



FLORIDA BUILDING COMMISSION

"STRONGER CODES THROUGH SCIENCE AND CONSENSUS"



FACILITATOR'S SUMMARY REPORT OF THE FEBRUARY 13, 2018 FLORIDA BUILDING COMMISSION MEETING JACKSONVILLE, FLORIDA

PROCESS DESIGN, CONSENSUS-BUILDING AND FACILITATION BY



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FLORIDA BUILDING COMMISSION

FEBRUARY 13, 2018 FACILITATOR’S MEETING SUMMARY REPORT

TABLE OF CONTENTS

TABLE OF CONTENTS 1
TABLE OF ATTACHMENTS 2

I. MEETING SUMMARY OVERVIEW 4
II. CHAIRMAN’S WELCOME 4
III. COMMISSION ATTENDANCE 5
IV. MEETING OBJECTIVES..... 5
V. MINUTES APPROVAL..... 6
VI. CHAIR’S DISCUSSION ISSUES AND RECOMMENDATIONS..... 6
VII. EXECUTIVE DIRECTOR ANNOUNCEMENTS AND RECOMMENDATIONS..... 8
VIII. ACCESSIBILITY WAIVER APPLICATIONS 9
IX. PRODUCT AND ENTITY APPROVALS 9
X. ACCREDITOR AND COURSE APPROVALS 10
XI. LEGAL REPORT 11
XII. PETITIONS FOR DECLARATORY STATEMENTS 11
XIII. SCOPE OF WORK 7TH EDITION (2020) FBC..... 12
XIV. COMMITTEE REPORTS AND RECOMMENDATIONS..... 12
XVI. GENERAL PUBLIC COMMENT 13
XVII. COMMISSION MEMBER COMMENTS AND ISSUES 13
XVIII. NEXT MEETING OVERVIEW AND ISSUES 14

ATTACHMENTS 15 - 29

1. MEETING EVALUATION RESULTS 15

2. KEY TO COMMON ACRONYMS..... 17

3. COMMISSION HISTORY AND OVERVIEW 18

4. COMMISSION MEETING AGENDA 20

5. FBC UPDATED MEETING SCHEDULE AND 2017 CODE UPDATE WORKPLAN 22

6. CODE UPDATE WORKPLAN 2020 FBC..... 25

7. BILL MATRIX 2018 LEGISLATIVE SESSION..... 27

FLORIDA BUILDING COMMISSION
FEBRUARY 13, 2018 FACILITATOR'S SUMMARY REPORT



OVERVIEW OF COMMISSION'S KEY ACTIONS AND DECISIONS

TUESDAY, FEBRUARY 13, 2018

I. PLENARY SESSION SUMMARY AND OVERVIEW

At the February 13, 2018 meeting conducted in Jacksonville the Commission considered and decided on Chair's issues and recommendations, Executive Director's announcements and discussions, product and entity approvals, applications for accreditor and course approvals, accessibility waivers, petitions for declaratory statements, and recommendations from the Commission's various committees. In addition, the Commission reviewed and discussed the Scope of Work for the 7th Edition (2020) Florida Building Code Update Process. Specific actions included voting: 1.) to approve August 14, 2018 and October 9, 2018 as the Commission Plenary dates for the August and October 2018 meetings; and, 2.) to adopt a Resolution of Appreciation for Chairman Richard S. Browdy's leadership of the Commission.

(Attachment 1—Meeting Evaluation Results)

II. CHAIRMAN'S WELCOME

Acting Chair Schock welcomed the Commission, DBPR staff and the public to Jacksonville and the February 13, 2018 plenary session of the Florida Building Commission. The Acting Chair noted that in addition to considering regular procedural issues including product and entity approvals, applications for accreditor and course approvals, accessibility waivers, petitions for declaratory statements, and recommendations from the Commission's various committees, the primary focus of the February meeting was to discuss the Scope of Service for the 7th Edition (2020) Florida Building Code.

The Acting 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.

Acting Chair Schock 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.

III. COMMISSION ATTENDANCE

The following Commissioners attended the Tuesday, February 13, 2018 meeting in Jacksonville:

Jim Schock (Acting Chair), Hamid Bahadori, Steve Bassett, James Batts, Bob Boyer, Kelley Smith Burk, Oscar Calleja, Jay Carlson, Kevin Flanagan, Charles Frank, Shane Gerwig, David Gilson, Richard Goff, Jeff Gross, Robert Hamberger, Brian Langille, Brad Schiffer, Fred Schilling, Jeff Stone, Brian Swope, Don Whitehead, and Diana Worrall.

(22 of the 26 currently seated Commissioners attended—85%).

Absent Commissioners:

Don Brown, Dave Compton, Nan Dean, and Drew Smith.

DBPR STAFF PRESENT

Robert Benbow, Thomas Campbell, Jim Hammers, Chris Howell, Mo Madani, and Justin Vogel.

