. Windmill Park 700 Lyons Road Coconut Creek, 33063**

*MOTION*—The Commission voted, 22 - 2 in favor, to deny the waiver request.

**VII. CONSIDERATION OF APPLICATIONS FOR PRODUCT AND ENTITY APPROVAL**

Commissioner Stone presented the Product Approval Oversight Committee's recommendations for entities and product approvals on consent agendas for approval, and Jeff Blair presented the recommendations for product approvals with comments and/or discussion.

*Commission Actions on the Consent Agendas for Approval:*

*MOTION*—The Commission voted unanimously, 22 - 0 in favor, to approve the consent agenda of product approval entities as posted/presented.

*MOTION*—The Commission voted unanimously, 21 - 0 in favor, to approve the consent agenda of products recommended for approval to the 2014 Code as posted/presented.

*Commission Actions Regarding Product Approval Applications With Comments:*

**MOTION**—The Commission voted unanimously, 21 – 0 in favor, to conditionally approve product FL 15505 R-2 based on the condition(s) recommended by the POC.

*Commission Actions Regarding DBPR Applications:*

There was no Commission action required regarding the February 2016 DBPR Applications.

The complete results of Commission decisions regarding applications for product and entity approvals are available on the BCIS.

*(See BCIS Website for Linked Committee Report)*

**VIII. CONSIDER APPLICATIONS FOR ACCREDITOR AND COURSE APPROVAL**

Commissioner Dean presented the applications, and the Commission reviewed and decided on the accreditor and course applications submitted for their consideration as follows:

*Commission Actions:*

**MOTION**—The Commission voted unanimously, 17 – 0 in favor, to approve the consent agenda for approval of advanced accredited course numbers: 768.0, 767.0, 769.0, and 772.0.

**MOTION**—The Commission voted unanimously, 17 – 0 in favor, to approve administratively approved updated course #: 413.2.

**MOTION**—The Commission voted unanimously, 17 – 0 in favor, to approve David Aihe as an accreditor.

*(See Committee's Next Agenda for Linked Committee Report)*

**IX. LEGAL REPORT**

April Hammonds indicated that there were no legal issues to report.

**CONSIDERATION OF PETITIONS FOR DECLARATORY STATEMENTS**

**Petitions For Declaratory Statements**

April Hammonds, Commission Legal Counsel, presented each declaratory statement in turn. Following are the actions taken by the Commission regarding the petitions for declaratory statements.

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

**Motion**—The Commission voted unanimously, 24 - 0 in favor, to approve the Mechanical TAC's and Structural TAC's recommendations on the Petition (to defer action on the Petition to allow Petitioner to provide additional information and widen the question to include additional subcodes in addition to the Mechanical Code).

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

*Motion*—The Commission voted unanimously, 24 - 0 in favor, to approve the Energy TAC’s recommendation on the Petition (to approve Petitioner’s analysis/recommendation on the Petition).

**X. LEGISLATIVE REPORT AND CONFERENCE CALL SCHEDULE**

Jim Richmond, FBC Executive Director, provided the Commission with a summary of pending legislation pertaining to the Florida Building Code System under consideration during the 2016 Legislative Session. Jim noted that the current bills of interest remain CS HB 535 and SB 704. It should be noted that Jim provided the Commission with a matrix summarizing the components of the relevant bills at the Commission’s February 1, 2016 Teleconference meeting, and as a result Jim only provided updates on what he reported during the Teleconference meeting.

Jim noted that an important change was SB 704 removed the legislative ratification requirement, bringing SB 704 closer to conformance with CS HB 535.

**XI. APPROVAL OF ENERGY CODE SOFTWARE FOR THE 5<sup>TH</sup> EDITION (2014) FLORIDA BUILDING CODE, ENERGY CONSERVATION**

Chairman Browdy reported that at the June 19, 2015 meeting the Commission voted to approve Energy Code Compliance Software for the 5<sup>th</sup> 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. At the August 18, 2015 meeting the Commission voted to approve RES*check* for demonstrating compliance with residential building energy requirements. In addition, at the December 15, 2015 meeting the Commission voted to approve COM*check* for demonstrating compliance with commercial building energy requirements.

The Chair indicated that the Commission was being asked to consider approving updates to approved Energy Code Compliance Software for the 5<sup>th</sup> 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.

Commissioner Smith reported that 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 recommended approval.

Following the opportunity provided for questions and answers, public comment and discussion, the Commission took the following action:

***Commission Actions:***

*MOTION*—The Commission voted unanimously, 24 – 0 in favor, to approve the Energy Code Compliance Software update for the 5<sup>th</sup> Edition (2014) Florida Building Code, Energy Conservation, specifically EnergyGauge USA 5.0.03 for demonstrating compliance with residential building energy requirements.

**MOTION**—The Commission voted unanimously, 24 – 0 in favor, to approve the Energy Code Compliance Software update for the 5<sup>th</sup> Edition (2014) Florida Building Code, Energy Conservation, specifically EnergyGauge Summit 5.20 for demonstrating compliance with commercial building energy requirements.

## **XII. UPDATE ON CODE UPDATE PROCESS FOR THE 6<sup>TH</sup> EDITION OF THE FLORIDA BUILDING CODE AND APPROVAL OF THE UPDATED CODE MODIFICATION REVIEW PROCESS**

Mo Madani, DBPR Technical Manager, reviewed the 'TACs' meeting schedule for the review of proposed Code modifications for the 2017 FBC Code Update Process.

Following the opportunity provided for questions and answers, public comment and discussion, the Commission took the following action:

### ***Commission Actions:***

**MOTION**—The Commission voted unanimously, 24 – 0 in favor, to approve the TAC Code modification review meeting schedule for the 2017 Code Update Process—6<sup>th</sup> Edition Florida Building Code (2017).

Mo Madani reviewed the revised Workplan for the 2017 Code Update Process—6<sup>th</sup> Edition Florida Building Code (2017).

Following the opportunity provided for questions and answers, public comment and discussion, the Commission took the following action:

### ***Commission Actions:***

**MOTION**—The Commission voted unanimously, 24 – 0 in favor, to approve the revised Workplan for the 2017 Code Update Process—6<sup>th</sup> Edition Florida Building Code (2017).

*(Attachment 6—Revised Code Development Workplan)*

Jeff Blair, FBC Facilitator, reviewed the Commission's Code modification review process for the 2017 Code Update Process—6<sup>th</sup> Edition Florida Building Code (2017).

Following the opportunity provided for questions and answers, public comment and discussion, the Commission took the following action:

### ***Commission Actions:***

**MOTION**—The Commission voted unanimously, 24 – 0 in favor, to approve the Commission's Code modification review process for the 2017 Code Update Process—6<sup>th</sup> Edition Florida Building Code (2017).

