

# FLORIDA BUILDING COMMISSION



**FACILITATOR'S SUMMARY OF ISSUES AND  
RECOMMENDATIONS FOR THE  
COMMISSION'S REPORT TO THE 2019 FLORIDA LEGISLATURE  
REPORTING PERIOD OF JULY 1, 2017 - JUNE 30, 2018  
(FOR REVIEW AND APPROVAL APRIL 10, 2018)**



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FLORIDA BUILDING COMMISSION  
REPORT AND RECOMMENDATIONS TO THE 2019 LEGISLATURE  
FOR THE REPORTING PERIOD JULY 1, 2017 – JUNE 30, 2018

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FLORIDA BUILDING COMMISSION  
SUMMARY OF ISSUES FOR THE REPORT TO THE  
2019 LEGISLATURE



**FLORIDA  
BUILDING  
COMMISSION**  
"STRONGER CODES THROUGH SCIENCE AND CONSENSUS"



**I. SUMMARY OF ISSUES AND RECOMMENDATIONS**

**MEETINGS.** During the reporting period of July 1, 2017 – June 30, 2018 (fiscal year 2017 – 2018) the Commission conducted six on-site meetings and 5 teleconference participation meetings. During the period the Commission conducted on-site meetings in Deerfield Beach, Tallahassee, Stuart, Jacksonville, Lake Mary, and Altamonte Springs.

**OVERVIEW.** The primary focus of the Florida Building Commission during the reporting period was completing adoption of the Florida Building Code, Sixth Edition (2017), which became effective December 31, 2017, and initiation of the development of the 7<sup>th</sup> Edition (2020) Florida Building Code.

The 2017 Legislature implemented amendments to Section 553.73, F.S. with regard to the triennial Code update and amendment process. Specifically, the Commission is no longer required to adopt the most recent version of the Model Codes (I Codes) as the foundation for the updated Florida Building Code, and instead the triennial update process now requires the Commission to review the Model Codes and then decide which provisions are needed to accommodate the specific needs of this State (Florida), with the exception that the Commission is required to adopt provisions required to maintain eligibility for federal funding and discounts for NFIP, FEMA, and HUD programs. In summary, the change in the Code update process reflects that the Florida Building Code, 6<sup>th</sup> Edition (2017) will serve as the “base code” for the 2020 Code Update Process.

At the October 10, 2017 meeting the Commission initiated the 2020 Code Update Process by voting to select the 2018 International Codes and 2017 NEC for review in the development of the 7<sup>th</sup> Edition (2020) Florida Building Code. The Commission’s TACs will meet in June of 2018 to review the changes to the I Codes, and subsequently make recommendations to the Commission regarding any changes that are needed to accommodate the specific needs of this State.

The Commission implemented the required changes to Section 553.73, F.S. by amending Rule 61G20-2.002 (Statewide Amendments to the Florida Building Code), F.A.C. to reflect the changes to the Code update process. The Commission conducted a rule development workshop on August 8, 2017 to amend Rule 61G20-2.002, F.A.C., for the purpose of implementing the provisions of HB

1021 regarding some of the Commission's processes for developing the Florida Building Code. The revisions include providing a definition of "amendment", providing the purposes for which the Commission may amend the Florida Building Code, providing the process and requirements for submitting proposed amendments to the Florida Building Code, reflecting the two-thirds favorable voting threshold requirement for TACs' to recommend approval of proposed Code amendments, reflecting the favorable voting threshold requirement for the Commission to approve proposed Code amendments, providing the publication timelines for consideration of proposed amendments by TACs and the Commission, and the minimum timeline for when the Code can become effective after the Commission files the amended Code. At the conclusion of the Workshop the Commission voted unanimously to implement changes to Rule 61G20-2.002 as drafted by staff with authorization for staff to make scoping revisions based on public and Commissioner comments, and to leave the rule open and subject to comment for ten additional days prior to publishing the Notice of Proposed Rule. At the October 9, 2018 meeting the Commission conducted a second rule development workshop and after considering public comment, the Commission voted unanimously to implement the changes to Rule 61G20-2.002 and the associated forms as presented by staff, incorporating all approved amendments, authorizing staff to make editorial changes as needed, authorizing the Department of Business and Professional Regulation to publish a Notice of Proposed Rule, and to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Chairman of the Florida Building Commission.

On December 6, 2017 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 7<sup>th</sup> Edition (2020) Florida Building Code. 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. On February 15, 2018 the Administrative Law Judge (ALJ) assigned by the Division of Administrative Hearings (DOAH) ruled that the challenged provisions of Rule 61G20-2.002 (2) are a valid exercise of delegated authority as to the objections raised, and the Petition was dismissed. As a result of the ruling the Commission will file the Rule for adoption, and proceed with the Code update process per the Commission's adopted 2020 Code Update workplan schedule.