MEETING FACILITATION

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



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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>

IV. AGENDA REVIEW AND APPROVAL

The Commission voted unanimously, 22 - 0 in favor, to approve the agenda for the February 13, 2018 meeting as posted/presented. Following are the key agenda items approved for consideration:

- To Consider Regular Procedural Issues: Agenda Approval and Approval of the December 12, 2017 Meeting and the January 26, 2018 Teleconference Plenary Meeting Facilitator's Summary Reports and Meeting Minutes, and the January 5, 2018 Teleconference Plenary Meeting minutes.
- To Consider/Decide on Chair's Discussion Issues/Recommendations.
- To Consider/Decide on Executive Director Announcements and Discussions.
- To Consider/Decide on Accessibility Waiver Applications.
- To Consider/Decide on Applications for Products & Product Approval Entities Approval.

- To Consider/Decide on Applications for Accreditor and Course Approval.
- To Receive a Briefing Regarding Legal Report.
- To Consider/Decide on Petitions for Declaratory Statements.
- To Discuss Scope of Work for the 7th Edition (2020) Florida Building Code Update.
- To Consider/Decide on Technical Advisory Committees (TACs) Reports: Energy.
- To Consider/Decide on Program Oversight Committees (POCs) Reports: Education and Product Approval POC Reports/Recommendations.
- To Consider/Decide on Workgroup Reports: Lightning Protection.
- To Receive Public Comment.
- To Discuss Commissioner Comments and Issues.
- To Review Needed Next Steps, Assignments, and Agenda Items for the Next Meeting—April 10, 2018 in Lake Mary, Florida.

Amendments to the Posted Agenda:

There were no amendments to the posted agenda.

(Attachment 4—February 13, 2018 Commission Agenda)

V. DECEMBER 12, 2017 MEETING AND JANUARY 26, 2018 TELECONFERENCE MEETING FACILITATOR’S SUMMARY REPORTS AND MEETING MINUTES, AND JANUARY 5, 2018 TELECONFERENCE MEETING MINUTES

MOTION—The Commission voted unanimously, 22 - 0 in favor, to approve the December 12, 2017 Meeting and January 26, 2018 Teleconference Meeting Facilitator’s Summary Reports and Meeting Minutes, and January 5, 2018 Teleconference Meeting Minutes as presented/posted.

Amendments: There was no amendment offered to the meeting minutes:

VI. CHAIR’S DISCUSSION ISSUES AND RECOMMENDATIONS

Resolution Commending Dick Browdy as Chair of the Commission

Acting Chair Schock reported that in recognition of the outstanding leadership of the Commission by Chairman Dick Browdy, who served on the Commission and its predecessor body the Board of Building Codes and Standards, from June 28, 1988 until October 23, 2017, and as chair of the Commission from October 2011 through October of 2017, he wanted to read a proposed Resolution of Appreciation from the Commission. Chairman Browdy provided outstanding leadership and guidance to the Commission while maintaining a commitment to consensus-building and collaboration. Acting Chair Schock read the proposed Resolution and subsequently the Commission took the following action:

Commission Action:

MOTION—The Commission voted unanimously, 22 – 0 in favor, to adopt the Resolution of Appreciation for Chairman Dick Browdy.

Resolution Commending Richard S. Browdy's Leadership

WHEREAS, the Florida Building Commission was constituted by the Florida Legislature with members appointed by the Governor to develop and maintain the Florida Building Code System; and

WHEREAS, Richard S. Browdy served on the Florida Building Commission and its predecessor body the Board of Building Codes and Standards continuously from June 28, 1988 until October 23, 2017; and

WHEREAS, Richard S. Browdy was appointed as the Governor's Chair by Florida Governor Rick Scott on October 14, 2011 and served as chair continuously until October 23, 2017; and

WHEREAS, the Florida Building Commission has developed and maintained the Florida Building Code System through a participatory consensus-building process under the leadership and guidance of the Governor's Chair, Richard S. Browdy; and

WHEREAS, the Florida Building Commission recognizes the critical role Richard S. Browdy has played in the Commission's development of important State of Florida policy decisions utilizing a participatory stakeholder consensus-building process; and

WHEREAS, Richard S. Browdy has always represented the Commission's commitment to fairness, and consensus-building on public policy in a highly visible and professional manner; and

WHEREAS, Richard S. Browdy has always demonstrated his personal commitment to integrity, and treated all who interacted with the Commission's processes with respect; now

THEREFORE, BE IT RESOLVED, that the Florida Building Commission at its public meeting held in Jacksonville, Florida, February 13, 2018, voted unanimously to express their appreciation and respect for the outstanding leadership, dedication, public service, integrity and commitment to participatory consensus-building demonstrated by Richard S. Browdy as both a member and chair of the Florida Building Commission.

Chair's Plaques Presentation

Tom Campbell stated that to show the Department's appreciation for Chairman Browdy's decades of leadership and service to both the Office of Codes and Standards and the Florida Building Commission, the Department commissioned two plaques. The first plaque memorializes the Chair's time as a member of the Board of Codes and Standards and the Building Commission. The second plaque is for his time as Chairman of the Florida Building Commission where he eloquently and steadfastly led the Commission for six years. Tom thanked Dick Browdy for his service to the State of Florida.