Jeff Blair reviewed the 'TACs' Code modification review process for the 2017 Code Update Process—6<sup>th</sup> Edition Florida Building Code (2017).

Following the opportunity provided for questions and answers, public comment and discussion, the Commission took the following action:

***Commission Actions:***

**MOTION**—The Commission voted unanimously, 24 – 0 in favor, to approve the TACs’ Code modification review process for the 2017 Code Update Process—6<sup>th</sup> Edition Florida Building Code (2017).

Jeff Blair reviewed the TAC review process for reviewing public comments on TACs’ recommendations regarding proposed Code modifications for the 2017 Code Update Process—6<sup>th</sup> Edition Florida Building Code (2017).

Following the opportunity provided for questions and answers, public comment and discussion, the Commission took the following action:

***Commission Actions:***

**MOTION**—The Commission voted unanimously, 24 – 0 in favor, to approve the TAC review process for reviewing public comments on TACs’ recommendations regarding proposed Code modifications for the 2017 Code Update Process—6<sup>th</sup> Edition Florida Building Code (2017).

*(Attachment 7—FBC 6<sup>th</sup> Edition Updated Code Modification Process)*

**XIII. 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. The Chair requested if the TAC/POC requires Commission action, to frame the needed action in the form of a proposed motion. 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 are linked to the following URL (linked to Commission’s February 10, 2016 Agenda): [http://www.floridabuilding.org/fbc/commission/FBC\\_0216/index.htm](http://www.floridabuilding.org/fbc/commission/FBC_0216/index.htm).

**Building Fire TAC**

Mo Madani presented the TAC’s report and recommendations.

***Commission Action:***

**MOTION**—The Commission voted unanimously, 24 – 0 in favor, to accept the TAC’s report as presented/posted (December 28, 2015).

*(See Agenda for Linked Committee Report)*

**Education POC**

Commissioner Dean presented the POC’s report and any recommendations.

***Commission Actions:***

**MOTION**—The Commission voted unanimously, 24 – 0 in favor, to accept the POC’s report as presented/posted (January 29, 2016).

*(See Agenda for Linked Committee Report)*

### **Electrical TAC**

Commissioner Flanagan presented the TAC's report and recommendations.

*Commission Action:*

**MOTION**—The Commission voted unanimously, 24 – 0 in favor, to accept the TAC's report as presented/posted (December 28, 2015).

*(See Agenda for Linked Committee Report)*

### **Energy TAC**

Commissioner Smith presented the TAC's reports and recommendations.

*Commission Action:*

**MOTION**—The Commission voted unanimously, 24 – 0 in favor, to accept the TAC's reports as presented/posted (December 29, 2015 and January 27, 2016).

*(See Agenda for Linked Committee Report)*

### **Mechanical TAC**

Commissioner Bassett presented the TAC's reports and recommendations.

*Commission Action:*

**MOTION**—The Commission voted unanimously, 24 – 0 in favor, to accept the TAC's reports as presented/posted (December 29, 2015 and January 28, 2016).

*(See Agenda for Linked Committee Report)*

### **Plumbing TAC**

Commissioner Boyer presented the TAC's report and recommendations.

*Commission Action:*

**MOTION**—The Commission voted unanimously, 24 – 0 in favor, to accept the TAC's report as presented/posted (December 29, 2015).

*(See Agenda for Linked Committee Report)*

### **Product Approval POC**

Commissioner Stone presented the Committee's report and any recommendations.

*Commission Action:*

**MOTION**—The Commission voted unanimously, 24 – 0 in favor, to accept the POC's report as presented/posted (January 28, 2016).

*(See Committee's Next Agenda for Linked Committee Report)*

## **Roofing TAC**

Commissioner Swope presented the TAC's report and recommendations.

### ***Commission Action:***

**MOTION**—The Commission voted unanimously, 24 – 0 in favor, to accept the TAC's report as presented/posted (December 28, 2015).

*(See Agenda for Linked Committee Report)*

## **Structural TAC**

Commissioner Schock presented the TAC's reports and recommendations.

### ***Commission Action:***

**MOTION**—The Commission voted unanimously, 24 – 0 in favor, to accept the TAC's reports as presented/posted (December 28, 2015 and January 28, 2016).

*(See Agenda for Linked Committee Report)*

## **OTHER COMMISSION ACTIONS**

There were no additional Commission actions.

## **XIV. GENERAL PUBLIC COMMENT**

Members of the public were offered an opportunity to provide comment during each of the Commission's substantive discussion agenda items. In addition, Chairman Browdy invited members of the public to address the Commission on any issues under the Commission's purview.

### ***Public Comments:***

No additional public comments were offered.

## **XV. COMMISSION MEMBER COMMENT AND ISSUES**

Chairman Browdy invited Commission members to offer any general comments to the Commission, or identify any issues or agenda items for the next Commission meeting.

### ***Commission Member Comments:***

- Jeff Gross: asked whom travel reimbursals should be addressed to. Asked about the new state rental car contract with Enterprise.
- Jim Richmond (DBPR): responded that travel should be submitted to Chris Burgwald, and that with a letter on DBPR letterhead noting that the Commissioner is conducting state business, Commissioners are eligible for state contract rates for car rentals with Enterprise. Jim indicated he would consult with DBPR finance and communicate with Commissioners regarding the specifics of travel reimbursal and policies regarding rental cars.
- Steve Bassett: reported that DSFM requires the lowest cost alternative and won't pay for mileage.

- Brad Schiffer: asked about CEUs for architects for attending FBC and TAC meetings, and how they are reported by DBPR to the AIA.
- Jeff Gross: requested that DBPR report attendance and credits to the AIA so architects participating in FBC and/or TACs will receive credit as appropriate.
- Jim Richmond (DBPR): responded that in addition to travel requirements, he would report back on the CEU for architects request.

## **XVI. NEXT COMMISSION MEETING OVERVIEW AND ISSUES**

The April 12, 2016 meeting in Gainesville will focus on the Commission’s regular procedural and substantive issues, and any needed rule development initiatives.

*(Attachment 5—Commission Meeting Schedule)*

### **STAFF ASSIGNMENTS FROM THE OCTOBER 15, 2015 MEETING**

- Develop an implementation plan for the adopted Code Coordination and Implementation recommendations.
- Develop code amendment proposals for the adopted swimming pool electrical safety recommendations.

### **STAFF ASSIGNMENTS FROM THE DECEMBER 15, 2015 MEETING**

- Consult with DBPR legislative staff to determine the implementation status of the Commission’s package of 15 consensus recommendations designed to enhance the efficacy of the Code development process, and report back to the Commission at the February 2016 meeting.
- Consult with DBPR legislative staff regarding monitoring any implementation efforts regarding recommendations from the report titled: *Florida Accessibility Code for Building Construction Review and Recommendations*.