Entering its twentieth year, the Commission is focused primarily on the maintenance of existing processes and programs, while continuing to work with stakeholders to enhance the effectiveness of the Florida Building Code System by continuously monitoring, evaluating and refining the System.

**PROCESS.** During the reporting period the Commission continued their focus on consensus-building efforts regarding the implementation of Commission policy, with extensive input from building construction industry stakeholders and interests affected by Commission policy. Commission Chair Richard Browdy, Acting Chair Jim Schock, and current Chair Jay Carlson encouraged and led the Commission's consensus-building efforts supported by DBPR. To this end, the Commission convened two special issue projects in collaboration with impacted building construction industry stakeholders.

**RESEARCH—SCIENCE BASED HURRICANE AND CODE PROTECTIONS.** The Florida Building Commission has continuously assessed building systems and component failures identified after major storms since its inception in 1998, and in response has funded research to strengthen the Code's effectiveness against wind and water intrusion based on these assessments. Assessments

subsequent to the implementation of the Florida Building Code indicate that the research based design wind speeds required by the Code's enhancements were adequate, and buildings built to the new Florida Building Code experienced less severe damage than did older buildings not built to the Florida Building Code.

The Code establishes minimum requirements to protect newly constructed buildings from wind, rain, flood and storm surge based on well-researched and continually-evolving engineering standards for buildings and the products that go into their construction. In addition to conducting research, developing state of the art hurricane resistance standards and integrating those standards in the Code at each revision cycle, the Commission seeks to be up-to-date with current national engineering and product standards within the Code. As with each subsequent version, the Florida Building Code, Sixth Edition (2017) maintains this commitment.

The Commission has been funding hurricane resistance research based on legislatively approved spending authority since the formation of the Commission's Hurricane Research Advisory Committee in January of 2005. The Commission currently funds research projects pertaining to hurricane resistance and other Code related topical areas to ensure the development of code amendments that make Florida's structures, and the products that comprise them, more resistant.

During the reporting period—based on recommendations from the Commission's technical advisory committees (TACs)—the Commission approved the funding of research projects for fiscal year 2017 - 2018 as recommended by the TACs' chairs on the basis that the approved projects met the three criteria for funding: 1.) definition of research and/or technical enrichment, 2.) urgency/immediacy, and needed for the 2020 FBC and/or legislative directive, and 3.) funding available (full or partial); and were approved for funding based on the TAC chairs' recommendations, and staff administering and overseeing the research, and negotiating scoping and contracting as appropriate.

As a result of evaluating proposed research projects in the context of the key evaluation criteria, the Commission sponsored important research projects on the following topics: a study on the impact of code issues on property insurance rates; an evaluation of cost impact and benefit of 2018 prescriptive Code changes; a workshop on the evaluation of the cost impact of prescriptive Code changes; a comparison of the 6<sup>th</sup> Edition Florida Building Energy Code with IECC 2018 and ASHRAE 90.1-2016; a study to evaluate the impact of code updates and the ISO, BCEGS and insurance premiums and a qualifier that would identify electrical requirements specifically; residential air leakage testing and mechanical ventilation verification study; energy impact of dehumidifier location study; a cost impact study on decking systems in reference to the roofing diaphragms and costs to the consumer; and, a research project on Chapter 233 residential facilities requirements.

Finally, during the reporting period the Commission continued its commitment to evaluating and amending the Code as needed based on storm damage investigations, and at the October 9, 2017 meeting received a briefing from the University of Florida regarding preliminary assessments of the impact of Hurricane Irma on the State pursuant to the scope of an ongoing contract with DBPR/FBC. In addition, based on the briefing the Commission voted to authorize DBPR staff to develop a project scope based on Commissioner and public comments provided during the meeting for a Phase II formal damage assessment regarding the impacts of Hurricane Irma and the effectiveness of the Florida Building Code.

**CODE UPDATE.** Florida law requires the Commission to update the Florida Building Code every three years, and the Florida Building Code, 6<sup>th</sup> Edition (2017) represented the fifth update of the Code. The update process was based on the code development cycle of the national model building codes, which served as the “foundation” codes for the Florida Building Code. The Code update process included integration of the Florida Energy Efficiency Code for Building Construction (FEECBC) and the International Energy Conservation Code (IECC) maintaining the efficiencies of the FEECBC. The implementation of the Florida Building Code, 6<sup>th</sup> Edition (2017) ensured that Florida’s Energy Code efficiencies were maintained as required.