Chairman Browdy Accepting Plaques



Commissioner Resignation

Acting Chair Schock reported that Commissioner Charles Frank tendered his resignation from the Commission effective February 14, 2018. The Acting Chair took the opportunity on behalf of the Commission to appreciate Charles for his service on the Commission. Charles served from November 30, 2012 through February 14, 2018. Charles was thanked for his service to the citizens of Florida.

Special Occupancy TAC Appointment

Acting Chair Schock appointed Richard Hilburn to the Special Occupancy TAC to replace Ken Cureton as the Department of State, Division of Historical Resources' representative. The Acting Chair thanked Ken for his service, and welcomed Richard to the TAC.

Residential Construction Cost Impact Workgroup

The Acting Chair noted that at the October meeting Chairman Browdy reported that at the request of stakeholders he was appointing a Residential Construction Cost Impact Workgroup. Acting Chair Schock made the following appointments to the Workgroup:

Lee Arsenault, Jay Carlson, Ed Dion, Rick Goff, Alan Gremillon, Mike Keese, Ray Puzitiello, Bill Smock, and Jeremy Stewart.

Commission's Updated Milestones

The Acting Chair reminded Commissioners and participants that the updated Commission Milestones document is linked to the February 13, 2018 Commission agenda on the BCIS.

VII. EXECUTIVE DIRECTOR ANNOUNCEMENTS AND DISCUSSIONS

Tom Campbell, FBC Executive Director, briefed the Commission on the following issues:

Review of Relevant Bill's Proposed for the 2018 Legislative Session

Tom Campbell provided the Commission with an update on proposed legislation from the 2018 Legislative Session impacting the Florida Building Code System. The latest Bill Matrix including HB 23, HB 299, HB 1077, and SB 1312 are linked to the Commission's Agenda posted to the BCIS. Tom provided a matrix summarizing the following Bills: HB 299, SB 106, HB 23, SB 284, HB 327, HB 437, HB 372, HB 479, HB 655, SB 896, HB 589, CS/CS HB 725, CS/CS/SB 1144, HB 1077, SB 1322, SB 1312, CS/SB 908, and HB 723. Tom provided an update on the following Bills: HB 23, CS/CS HB 725, CS/CS/SB 1144, and CS/SB 908.

(Attachment 7—Bill Matrix—2018 Legislative Session)

Legislative Conference Call Meeting Dates (2018):

Tom reminded the Commission that the remaining dates approved for 2018 Legislative teleconference calls are March 2nd and March 16th.

CE Kiosk

Tom remarked that in the last year or so there have been several instances where the kiosk failed to capture everyone who had entered their information into the kiosk. After some research, staff has come up with a solution to the issue if everyone agrees. DPPR eliminate the kiosk. Commissioners will mark on the sign in sheet that they wish to claim CE for a meeting. Staff will take the sign in sheet back and send the information to the Department's Bureau of Education and Testing. We will also have a

separate sheet at the end of the table for members of the public to write their name and license numbers. Staff will also send that information to the Department's Bureau of Education and Testing.

Tom noted that on February's meeting sign in sheet there was an additional page. DBPR staff attempted to capture all of Commission member's licensing information that may be eligible for CE. Tom requested that Commissioners check the information on the additional page and confirm that the information is correct. Tom indicated that the information would be used for sending information to the Department's Bureau of Education and Testing. Tom noted that any needed changes should be provided to Chris after the meeting or sent to Tom or Chris by email. Tom stated that if all goes to plan, February's meeting would be the kiosk's last meeting.

Members of the Commission requested that staff research providing retroactive CU credit for attendance that was not captured by the Kiosk system during the current licensing cycle.

Meeting Dates for August and October Commission Meetings

Tom reported that staff is proposing August 14, 2018 and October 9, 2018 for the Commission's Plenary meeting dates for August and October. Following discussion the Commission took the following action:

Commission Action:

MOTION—The Commission voted unanimously, 22 – 0 in favor, to approve the August 2018 and October 2018 Commission Plenary meeting dates. Specifically August 14, 2018 and October 9, 2018.

VIII. CONSIDERATION OF ACCESSIBILITY WAIVER APPLICATIONS

Justin Vogel, 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:

1. College Station – Waiver 290 - 210 E. College Avenue Tallahassee 32301

MOTION—The Commission voted unanimously, 21 – 0 in favor, to approve the waiver for vertical accessibility to the second floor on the grounds of economic hardship.

IX. CONSIDERATION OF APPLICATIONS FOR PRODUCT AND ENTITY APPROVAL

Commissioner Stone presented the Product Approval Oversight Committee's recommendations for entities and product approvals on the consent agenda 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 (19) as posted/presented.

MOTION—The Commission voted unanimously, 22 - 0 in favor, to approve the consent agenda of products (236) recommended for approval to the 2017 Code as posted/presented.

Commission Actions Regarding Product Approval Applications With Comments—2017 Code:

MOTION—The Commission voted unanimously, 21 – 0 in favor, to approve product FL 10477 R-7.