## **ADJOURNMENT**

The Chair thanked Commission members, staff and the public for their attendance and participation, and adjourned the meeting at 10:53 A.M. on Wednesday, February 10, 2016.



**ATTACHMENT 1**  
**FLORIDA BUILDING COMMISSION MEETING EVALUATION RESULTS**

**FEBRUARY 10, 2016—JACKSONVILLE, FLORIDA**

*Average rank using a 0 to 10 scale, where 0 means totally disagree and 10 means totally agree.*

**Number of Respondents: 22 of 24 Commissioners present completed meeting evaluations.**

**1. OVERALL MEETING ASSESSMENT.**

- 9.7 \_\_\_ The background information was very useful.
- 9.8 \_\_\_ The agenda packet was very useful.
- 9.8 \_\_\_ The objectives for the meeting were stated at the outset.
- 9.7 \_\_\_ Overall, the objectives of the meeting were fully achieved.

**2. MEMBERS LEVEL OF AGREEMENT THAT THE MEETING OBJECTIVES WERE ACHIEVED.**

- 9.9 \_\_\_ Chairs Issues and Recommendations.
- 9.8 \_\_\_ Accessibility Waiver Applications.
- 9.8 \_\_\_ Approvals of Products and Product Approval Entities.
- 9.8 \_\_\_ Applications for Accreditor and Course Approvals.
- 9.8 \_\_\_ Petitions for Requests for Declaratory Statements—Legal Report.
- 9.8 \_\_\_ Legislative Report.
- 9.9 \_\_\_ Update of the Code Modification Review Process for the 6<sup>th</sup> Edition of the FBC Approval.
- 9.9 \_\_\_ Energy Code Compliance Software Updates Approvals.
- 9.6 \_\_\_ TAC, POC, Committee, and/or Workgroup Reports and Recommendations.

**3. HOW WELL THE FACILITATOR HELPED THE MEMBERS ENGAGE IN THE MEETING.**

- 9.9 \_\_\_ The members followed the direction of the Facilitator.
- 9.9 \_\_\_ The Facilitator made sure the concerns of all members were heard.
- 9.9 \_\_\_ The Facilitator helped us arrange our time well.
- 9.9 \_\_\_ Participant input was documented accurately in Facilitator's Report (previous meeting).

**4. MEMBERS LEVEL OF SATISFACTION WITH THE MEETING.**

- 9.9 \_\_\_ Overall, I am very satisfied with the meeting.
- 9.9 \_\_\_ I was very satisfied with the services provided by the Facilitator.
- 9.9 \_\_\_ I am satisfied with the outcome of the meeting.

**5. HOW WELL THE NEXT STEPS WERE COMMUNICATED.**

- 9.9 \_\_\_ I know what the next steps following this meeting will be.
- 9.8 \_\_\_ I know who is responsible for the next steps.

**6. WHAT MEMBERS LIKED BEST ABOUT THE MEETING.**

- Well run by the Chair, focused as usual.
- Thank you for hosting the Accessibility Advisory Council. It made a big difference.
- Short, but good.
- Very nice hotel and location.

**7. COMMENTS REGARDING HOW THE MEETING COULD HAVE BEEN IMPROVED.**

- Wider room, but overall facility excellent.
- Facility room was inadequate for public meeting.
- Coffee in room.
- None.

**8. OTHER GENERAL COMMENTS.**

- The schedule of the TAC meetings in April creates round trips for the TAC and Plenary meeting. Not good, 20 hours of driving for 2-4 hour meetings.
- Is there a way to include the Accessibility Advisory Council (AAC) at every meeting? The commitment is significant (from the AAC).
- Good job Jeff Blair.

*None were offered.*

**COMMENTS ON SPECIFIC AGENDA ITEMS**

*None were offered.*

**PUBLIC-MEETING EVALUATION AND COMMENT RESULTS**

*None were offered.*

**ATTACHMENT 2**  
**KEY TO COMMON ACRONYMS**

ACRONYM	DEFINITION
ADA	Americans With Disabilities Act
ADAAG	ADA Accessibility Guidelines for Buildings and Facilities
BCSA	Florida Building Code System Assessment
BOAF	Building Officials Association of Florida
DACS or FDACS	Florida Department of Agriculture and Consumer Services
DBPR	Department of Business and Professional Regulations
DCA	Department of Community Affairs (Abolished 2011)
DEP or FDEP	Florida Department of Environmental Protection
DOH or FDOH	Florida Department of Health
EPA	U.S. Environmental Protection Agency
FACBC	Florida Accessibility Code for Building Construction
FAR	Florida Administrative Register (previously FAW)
FBC	Florida Building Code
FBC	Florida Building Commission
FECC	Florida Energy and Conservation Code
IBC	International Building Code
ICC	International Code Council
POC	Program Oversight Committee (Education and Product Approval)
SAD	ADA Standards for Accessibility Design
TAC	Technical Advisory Committee

## ATTACHMENT 3

### FLORIDA BUILDING COMMISSION HISTORY AND OVERVIEW

#### HISTORY

Following Hurricane Andrew in 1992, Florida experienced record-breaking insurance losses resulting in a crisis affecting every homeowner in the state. The Governor appointed a Building Code Study Commission, The Florida Conflict Resolution Consortium designed and facilitated a two-year study and deliberation process with the 28 members representing a range of interests in the public and private sectors, through which the Commission evaluated the building code system.

The study revealed that building code adoption and enforcement was inconsistent throughout the state and even local codes thought to be the strongest proved inadequate when tested by major hurricane events. The consequences were devastation to lives and economies and a statewide property insurance crisis. The Commission recommended reform of the state building construction system which placed emphasis on uniformity and accountability.

The legislature enacted the consensus recommendations into law in 1998. In late 1998, the Consortium was asked by the Commission's chair to assist the newly created Florida Building Commission in its effort to build consensus for a uniform building code proposal. A complex consensus building process was put in place that included designing and facilitating meetings of 12 balanced technical advisory groups of 11 members each appointed by the Commission, as well as the Commission's meetings. The FCRC Consensus Center at FSU continues to work with the Commission by providing facilitation and consensus-building services.

#### OVERVIEW

**COMMISSION REPRESENTATION.** The Florida Building Commission is a 27 member representative stakeholder group who successfully created, implemented, and maintains the new statewide Florida Building Code. The Commission is comprised of the Chair, and 26 members appointed to represent specific stakeholder groups. They are as follows: four code officials, two state government representatives, a local government representative, a representative of persons with disability, a structural engineer, a mechanical engineer, representatives of fire protection technology, the building management industry, and the insurance industry, a general contractor, residential contractor, mechanical contractor, plumbing contractor, electrical contractor, roofing/sheet metal/air conditioning contractor, a manufactured building representative, a building product manufacturer, a swimming pool contractor, a representative of the green building industry, a natural gas system distribution representative, and a member representing the Department of Agriculture and Consumer Services' Office of Energy.