MOTION—The Commission voted unanimously, 21 – 0 in favor, to conditionally approve product FL 111847 R-4 based on the conditions identified by public comment, accepted by the applicant, and recommended by DBPR staff.

MOTION—The Commission voted unanimously, 21 – 0 in favor, to conditionally approve product FL 13061 R-5 based on the conditions identified by public comment, accepted by the applicant, and recommended by DBPR staff.

MOTION—The Commission voted unanimously, 21 – 0 in favor, to conditionally approve product FL 15099 R-8 based on the conditions requested by the applicant and recommended by DBPR staff.

MOTION—The Commission voted unanimously, 21 – 0 in favor, to approve product FL 19715 R-4.

MOTION—The Commission voted unanimously, 21 – 0 in favor, to approve product FL 21335 R-2.

MOTION—The Commission voted unanimously, 22 – 0 in favor, to conditionally approve product FL 24226 R-1 with the condition that DBPR staff review the application to ensure it fully complies with the Product Approval Rule.

MOTION—The Commission voted unanimously, 22 – 0 in favor, to conditionally approve product FL 24227 R-1 with the condition that DBPR staff review the application to ensure it fully complies with the Product Approval Rule.

MOTION—The Commission voted unanimously, 22 – 0 in favor, to conditionally approve product FL 25570 based on the conditions identified by public comment, accepted by the applicant, and recommended by DBPR staff.

MOTION—The Commission voted unanimously, 22 – 0 in favor, to conditionally approve product FL 25571 based on the conditions identified by public comment, accepted by the applicant, and recommended by DBPR staff.

MOTION—The Commission voted unanimously, 22 – 0 in favor, to conditionally approve product FL 25621 based on the conditions identified by public comment, accepted by the applicant, and recommended by DBPR staff.

Commission Actions Regarding DBPR Applications:

There was no Commission action required regarding the February 2018 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)

XI. CONSIDER APPLICATIONS FOR ACCREDITOR AND COURSE APPROVAL

Commissioner Flanagan 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, 22 – 0 in favor, to approve advanced accredited course numbers: 860.0, 859.0, 846.0, 877.0, 878.0, 871.0, 874.0, 875.0, 876.0, 869.0, 870.0, and 872.0.

MOTION—The Commission voted unanimously, 22 – 0 in favor, to approve administratively approved updated course number: 740.1.

MOTION—The Commission voted unanimously, 22 – 0 in favor, to approve administratively self-affirmed courses with one change numbers: 646.2 and 692.1.

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

XI. LEGAL REPORT

The Acting Chair noted that the Florida Accessibility Code for Building Construction (FACBC) was ready for certification concurrent with the effective date of the new ADA Standards for Accessible Design (SAD, 2010), and as reported numerous times since submittal in September of 2010 the Commission waits for a decision by the Department of Justice (DOJ). The Commission requested that Justin periodically communicate with the DOJ regarding the status of the Commission's application for certification of the FACBC, and to provide updates to the Commission.

Justin Vogel reported that once again he was not able to speak with the DOJ regarding the Commission's pending application for certification of the Florida Accessibility Code for Building Construction (FACBC). Justin indicated that he left several phone messages and emails and the DOJ is no longer returning his calls.

Justin Vogel reported that the Florida Association of American Institute of Architects, Inc. (FAAIA) filed a rule challenge to the Commission's adoption of Rule 61G20-2.002 (Statewide Amendments to the Florida Building Code) regarding the Code Update Process for development of the 7th Edition (2020) Florida Building Code. Justin noted that the FAAIA challenged the Rule as invalid based on their belief that the Rule is an invalid exercise of the Commission's delegated authority regarding implementation of the triennial update process for the Florida Building Code. At the January 26, 2018 Teleconference Meeting Justin updated the Commission on the status of the rule challenge, reporting that both parties submitted recommended orders to the Division of Administrative Hearings (DOAH) on January 18, 2018, and it is anticipated that the Administrative Law Judge (ALJ) will issue the final order in mid-February. At the February meeting Justin noted that if the ALJ rules in favor of the Commission than the Update Process will proceed as contemplated. Justin reported that if the ALJ rules in favor of the FAAIA, then DBPR will evaluate the Final Order and determine what specifically needs to be revised in the Rule, and subsequently conduct rule development as required. Tom stated that Commissioners should make every effort to participate on the March 2, 2018 Teleconference meeting since staff will discuss the outcome of the Rule challenge and a strategy for moving forward based on the same.

XII. CONSIDERATION OF PETITIONS FOR DECLARATORY STATEMENTS

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

1. DS2018-002 by James P. Brown, WRS Development, LLC

Motion—The Commission voted unanimously, 22 - 0 in favor, to deny the Petition as legally insufficient.

XIII. SCOPE OF WORK FOR THE 7TH EDITION (2020) FBC CODE UPDATE PROCESS DISCUSSION

Acting Chair Schock remarked that a notable change for the next Update Process is that it will mark the first time the Commission will be using the Florida Building Code as the Base Code and not the I-Codes. Specifically, the 6th Edition (2017) FBC will serve as the Base Code for the 2020 Update Process. During the meeting staff provided an overview of how the proposed I-Codes review phase of the process will look, including the NEC review for the Electrical Code. At the April meeting a Scope of Work detailing the Code Update review process for the 7th Edition (2020) FBC will be presented for the Commission's review and approval. Following a briefing on the proposed process and a matrix containing two examples of how the TAC's will review the I-Code changes, an opportunity was provided for questions and comments from the Commission and stakeholders. It was noted that the specifics of the Code Update Process would be dependent on the outcome of the Rule Challenge.

XIV. COMMITTEE REPORTS AND RECOMMENDATIONS

Acting Chair Schock 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, and specific recommendations must be considered by separate motions. Committee reports are linked to the following URL (linked to Commission's February 13, 2018 Agenda):

http://www.floridabuilding.org/fbc/commission/FBC_0218/index.htm.

Education POC

Commissioner Flanagan presented the POC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 22 – 0 in favor, to accept the POC's report as presented/posted (February 2, 2018).

(See Agenda for Linked Committee Report)

Energy TAC

Commissioner Calleja presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 22 – 0 in favor, to accept the TAC's report as presented/posted (January 19, 2018).

(See Agenda for Linked Committee Report)

Lightning Protection Workgroup

Jeff Blair presented the Workgroup's reports and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 22 – 0 in favor, to accept the Workgroup's reports as presented/posted (January 18, 2018, and February 12, 2018).

Product Approval POC

Commissioner Stone presented the Committee's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 22 – 0 in favor, to accept the POC's report as presented/posted (February 1, 2018).

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

OTHER COMMISSION ACTIONS

There were no additional Commission actions taken during the February 13, 2018 meeting.

STAFF ASSIGNMENTS FROM JUNE 2017 AND FEBRUARY 13, 2018 MEETING

- Provide the Commission with the number of accessibility waiver applications for fiscal year 2016-17 including the number of applications approved and denied. [June 2017 request]
- Brief the Commission regarding to what extent the Commission can require that Waiver applicants provide specific documentation for substantiating the costs of construction and vertical accessibility. [February 2018 request]

XVIII. 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, Acting Chair Schock invited members of the public to address the Commission on any issues under the Commission's purview.

Public Comments:

- There were no additional public comments provided.

XIX. COMMISSION MEMBER COMMENTS AND ISSUES

Acting Chair Schock 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:

- Calleja: asked whether there will be a Glitch Code process for the adopted 2017 Code.
- Madani: responded that there has not been a request for a Glitch Code process, and at this time it is not contemplated that there will be a Glitch process for the 2017 Code.
- Bassett: the FBPE is working to get engineers more involved in the Code development process. Steve noted that he would be making a presentation to the FBPE regarding the FBC process.
- Worrall: noted that she is concerned with how the disproportionate cost exemption is used. Diana asked whether the Commission could require specific documentation for substantiating the costs used to qualify for receiving a waiver from vertical accessibility requirements based on

disproportionate cost. Specifically, the renovation/construction costs and the cost of lifts. Diana suggested perhaps requiring 3 estimates for lifts could be considered.

- Vogel: stated that if the applicant demonstrates an economic hardship pursuant to the provisions of the Statute, then the waiver must be granted.
- Campbell: noted that the online application form was adopted by Rule, and any changes would require a revision to the Rule.
- Schock: asked whether the issue could be assigned to the Accessibility TAC for evaluation.
- Campbell: responded that DBPR staff will evaluate the issue and report back to the Commission at the April 2018 meeting.
- Hamberger: stated that it is easy to game the system in acquiring waivers. One strategy is to only develop a small percentage of the space in order to qualify for disproportionate cost, and then later complete the project with another permit.
- Schock: noted that there is a requirement for building officials to review past permits pulled on a project for a three-year period in order to prevent efforts to circumvent the requirements of the Code.
- Hamberger: agreed, but stated most jurisdiction simply don't have the resources/time to review for any previous permits on a project.

XX. NEXT COMMISSION MEETING OVERVIEW AND ISSUES

The April 10, 2018 meeting in Lake Mary will focus on the Commission's regular procedural and substantive issues, and rule development initiatives as needed. In addition, a proposed process for the 2020 Code Update process will be considered for Commission approval.

(Attachment 5—Commission Meeting Schedule)

ADJOURNMENT

The Chair thanked Commission members, staff and the public for their attendance and participation, and adjourned the meeting at 10:30 A.M. on Tuesday, February 13, 2018.

ATTACHMENT 1
FLORIDA BUILDING COMMISSION MEETING EVALUATION RESULTS

FEBRUARY 13, 2018—JACKSONVILLE, FLORIDA

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

Number of Respondents: 19 of 22 (86%) Commissioners present completed meeting evaluations.