**CONSENSUS PROCESS.** The Florida Building Commission (FBC) seeks to develop consensus decisions on its recommendations and policy decisions. General consensus is a participatory process whereby, on matters of substance, the members strive for agreements which all of the members can accept, support, live with or agree not to oppose. In instances where, after vigorously exploring possible ways to enhance the members' support for the final decision on substantive decisions, and the Commission finds that 100 percent acceptance or support is not achievable, final decisions require at least 75 percent favorable vote of all members present and voting. This super majority decision rule underscores the importance of actively developing consensus throughout the process on substantive issues with the participation of all members and which all can live with and support.

The Commission's consensus process is conducted as an open public process with multiple opportunities for the public to provide input to the Commission on substantive issues. At each Commission meeting, the public is welcome to speak during the public comment period provided for each substantive issue under consideration, as well as general public comment periods provided at the end of each day's meeting. In addition to these opportunities for public input, most complex substantive issues before the Commission go through a consensus process where recommendations are developed by appointed representative stakeholder groups.

Since its formation in July of 1998, the Commission has demonstrated a commitment to working with affected interests to build consensus on complex issues. The adoption of the first edition of the Florida Building Code (2001 Edition), developed from September 1998 through January of 2001, involved 27 Commission meetings, dozens of facilitated public workshops and hundreds of TAC meetings. The Commission has consistently worked with all affected interests to build the best possible consensus-based decisions for the citizens of Florida. Through its committees and workgroups comprised of experts, the Commission has always developed its decisions based on the results of the best engineering and science available. Since 1999 the Commission has convened 59 special issue stakeholder workgroups to develop broad based consensus recommendations on issues of concern to stakeholders. Although the Code is by law a minimum building code, the Florida Building Code is the strongest consensus and science based building code in the country.

**ATTACHMENT 4**  
**DECEMBER 15, 2015 MEETING AGENDA**

**FLORIDA BUILDING COMMISSION**  
**PLENARY SESSION**  
**FEBRUARY 10, 2016**  
**HYATT REGENCY RIVERFRONT**  
**225 EAST COASTLINE DRIVE**  
**JACKSONVILLE, FLORIDA**

***MEETING OBJECTIVES***

- To Approve Regular Procedural Topics (Agenda and Minutes)
- To Consider/Decide on Chair's Discussion Issues/Recommendations.
- To Consider/Decide on Accessibility Waiver Applications.
- To Consider/Decide on Approvals and Revocations of Products and Product Approval Entities.
- To Consider/Decide on Petitions for Declaratory Statement.
- To Consider Applications for Accreditor and Course Approval.
- To Receive a Legislative Report.
- To Consider/Approve an Update on Code Modification Review Process for 6th Edition of the Florida Building Code.
- To Consider/Approve Energy Code Compliance Software for the 5th Edition (2014) Florida Building Code, Energy Conservation.
- To Receive/Decide on Reports and Recommendations from Committees.
- To Hear Public Comment.
- To Identify Needed Next Steps, Assignments, and Agenda Items For Next Meeting.

***Committee and Workgroup Meetings held in conjunction with the Plenary Session***

*Meetings are held by teleconference and webinar unless otherwise indicated by site identification*

<b>January 27</b>	<b>10:00 a.m.</b>	<b><a href="#">Energy Technical Advisory Committee</a></b>
<b>January 28</b>	<b>10:00 a.m.</b>	<b><a href="#">Product Approval Program Oversight Committee</a></b>
<b>January 28</b>	<b>1:30 p.m.</b>	<b><a href="#">Mechanical Technical Advisory Committee</a></b> (concurrent with the Structural TAC)
<b>January 28</b>	<b>1:30 p.m.</b>	<b><a href="#">Structural Technical Advisory Committee</a></b> (concurrent with the Mechanical TAC)
<b>January 29</b>	<b>1:00 p.m.</b>	<b><a href="#">Education Program Oversight Committee</a></b>
<b>February 9</b>	<b>10:00 a.m.</b>	<b><a href="#">Accessibility Advisory Council</a> (On Site)</b>

MEETING AGENDA—FEBRUARY 10, 2016		
<i>All Agenda Times—Including Adjournment—Are Approximate and Subject to Change</i>		
8:30 a.m.	1.)	Welcome and Opening, Roll Call
	2.)	Review and Approval of Meeting Agenda
	3.)	Review and Approval of Previous Meeting Minutes and Facilitators Report <a href="#">December 15, 2015 Meeting Minutes</a> <a href="#">December 15, 2015 Facilitator's Report</a>
	4.)	Chair's Discussion Issues:
	5.)	Accessibility Waiver Applications:
		a. <a href="#">NYZ Apocalypse</a> 5250 International Drive Orlando, 32819; b. <a href="#">SJM By the Sea, LLC.</a> 256 Commercial Blvd Lauderdale by the Sea, 33308; c. <a href="#">Prestige Hotel of Vero Beach</a> 1526 Ocean Drive Vero Beach, 32963; d. <a href="#">Young Life Southwind Dorm</a> 18115 SE 95th Street Ocklawaha, 32179; e. <a href="#">Pete's Turn</a> Atlantic Beach Drive Atlantic Beach, 32233; f. <a href="#">Mt Vernon Hotel</a> 6084 Collins Ave Miami Beach, 33140; g. <a href="#">Thomas and Amber Wirth</a> 1360 Indian River Road Sebastian, 32958; h. <a href="#">Brickell Animal Hospital</a> 130 SW 8th Street Miami, 33130; i. <a href="#">Windmill Park</a> 700 Lyons Road Coconut Creek, 33063.
	6.)	Applications for <a href="#">Product</a> and <a href="#">Entity</a> Approval
	7.)	Applications for Accreditor and Course Approval
	8.)	Petitions for Declaratory Statement <a href="#">Legal Report</a>
		a. <a href="#">DS2015-150</a> by Rolando Soto of the Broward County Board of Rules and Appeals; ( <a href="#">Staff Analysis</a> ) b. <a href="#">DS 2015-154</a> by David John, P.E. of Stan Weaver & Company. ( <a href="#">Staff Analysis</a> )
	9.)	Legislative Report
	10.)	Report/Update on Code Update Process for 6 <sup>th</sup> Edition of the Florida Building Code – <a href="#">Meeting MATRIX-2016-MAR-APR-011416 FBC Workplan</a> Approval of Updated Code Modification Review Process <a href="#">FBC Code Review Process 2017 Update</a> <a href="#">TAC Code Review Process April 2017</a> <a href="#">TAC Comment Review Process July 2017</a>
	11.)	Consider and Approve Updates to Energy Code Compliance Software for the Energy Volume, Florida Building Code, 5 <sup>th</sup> Edition (2014). Residential - <a href="#">Energy Gauge USA 5.0.03</a> ; ( <a href="#">Support Documents</a> ) ( <a href="#">Presentation</a> ) Commercial – <a href="#">Energy Gauge Summit 5.20</a> ( <a href="#">Support Documents</a> )
	12.)	Committee Reports:
		a. <a href="#">Electrical Technical Advisory Committee -12-28-15</a> b. <a href="#">Roofing Technical Advisory Committee; 12-28-15</a> c. <a href="#">Building Fire Technical Advisory Committee; 12-28-15</a> d. <a href="#">Plumbing Technical Advisory Committee: 12-29-15</a> e. Mechanical Technical Advisory Committee; ( <a href="#">12-29-15</a> ) ( <a href="#">01-28-16</a> ) f. Energy Technical Advisory Committee; ( <a href="#">12-29-15</a> ) ( <a href="#">01-27-15</a> ) g. <a href="#">Product Approval Program Oversight Committee;</a> h. Structural Technical Advisory Committee; ( <a href="#">12-28-15</a> ) ( <a href="#">01-28-16</a> ) i. <a href="#">Education Program Oversight Committee</a>
	13.)	Public Comment
	14.)	Commissioner Comment
	15.)	<i>Adjourn</i>