1. OVERALL MEETING ASSESSMENT.

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

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

- 9.8 Chair's Issues and Recommendations.
- 9.8 Executive Director Announcements and Discussions.
- 9.8 Applications for Accessibility Waiver Applications Approvals.
- 9.8 Applications for Products and Product Approval Entities Approvals.
- 9.9 Applications for Accreditor and Course Approvals.
- 9.8 Briefing Regarding Legal Report
- 9.8 Legal Issues: Petitions for Declaratory Statements.
- 9.8 7th Edition (2020) FBC Update Process Scope of Work Discussion.
- 9.8 TAC, POC, Committee, and 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.
- 9.9 I know who is responsible for the next steps.

6. WHAT MEMBERS LIKED BEST ABOUT THE MEETING.

- Previous Chairman Browdy's attendance.
- Presentations to Mr. Browdy.

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

- Great meeting.

8. OTHER GENERAL COMMENTS.

- Nice venue.
- Great hotel accommodations.
- Had coffee yeah!!
- Nice meeting space and hotel.

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
DOJ	U.S. Department of Justice
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 64 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
FEBRUARY 13, 2018 MEETING AGENDA

FLORIDA BUILDING COMMISSION
PLENARY SESSION
FEBRUARY 13, 2018
EMBASSY SUITES BY HILTON
9300 BAYMEADOWS ROAD
JACKSONVILLE, FLORIDA 32256

MEETING OBJECTIVES

- To Approve Regular Procedural Topics (Agenda and Minutes).
- To Consider/Decide on Chair's Discussion Issues/Recommendations.
- To Consider/Decide on Executive Director Announcements and Discussions.
- To Consider/Decide on Accessibility Waiver Applications.
- To Consider/Decide on Approvals and Revocations of Products and Product Approval Entities.
- To Consider Applications for Accreditor and Course Approval.
- To Receive a Briefing Regarding Legal Report
- To Consider/Decide on Petition for Declaratory Statement.
- To Discuss Scope of Work for the 7th Edition (2020)
- 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

January 18, 2018	2:00 p.m.	Lightning Protection Workgroup
January 19, 2018	10:00 .m.	Energy Technical Advisory Committee
February 1, 2018	10:00 a.m.	Product Approval Program Oversight Committee
February 1, 2018	2:00 p.m.	Accessibility Advisory Council
February 2, 2018	10:00 a.m.	Education Program Oversight Committee
February 12, 2018	9:00 a.m.	Lightning Protection Workgroup ****

MEETING AGENDA—FEBRUARY 13, 2018

All Agenda Times—including Adjournment—are Approximate and Subject to Change

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 Facilitator Report for December 12, 2017 and Legislative teleconference minutes for January 5, 2018 and January 26, 2018.
	4.)	Chair's Discussion Issues: TAC Appointments Workgroup Appointments

		Updated Milestones
	5.)	Executive Director Announcements and Discussions: Bill Matrix Bills: Legislative Conference Calls (all at 2pm): March 2nd, and March 16th
	6.)	Accessibility Waiver Applications (Accessibility Advisory Council Report) 1. College Station waiver #290 - 210 E. College Avenue Tallahassee 32301
	7.)	Applications for Product (2014) (2017) and Entity Approval
	8.)	Applications for Accreditor and Course Approval
	9.)	Legal Report
	10.)	Declaratory Statement: DS2018-002 by James P. Brown, WRS Development, LLC
	11.)	Discussion of the scope of Work for the Development of the 7th Edition (2020) Update to the Florida Building Code.
	12.)	Committee Reports:
		a) Education Program Oversight Committee (February 2, 2018) b) Energy Technical Advisory Committee (January 19, 2018) c) Lightning Protection Workgroup (January 18, 2018 and February 12, 2018) d) Product Approval Program Oversight Committee (February 1, 2018)
	13.)	Public Comment
	14.)	Commissioner Comment
	15.)	Adjourn

ATTACHMENT 5
COMMISSION'S UPDATED MEETING SCHEDULE AND CODE UPDATE WORKPLAN

(UPDATED FEBRUARY 13, 2018)

COMMISSION APPROVED MEETING SCHEDULE

FY 2017-2018	LOCATION
August 7-8, 2017	Deerfield Beach (Embassy Suites)
October 10, 2017	Tallahassee (Doubletree)
December 12, 2017	Stuart (Marriott Resort Hutchison Island)
February 13, 2018	Jacksonville (Embassy Suites Jacksonville Baymeadows)
April 9 – 10, 2018	Orlando (Marriott and Lake Mary)
June 10 - 15, 2018	Orlando (Embassy Suites Orlando North)
August 14, 2018	
October 9, 2018	

COMMISSION'S UPDATED 2017 CODE UPDATE WORKPLAN

6TH EDITION (2017) FBC CODE UPDATE DEVELOPMENT TASKS
ADOPTED UNANIMOUSLY AUGUST 18, 2016
REVISED JUNE 8, 2016, OCTOBER 13, 2016, AND APRIL 4, 2017

Hold Glitch Correction Phase after the Effective Date of the 6th Edition (2017) FBC, if needed - Rulemaking via Integrated Code

12. 6 TH EDITION (2017) UPDATE TO THE FLORIDA BUILDING CODE	
TASK	SCHEDULE
<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 th 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 th Edition (2017) FBC and publish " Preliminary Supplement ". 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 Preliminary Supplement	7/1/2015 – 1/3/2016
Proposed amendments reviewed by staff and posted to the Commission website	1/13/2016