**ATTACHMENT 5**  
**COMMISSION'S UPDATED MEETING SCHEDULE AND WORKPLAN**

(UPDATED FEBRUARY 10, 2016)

**COMMISSION MEETING SCHEDULE**

<b>FY 2015 - 2016</b>	<b>LOCATION</b>
August 18, 2015	Daytona Beach
October 14 - 15, 2015	Daytona Beach (Plaza Hotel)
December 15, 2015	Gainesville (Hilton)
February 10, 2016	Jacksonville (Hyatt Regency)
April 12, 2016	Gainesville (Hilton)
June 8, 2016	Gainesville (Hilton)

<b>FY 2016-2017</b>	<b>LOCATION</b>
August 16-17, 2016	TBD
October 11, 2016	TBD
December 13, 2016	TBD
February 7, 2017	TBD
April 4, 2017	TBD
June 13, 2017	TBD



**ATTACHMENT 6**  
**6<sup>TH</sup> EDITION FBC CODE DEVELOPMENT WORKPLAN**

**6<sup>TH</sup> EDITION (2017) FBC CODE UPDATE DEVELOPMENT TASKS**

**Hold Glitch Correction Phase after the Effective Date of the 6<sup>th</sup> Edition (2017) FBC, if needed - Rulemaking via Integrated Code – Adopted Unanimously by the Commission August 18, 2015**

<b>6<sup>TH</sup> EDITION (2017) UPDATE TO THE FLORIDA BUILDING CODE</b>	
<b>TASK</b>	<b>SCHEDULE</b>
<i>Primary Code Development Phase:</i>	
2014 NEC published and available to the public;	08/2013
2015 International Codes published and available to the public;	05/2014
Commission selects 2015 I Codes and 2014 NEC as foundation for 6 <sup>th</sup> Edition (2017) FBC ( <i>April 2015 Commission meeting</i> )	04/14/2015
Staff evaluates Florida amendments resulting from direction of the Legislature and Commission initiatives to propose for inclusion in the 6 <sup>th</sup> Edition (2017) FBC and publish “ <b>Preliminary Supplement</b> ”. Amendments are compiled in 2015 I – Codes format.	3/2015 – 6/2015
2015 I Codes plus the Preliminary Supplement – posted online	6/30/2015
Period for public to propose modifications to the 2015 I Codes and the <b>Preliminary Supplement</b>	7/1/2015 – 1/ <del>4</del> 3/2016
Proposed amendments reviewed by staff and posted to the Commission website	1/ <del>22</del> 13/2016
1 <sup>st</sup> 45 day comment period ends ( <i>By law -45 day min before TAC review</i> )	<del>32</del> /8 <del>25</del> /2016
Staff post on Commission website proposed code changes (Tracking Charts and Detail Reports)	3/21/2016
TACs consider proposed modifications including comments from the 1 <sup>st</sup> 45 day comment period and adopt recommendations <i>TACs meetings - 4-day on-site meetings in conjunction with the April 2016 Commission meeting</i>	4/1 <del>4</del> -15/2016
TACs recommendations posted to the website	5/6/2016
Second 45 day comment period ends ( <i>by law – 45 day min before Commission review</i> )	6/21/2016
Staff post on Commission website proposed code changes with comments (Tracking Chats and Details Reports)	6/30/2016
TACs consider public comments on their actions and prepare public comment for consideration by the Commission. <i>TACs meetings – 4-day meetings [2-day on-site (Gainesville) and 2 – day via conference/webinar]</i>	7/18-21/2016
Staff post on Commission website TACs consideration of public comments	8/1/2016
Commission considers TAC recommendations at <b>Rule development Workshops - Commission – 2-day meeting</b>	8/18-19/2016
Draft 6 <sup>th</sup> Edition (2017) FBC (Florida Supplement plus I Codes) posted online <b>Provide Supplements to ICC for integration into the 2015 I-Code</b>	9/19/2016
Integrated Draft 6 <sup>th</sup> Edition (2017) FBC – Posted online	4/21/2017

<i>Final Rule Hearing</i> on 6 <sup>th</sup> Edition (2017) FBC/Commission approves final version of Code <b>6<sup>th</sup> Edition (2017) Florida Fire Prevention Code available in final format</b>	<b>6/8/2017</b>
Rule Submitted to Secretary of State and Supplement/Integrated posted online – subject to addressing all JAPC’s concerns	<b>TBD</b>
Printed Code available - subject to negotiation with ICC	<b>TBD</b>
2017FBC ( <b>6<sup>th</sup> edition</b> ) effective date (6 – months after publication)	<b>12/31/2017</b>
<i>Glitch Correction Phase: after effective date, if needed</i>	
Period to propose glitch modifications to draft 6 <sup>th</sup> Edition (2017) FBC	<b>TBD</b>
Post Tracking/Detail reports online	<b>TBD</b>
TACs consider proposed glitch modifications and develop public comment <i>via conference call/Webinars</i>	<b>TBD</b>
Commission considers proposed glitch mods and TAC comments (Rule Development Workshop) <b>Commission – 2-day meeting</b>	<b>TBD</b>
Draft Supplement to the 6 <sup>th</sup> Edition (2017) FBC posted online	<b>TBD</b>
<i>Final Rule Hearing</i> on adoption of the Supplement to the 6 <sup>th</sup> Edition (2017) FBC/Commission	<b>TBD</b>
Rule Submitted to Secretary of State and Supplement posted online – subject to addressing all JAPC’s concerns	<b>TBD</b>
Final supplement available for download	<b>TBD</b>
Supplement to 2017 FBC ( <b>6<sup>th</sup> edition</b> ) effective date	<b>TBD</b>
553.73(7)(e) A rule updating the Florida Building Code in accordance with this subsection shall take effect <u>no sooner than 6 months</u> after publication of the updated code. Any amendment to the Florida Building Code which is adopted upon a finding by the commission that the amendment is necessary to protect the public from immediate threat of harm takes effect immediately.	