1 st 45 day comment period ends (<i>By law -45 day min before TAC review</i>)	2/25/2016
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 st 45 day comment period and adopt recommendations TACs meetings - 4-day on-site meetings in conjunction with the April 2016 Commission meeting	4/1-15/2016
TACs recommendations posted to the website	5/6/2016
2 nd 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 Rule development Workshops - Commission – 2-day meeting	8/16-17/2016
Draft 6 th Edition (2017) FBC (Florida Supplement plus I Codes) posted online Provide Supplements to ICC for integration into the 2015 I-Code	9/19/2016
Rule development Workshops	12/13/2016 2/7/2017 4/4/2017
Integrated Draft 6 th Edition (2017) FBC – Posted online	4/21/2017
Final Rule Hearing on 6 th Edition (2017) FBC/Commission approves final version of Code 6 th Edition (2017) Florida Fire Prevention Code available in final format	6/8/13/2017
Rule Submitted to Secretary of State and Supplement/Integrated posted online – subject to addressing all JAPC's concerns	TBD
Printed Code available - subject to negotiation with ICC	TBD
2017FBC (6th edition) effective date (6 – months after publication)	12/31/2017
Glitch Correction Phase: after effective date, if needed	
Period to propose glitch modifications to draft 6 th Edition (2017) FBC	TBD
Post Tracking/Detail reports online	TBD
TACs consider proposed glitch modifications and develop public comment via conference call/Webinars	TBD
Commission considers proposed glitch mods and TAC comments (Rule Development Workshop) Commission – 2-day meeting	TBD
Draft Supplement to the 6 th Edition (2017) FBC posted online	TBD

<i>Final Rule Hearing</i> on adoption of the Supplement to the 6 th Edition (2017) FBC/Commission	TBD
Rule Submitted to Secretary of State and Supplement posted online – subject to addressing all JAPC’s concerns	TBD
Final supplement available for download	TBD
Supplement to 2017 FBC (6th edition) effective date	TBD
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 6
COMMISSION'S 2020 CODE UPDATE DEVELOPMENT WORKPLAN

7TH EDITION (2020) FBC CODE UPDATE DEVELOPMENT TASKS

7TH EDITION (2020) UPDATE TO THE FLORIDA BUILDING CODE—	
TASK	SCHEDULE
<i>Primary Code Development Phase:</i>	
2017 NEC published and available to the public;	10/2016
2018 International Codes published and available to the public;	09/2017
Commission selects 2018 I Codes “model codes” and 2017 NEC to conduct its review	10/10/2017
Option #2 (meeting before the TACs review): Residential Construction Cost Impact Workgroup (RCCIWG) reviews the 2018 changes to the International Residential Code (IRC) and provides comments to the TACs/Commission on impactful code changes.	4/09/2018
Staff post complete listing of the code changes to the I Codes online	1/2/2018
Staff post on Commission website analysis of the 2018 I-Code change (Tracking Charts and code change monographs)	5/1/2018
TACs review the 2018 changes to the I Codes and make recommendations to the Commission regarding those changes that are needed to accommodate the specific needs of this state. TACs meetings - 12-day on-site meetings in conjunction with the June 2018 Commission meeting	06/8-22/2018
Staff post TACs' recommendations online for further public review	07/10/2018
Option #1(meeting after the TACs review): Residential Construction Cost Impact Workgroup (RCCIWG) review the TACs' recommendations with regard to the 2018 changes to the International Residential Code (IRC) and provide comments to the Commission on impactful code changes. RCCIWG meeting – on-site meeting in conjunction with the August Commission meeting	08/15/2018
Commission considers TACs' recommendations regarding the latest changes to the model codes that are needed to accommodate the specific needs of this state	10/8/2018
Staff post Commission's recommendations online	11/1/2018
Period for public to propose modifications to the 6 th Edition (2017) FBC and the Commission's approved changes to the model codes needed to accommodate the specific needs of this state	11/2/2018 – 12/15/2018
Proposed amendments reviewed by staff and posted to the Commission website	1/2/2019
1 st 45 day comment period ends (<i>By law -45 day min before TAC review</i>)	2/18/2019
Staff post on Commission website proposed code changes (Tracking Charts and Detail Reports)	3/1/2019
Option #1(meeting before the TACs review): Residential Construction Cost Impact Workgroup (RCCIWG) reviews the the	3/11/2019

proposed modifications to the Florida Residential Code (FRC) and provides comments to the TACs/Commission on impactful code changes. RCCIWG meeting – on-site meeting	
TACs consider proposed modifications (1 st 45 day comment period) TACs meetings - 4-day on-site meetings	3/18-21/2019
TACs recommendations posted to the website	4/12/2019
2 nd 45 day comment period ends (<i>by law – 45 day min before Commission review</i>)	6/14/2019
Staff post on Commission website proposed code changes with comments (Tracking Chats and Details Reports)	6/21/2019
TACs consider public comments on their actions on the proposed mods TACs meetings – 4-day meetings [2-day on-site and 2 – day via conference/webinar]	7/8-12/2019
Staff post on Commission website TACs consideration of public comments	7/22/2019
Option #1(meeting after the TACs review): Residential Construction Cost Impact Workgroup (RCCIWG) reviews the TACs’ recommendations with regard to the proposed modifications to the Florida Residential Code (FRC) and provides comments to the Commission on impactful code changes. RCCIWG meeting – on-site meeting	8/1/2019
Commission considers TAC recommendations (2 nd 45 day comment period) Commission – 2-day meeting	8/12-13/2019
7 th Edition (2020) FBC (6 th Edition (2017) FBC, Florida Supplement and Commission’s approved I Codes) posted online	9/19/2019
Provide Supplements to ICC for integration into the 6th Edition (2017) FBC	
Rule development Workshops	February 4, 2020 April 7, 2020
Integrated Draft 7 th Edition (2020) FBC – Posted online	April 20, 2020
Final Rule Hearing on 7 th Edition (2020) FBC/Commission approves final version of Code 7 th Edition (2020) Florida Fire Prevention Code available in final format	June 8, 2020
Rule Submitted to Secretary of State and Supplement/Integrated posted online – subject to addressing all JAPC’s concerns	TBD
Printed Code available - subject to negotiation with ICC	TBD
2020FBC (7 th edition) effective date (6 – months after publication)	12/31/2020
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
BILL MATRIX—2018 LEGISLATIVE SESSION

Bill #	Sponsor	Summary	Committees of Reference	Recent Activity
HB 299	McClain	Reduces the size of the Commission from 27 members to 11 members.	Careers & Comp Subco. Commerce Committee	Careers and Comp Subco., voted 10-4 in favor. Now, in Commerce Committee.
SB 106	Campbell	Fire Safety Standards; Authorizing certain buildings to have specified balcony guard openings, etc.	Community Affairs Banking and Insurance Rules	Referred to committees and subcommittees.
HB 23	Fitzhegan	Creates standards for recovery care centers. The commission, with technical assistance from AHCA, is to update current special occupancy standards to include recovery care centers.	Health Policy Approp. Subco. HHS Appropriations	Has passed in the House. Referred to Senate committees/subcommittees.
SB 284 HB 327 HB 437 SB 372 HB 479 HB 655 SB 896	Book Richardson Lee Garcia Williams Edwards Farmer	Requiring nursing facilities to have emergency power supply available to keep essential functions operational.		Referred to committees and subcommittees.
HB 589	Newton	Public Meetings; Specifies that certain boards and commissions are subject to public meetings requirements; revises public meeting notice requirements; provides that member of public has right to speak at public meeting; requires members of board or commission to respond to questions made at public meetings within a specified timeframe; repeals provision relating	Oversight, Transparency, and Admin Subco. Local, Federal, and Veterans Affairs Subco. Government Accountability Committee	Referred to committees and subcommittees.

		to reasonable opportunity to be heard at public meetings; provides penalties.		
CS/CS/CS HB 725	Williamson	Permit Fees; Requires governing body of local government to post its permit and inspection fee schedules & link to annual building permit & inspection utilization report on its website; provides reporting requirements.	Local, Federal, and Veterans Affairs Subco.	Passed Government Accountability Committee 19-0 as CS/CS/CS/ 725.
CS/CS/SB 1144	Perry		Careers and Comp. Subco. Government Accountability Committee Community Affairs Approp. Subco., Finance and Tax Appropriations	Passed Approp. Subco., Finance and Tax 5-0 as CS/CS/SB 1144.
HB 1077	Diamond	Defines open permits. Creates disclosures, procedures, and standards for closing “open permits.” Requires the Building Commission to adopt procedures to encourage property owners and builders to timely close out permits.	Careers and Comp. Subco. Local, Federal, and Veterans Affairs Subco. Commerce Committee Regulated Industries Community Affairs Rules	Referred to subcommittees and committees.
SB 1322	Powell			
SB 1312	Thurston	Requires the Florida Building Code to contain a provision mandating all state-subsidized developments have an operational emergency power source that provides an independent source of electric power for at least one week during a power outage.	Community Affairs Regulated Industries Rules	Referred to committees.
CS/SB 908	Steube	Construction Bonds; Requires notice of nonpayment to be verified; provides notice of nonpayment requirements; provides	Judiciary Community Affairs Rules	Passed Judiciary Committee 9-0 as CS/SB 908.

HB 723	McClain	<p>that claimant or lienor who serves fraudulent notice of nonpayment shall be deprived of rights under bond; requires notice of nonpayment to be in prescribed form; provides that provision relating to attorney's fees applies to certain suits brought by contractors; deems contractors to be insureds or beneficiaries for certain purposes; provides that contractor may record notice identifying bond as conditional payment bond prior to project commencement in order for duty of surety to pay lienors to be coextensive with contractor's duty to pay.</p>	<p>Careers and Competition Subco. Civil Justice Claims Subco. Commerce Committee</p>	
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