## ATTACHMENT 7

### 6<sup>TH</sup> EDITION FBC CODE MODIFICATION REVIEW PROCESS

#### COMMISSION FOUNDATION CODE MODIFICATION REVIEW PROCESS 2017 CODE UPDATE PROCESS—6<sup>TH</sup> EDITION FLORIDA BUILDING CODE (Adopted Unanimously February 10, 2016)

Proposed Code modifications to the Florida Building Code will be reviewed by the Commission's TACs in meetings conducted in April 2016. The TAC's recommendations regarding proposed Code modifications will subsequently be posted to the Commission's website for a minimum of 45 days and the public will be provided an opportunity to comment on the TACs recommendations during this time-frame (second 45-day review period). The TACs will meet in July to review the public comments, and provide TAC comments to the Commission regarding whether the submitted comments address their concerns regarding their recommendations on proposed code modifications (TAC feedback on public comments to the Commission).

The Commission will consider the TACs recommendations and comments on public comments during a rule development workshop conducted during the August 18-19, 2016 Commission meeting, and conduct a rule adoption hearing on the final version of the Code on June 8, 2017. The TACs will review proposed Glitch amendments after the Code's effective date of December 31, 2017, if needed.

The Commission will consider the TACs recommendations on two (2) consent agendas per topical code area. TAC chairs will pull for individual consideration all modifications that have received comments that address the TAC's concerns. Any Commissioner can pull any modification for individual consideration.

After the Commission takes action on all of the proposed code modifications they will move to proceed with rule adoption for Rule 61G20-1.001(1), Florida Building Code, for the purpose of adopting approved modifications to the Florida Building Code.

The TAC's recommendations regarding proposed code modifications for the 2017 Code Update are arranged on two (2) consent agendas as follows:

#### **TAC's Recommendations are on Two (2) Consent Agendas Per TAC (By Code Areas):**

1. **"Consent Agenda 1":** Approval of consent agenda of TAC's recommendations regarding proposed modifications that **did not receive** public comment during the comment period. The Commission votes to approve the TAC's recommendations on the modifications as posted incorporating the findings (A – I). Includes TAC's recommendations "For Approval": As Modified (AM), and As Submitted (AS); and "Against Approval": No Affirmative Recommendation (NAR, Without Second, and Withdrawn). Standing motion to approve is in effect, a second is needed and the Commission votes in favor of the consent agenda. Commissioners should pull-off any modification(s) that would prevent them from offering a second and approving the consent agenda.
2. **"Consent Agenda 2":** Approval of consent agenda of TAC's recommendations regarding proposed modifications that **received** public comment during the comment period. The Commission votes to approve the TAC's recommendations on the modifications as posted

incorporating the findings (A – I). Includes TAC’s recommendations “For Approval”: As Modified (AM), and As Submitted (AS); “Against Approval”: No Affirmative Recommendation (NAR, Without Second, and Withdrawn). Standing motion to approve is in effect, a second is needed and the Commission votes in favor of the consent agenda. Commissioners should pull of any modifications(s)\* that would prevent them from offering a second and approving the consent agenda.

\* TAC chairs will pull all modifications that their TAC commented favorably regarding the public comment (defined as 75% or greater in support that the comment addresses TAC concerns and the TAC supports the public comment relative to their original recommendation). Modifications that the TAC commented on favorably are listed by TAC on a separate document (matrix). The Commission will consider all pulled modifications individually. Each individually considered modification requires a second to the standing motion to approve.

#### **COMMISSION WILL MOVE TO ADOPT FOUR (4) STANDING MOTIONS TO APPROVE**

1. **“Consent Agenda #1”**: TAC’s recommendations regarding proposed modifications that **did not receive** public comment during the comment period.
2. **“Consent Agenda #2”**: TAC’s recommendations regarding proposed modifications that **received** public comment during the comment period.
3. **“Pulled Modifications”**: Modifications pulled-off of the consent agenda(s) by a Commissioner for individual consideration.
4. **“Correlation and Florida Specifics Integration”**: Staff’s recommendations regarding correlation issues and integration of Florida Specific amendments for the 2017 Code Update.

TAC **chairs** will pull off any amendments that the TAC’s provided a favorable comment on that would change the TAC’s original recommendation on the amendment (comments considered during the TAC’s public comment review process).

Any Commissioner may pull any amendment for individual consideration based on public comment(s) (submitted in writing or verbally). Standing motion to approve is in effect. Second to discuss and vote for each modification considered individually. If no second offered, motion dies for lack of second (modification is deemed not approved).

1. Commissioners decide whether to pull any amendment(s) based on TAC and public comment(s).
2. Approval of the two (1 - 2) consent agendas as amended by the Commission (minus any modifications pulled for individual consideration). Standing motion to approve is in effect. Second offered and then a vote.
3. Commission consideration of modifications pulled for individual consideration.

## STANDING MOTION TO APPROVE TAC'S RECOMMENDATIONS

1. Motion to approve the consent agenda(s) of the modifications that did not receive public comments as recommended by the Technical Advisory Committee's (TAC's), and amended by the FBC, based on the following findings:

- A. The modification is needed in order to accommodate the specific needs of this state; and
- B. The modification has a reasonable and substantial connection to the health, safety, and welfare of the general public; and
- C. The modification strengthens or improves the Florida Building Code, or in the case of innovation or new technology, will provide equivalent or better products or methods or systems of construction; and
- D. The modification does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities; and
- E. The modification does not degrade the effectiveness of the Florida Building Code; and
- F. The modification has the following fiscal impact:
  - 1. The fiscal impact of enforcement imposed upon local government is as indicated by the proponent.
  - 2. The fiscal impact of compliance imposed upon building and property owners is as indicated by the proponent.
  - 3. The fiscal impact of compliance imposed upon industry is as indicated by the proponent.
  - 4. The fiscal impact of compliance imposed upon small business is as indicated by the proponent (no impact or as specified by the proponent).
- G. The modification's benefits noted with regard to fiscal impact and efficacy outweigh the costs imposed.
- H. The modification does not diminish requirements related to wind resistance or prevention of water intrusion contained in the Code or its referenced standards and criteria.
- I. Florida specific amendments that expire with the updated code and are resubmitted as amendments to the updated Code have addressed whether:
  - 1. The provisions contained in the proposed amendment are addressed in the applicable international code.
  - 2. The amendment demonstrates by evidence or data that the geographical jurisdiction of Florida exhibits a need to strengthen the foundation code beyond the needs or regional variations addressed by the foundation code, and why the proposed amendment applies to this state.
  - 3. The proposed amendment was submitted or attempted to be included in the foundation codes to avoid resubmission to the Florida Building Code amendment process.

**2. Motion to approve the consent agenda(s) of the modifications that received public comment(s) as recommended by the Technical Advisory Committee's (TAC's), and amended by the FBC, based on the above findings (A – I).**

**3. Motion to approve each amendment pulled off of the consent agendas of TAC recommendations for individual consideration, based on the above findings (A – I).**

**4. Motion to approve consent agenda of Staff's recommendations regarding correlation issues and integration of carried forward Florida Specific amendments for the 2017 Code Update.**

## **FBC CODE MODIFICATION REVIEW PROCESS—2017 CODE UPDATE REVIEW AND CONSIDERATION PROCESS**

- ☛ Facilitator will serve as the moderator, and assist with adopted process and groundrules.
- ☛ One person speaks at a time.
- ☛ Limit your comment and be concise.
- ☛ Chair may limit comments to a maximum of three-minutes (3) per person, depending on the number of individuals wishing to speak.
- ☛ Do not read lengthy prepared statements; Summarize and submit complete text of comment for the record.
- ☛ Offer new points and/or state agreement with previous speakers; Please do not repeat what has been stated.
- ☛ Chair/Facilitator may terminate a comment if it is repeating previous comments, and not simply stating agreement or offering new points.
- ☛ The FBC wants to hear all view points to ensure all perspectives are considered, and not repeats of the same views.
- ☛ Facilitator will introduce consent agenda(s) of modifications by Code area.
- ☛ Public will speak to any modifications they wish the Commission to consider individually.
- ☛ Standing motion to approve will be in effect.
- ☛ Commissioner(s) will decide which, if any, modifications to pull for individual consideration.
- ☛ Clarifying questions by FBC members only.
- ☛ FBC will vote in favor of the Standing Motion(s) to Approve (found on previous page) as and/or if amended prior to considering proposed modifications.
- ☛ Once a motion (second to the standing motion) is on the floor, discussion is limited to FBC members except as allowed by the Chair.

### **MODIFICATIONS PULLED FOR INDIVIDUAL CONSIDERATION**

- ☛ Standing motion(s) to approve will be in effect, a second is required in order to vote for the modification(s)—By Commission rule only motions to approve may be considered.
- ☛ All modifications not voted for on a consent agenda must be voted on individually.
- ☛ Any modification considered individually that does not receive a second is deemed denied due to failure to receive a second.
- ☛ Motions require a 75% favorable vote for approval; those with less than a 75% favorable vote, are deemed denied.

**TAC CODE MODIFICATION REVIEW PROCESS**  
**APRIL 2016 TAC MEETINGS**  
**2017 CODE UPDATE PROCESS—6<sup>TH</sup> EDITION FLORIDA BUILDING CODE**  
**(Adopted Unanimously February 10, 2016)**

**CODE MODIFICATION REVIEW AND CONSIDERATION PROCESS**

Facilitator (or TAC chair if there is not a facilitator present) will serve as moderator and assist with adopted process and groundrules.

- One person speaks at a time.
- Limit your comment and be concise.
- Chair/Facilitator may limit comments to a maximum of three-minutes (3) per person, depending on the number of individuals wishing to speak. *(This provision would only need to be used if there are a large number of speakers relative to the total number of modifications and total time for review allocated for the specific TAC.)*
- Do not read lengthy prepared statements; Summarize and submit complete text of comment for the record.
- Offer new points and/or state agreement with previous speakers; Please do not repeat what has been stated.
- Chair/Facilitator may terminate a comment if it is repeating previous comments, and not simply stating agreement or offering new points.
- The TAC wants to hear all view points to ensure all perspectives are considered, and not repeats of the same views.
  
- Facilitator (or TAC chair) will introduce each modification.
- Proponents of proposed modification will speak first.
- Opponents of proposed modification will follow proponents.
- Proponents/opponents will be allowed one (1) brief counterpoint opportunity to address any new point(s) raised by previous speakers(s), but only if they address new points specific to the comment(s) raised by the speaker(s) and if they provide new points. No repeating of previous comments/points.
  
- ***Withdrawal of Proposal:*** A code modification proposal may be withdrawn by the proponent at any time prior to the TAC consideration of that proposal.
  
- Standing motion to approve will be in effect.
- TAC will vote in favor of the Standing Motion to Approve (found on page 3) prior to considering proposed modifications.
- Findings Considered: rationale, Florida specific need, does not diminish requirements related to wind resistance or prevention of water intrusion, and fiscal impact data reviewed.
- Clarifying questions by TAC members only.
- Staff, proponent, or specified commenter will respond to TAC Member's questions.
- Once a motion (second to the standing motion) is on the floor, discussion is limited to TAC members except as allowed by the Chair/Facilitator.

- ☛ **TAC Amendments.** TAC members should avoid spending time revising a code modification proposal, and instead TAC members should focus on providing a proponent with constructive comments for possible revision of their modification during the 2<sup>nd</sup> 45 - day review/comment period. This approach will ensure that consideration of modifications are completed within the time frame allocated for the meeting.
- ☛ Any TAC revisions (amendments) to proposed modifications: require additional public comment, and TAC analysis of findings, rationale, and fiscal impact.
- ☛ **Modifications:** Modifications to proposals may be suggested by any person participating in the TAC meeting. The person proposing the modification is deemed to be the proponent of the modification. All modifications must be written, unless determined by the Chair to be either editorial or minor in nature. The modification proponent shall provide 20 copies to staff for distribution to the TAC.
- ☛ A proposed modification shall not be considered by the TAC if it:
  - Is not legible;
  - Changes the scope of the original proposal; or,
  - Is not readily understood so that a proper assessment of its impact on the original proposal of the Code can be determined.
- ☛ **Rationale for Denial.** TAC members should provide specific and clear reason(s) for not supporting/approving a Code modification proposal. It is the responsibility of the moderator to make sure that staff has ample time to record such reasoning and the vote count.
- ☛ The standing motion to approve will be in effect, a second is required in order to vote for the modification—Only motions to approve may be considered.
- ☛ Motions to deny are not allowed by Commission Rules.
- ☛ All modifications must be voted on individually.
- ☛ Motions require a 75% favorable vote for approval; those with less than a 75% favorable recommendation, are recommended for denial.
- ☛ In order for a Technical Advisory Committee to make a favorable recommendation to the Commission, the proposal must receive a three-fourths vote of the members present at the Technical Advisory Committee meeting and at least half of the regular members must be present in order to conduct a meeting. [Section 553.73 (3) (b), F.S.]

**Note:** Florida specific modifications that expire with the updated code and are resubmitted as amendments to the updated Code must specifically address whether:

1. The provisions contained in the proposed amendment are addressed in the applicable international code.
2. The amendment demonstrates by evidence or data that the geographical jurisdiction of Florida exhibits a need to strengthen the foundation code beyond the needs or regional variations addressed by the foundation code, and why the proposed amendment applies to this state.
3. The proposed amendment was submitted or attempted to be included in the foundation codes to avoid resubmission to the Florida Building Code amendment process.

**If the proposed amendment has been addressed in the international code in a substantially equivalent manner, the Florida Building Commission may not include the proposed amendment in the foundation code. [Section 553.73 (7) (g), F.S.]**



## **STANDING MOTION TO APPROVE MODIFICATIONS TO THE FLORIDA BUILDING CODE**

TAC chair will read the following motion, ask for a motion and second to approve, and the TAC will then vote in favor.

Move to recommend approval of the proposed modifications by the Technical Advisory Committee (TAC) based on the following findings:

- A. The modification is needed in order to accommodate the specific needs of this state; and
- B. The modification has a reasonable and substantial connection to the health, safety, and welfare of the general public; and
- C. The modification strengthens or improves the Florida Building Code, or in the case of innovation or new technology, will provide equivalent or better products or methods or systems of construction; and
- D. The modification does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities; and
- E. The modification does not degrade the effectiveness of the Florida Building Code; and
- F. The modification has the following fiscal impact:
  - 1. The fiscal impact of enforcement imposed upon local government is as indicated by the proponent.
  - 2. The fiscal impact of compliance imposed upon building and property owners is as indicated by the proponent.
  - 3. The fiscal impact of compliance imposed upon industry is as indicated by the proponent.
  - 4. The fiscal impact of compliance imposed upon small business is as indicated by the proponent (no impact or as specified by the proponent).
- G. The modification's benefits noted with regard to fiscal impact and efficacy outweigh the costs imposed.
- H. The modification does not diminish requirements related to wind resistance or prevention of water intrusion contained in the Code or its referenced standards and criteria.
- I. Florida specific amendments that expire with the updated code and are resubmitted as amendments to the updated Code have addressed whether:
  - 1. The provisions contained in the proposed amendment are addressed in the applicable international code.
  - 2. The amendment demonstrates by evidence or data that the geographical jurisdiction of Florida exhibits a need to strengthen the foundation code beyond the needs or regional variations addressed by the foundation code, and why the proposed amendment applies to this state.
  - 3. The proposed amendment was submitted or attempted to be included in the foundation codes to avoid resubmission to the Florida Building Code amendment process.

### **TAC AMENDMENTS TO PROPOSED MODIFICATIONS**

TAC amendments to proposed modifications: require additional public comment, and TAC analysis of findings, rationale, and fiscal impact.

**TAC REVIEW PROCESS FOR PUBLIC COMMENTS ON TAC'S RECOMMENDATIONS  
REGARDING PROPOSED AMENDMENTS TO THE FLORIDA BUILDING CODE**

**JULY 2016 TAC MEETINGS**

**2017 CODE UPDATE PROCESS—6<sup>TH</sup> EDITION FLORIDA BUILDING CODE  
(Adopted Unanimously February 10, 2016)**

**PROCESS FOR TAC REVIEW OF PUBLIC COMMENTS ON TAC'S RECOMMENDATIONS  
REGARDING PROPOSED CODE MODIFICATIONS**

- ☛ Facilitator (or TAC chair if there is not a facilitator present) will serve as moderator and assist with adopted process and groundrules.
- ☛ One person speaks at a time.
- ☛ Limit your comment and be concise.
- ☛ Facilitator will limit comments to a maximum of three-minutes (3) per person.
- ☛ Do not read lengthy prepared statements; Summarize and submit complete text of comment for the record.
- ☛ Offer new points and/or state agreement with previous speakers; Please do not repeat what has been stated.
- ☛ Facilitator may terminate a comment if it is repeating previous comments, and not simply stating agreement or offering new points.
- ☛ The TAC wants to hear all view-points to ensure all perspectives are considered, and not repeats of the same views.
- ☛ Facilitator (or TAC chair) will introduce each comment on TAC recommendations.
- ☛ Proponents of proposed comment will speak first.
- ☛ Opponents of proposed comment will follow proponents.
- ☛ Proponents/opponents will be allowed one (1) brief counterpoint opportunity to address any new point(s) raised by previous speakers(s), but only if they address new points specific to the comment(s) raised by the speaker(s) and if they provide new points. No repeating of previous comments/points.
- ☛ ***Withdrawal of Comment:*** A comment on a TAC recommendation regarding a proposed code modification may be withdrawn by the proponent at any time prior to the TAC consideration of that comment.

## **TAC REVIEW OF PUBLIC COMMENTS ON TAC'S RECOMMENDATIONS PROCESS**

- After public input on a public comment on a TAC recommendation, the TAC will discuss the comment to determine a “sense of the TAC” through a non-binding show-of-hands straw poll of whether they support or do not support the comment.
- In conducting the straw polls the TAC should consider whether the public comment sufficiently addresses the TAC’s concern(s) regarding the proposed code modification, or does not address the TAC’s concern(s). 75% threshold used for straw poll.
- A proposed comment shall not be considered by the TAC if it:
  - Is not legible;
  - Changes the scope of the original proposed modification and/or TAC’s recommendation regarding the modification; or,
  - Is not readily understood so that a proper assessment of its impact on the original proposed modification and/or TAC’s recommendation regarding the modification can be determined.
- TACs should not attempt to revise or amend the comments in any way.
- TAC’s comments will be submitted to the Commission as TAC’s comments on public comments submitted regarding TAC’s recommendations on proposed modifications to the Florida Building Code.
- The Commission will receive the TAC’s recommendations regarding proposed Code modifications (TAC recommendations developed during the April 2016 TAC meetings) and TAC comments on public comments submitted on TAC recommendations developed during the July 2016 TAC meetings.
- The Commission will consider the TACs recommendations and comments on public comments during a rule development workshop conducted during the August 18-19, 2016 Commission meeting, and conduct a rule adoption hearing on the final version of the Code on June 8, 2017. The TACs will review proposed Glitch amendments after the Code’s effective date of December 31, 2017, if needed.