The 2020 Code Update process will reflect changes pursuant to 2017 legislation and now requires that the Commission shall adopt an updated Florida Building Code every 3 years through review of the most current updates of the International Building Code, the International Fuel Gas Code, International Existing Building Code, the International Mechanical Code, the International Plumbing Code, and the International Residential Code, and the National Electrical Code. At a minimum, the commission shall adopt any updates to such codes or any other code necessary to maintain eligibility for federal funding and discounts from the National Flood Insurance Program, the Federal Emergency Management Agency, and the United States Department of Housing and Urban Development. The Commission shall also review and adopt updates based on the International Energy Conservation Code (IECC); however, the commission shall maintain the efficiencies of the Florida Energy Efficiency Code for Building Construction. In summary, the Florida Building Code, 6<sup>th</sup> Edition (2017) will serve as the “base code” for the 2020 Code Update Process.

At the October 9, 2017 meeting the Commission conducted a Rule Development Workshop for Rule 61G20-2.002 (Statewide Amendments to the Florida Building Code), and voted unanimously to implement the changes to Rule 61G20-2.002 and the associated forms in conformance with the relevant changes to Section 553.73, F.S.

At the October 10, 2017 meeting the Commission initiated the 2020 Code Update process by voting to select the 2018 International Codes and 2017 NEC for review in the development of the 7<sup>th</sup> Edition (2020) Florida Building Code. The process will conclude when the 7<sup>th</sup> Edition (2020) Florida Building Code becomes effective on December 31, 2020. Following is a table reflecting the key tasks and associated schedule for the 2020 Code Update Process:

<b>FLORIDA BUILDING CODE, 7<sup>TH</sup> EDITION (2020) DEVELOPMENT SCHEDULE</b>	
<b>KEY TASKS</b>	<b>SCHEDULE</b>
Commission selects 2018 I Codes “model codes” and 2017 NEC to conduct its review.	October 10, 2017
TACs review the 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.	June 8-22, 2018
Commission considers TACs’ recommendations regarding the latest changes to the model codes that are needed to accommodate the specific needs of this state.	October 8, 2018
TACs consider proposed modifications (1 <sup>st</sup> 45 day comment period)	March 18-21, 2019
Commission considers TAC’s recommendations (2 <sup>nd</sup> 45 day comment period).	August 12-13, 2019

Commission conducts rule development workshop on the Commission’s package of approved Code modifications for the 7 <sup>th</sup> Edition (2020) FBC.	February 4, 2020 April 7, 2020
Final rule adoption hearing on 7 <sup>th</sup> Edition (2020) Florida Building Code— Commission approves final version of the Code.	June 8, 2020
Florida Building Code, 7 <sup>th</sup> Edition (2020) Effective Date.	December 31, 2020

Finally, using its authority granted in 2014 to interpret the Florida Accessibility Code for Building Construction (FACBC), the Commission to date has issued five interpretations regarding petitions for declaratory statements on the Accessibility Code.

**ENERGY CODE INITIATIVES.** During the reporting period, the Commission voted to certify that the commercial building provisions of the proposed Florida Building Code, 6<sup>th</sup> Edition (2017), Energy Conservation, will meet the 2013 edition of the Energy Standard for Buildings, Except Low-Rise Residential Buildings, American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE)/ Illuminating Engineering Society of North America (IESNA) Standard 90.1, as referenced by the 2015 International Energy Conservation Code, for buildings other than low-rise residential.

In addition the Commission voted to approve Energy Code Compliance Software as follows:

- To conditionally\* approve Energy Code Compliance Software update for the 5<sup>th</sup> Edition (2014) Florida Building Code, Energy Conservation, specifically Right-Suite Universal 2017 (using Right-Energy Florida 2014) for demonstrating compliance with residential building energy requirements for single-family houses.
- Energy Code Compliance Software for the 6<sup>th</sup> Edition (2017) Florida Building Code, Energy Conservation, specifically, EnergyGauge USA 6.0 for demonstrating compliance with residential building energy requirements.
- To conditionally approve Energy Code Compliance Software for the 6<sup>th</sup> Edition (2017) Florida Building Code, Energy Conservation, specifically Right-Suite Universal 2017 (using Right-Energy Florida 2017) for demonstrating compliance with residential building energy requirements for new construction, single-family houses.
- COMcheck Version 4.0.8.0 Florida Review for demonstrating compliance with commercial building energy requirements for the 6<sup>th</sup> Edition (2017) Florida Building Code, Energy Conservation.
- To conditionally approve Energy Gauge Summit 6.0 for demonstrating compliance with commercial building energy requirements for the 6<sup>th</sup> Edition (2017) Florida Building Code, Energy Conservation.
- Energy Code Compliance Software for the 6<sup>th</sup> Edition (2017) Florida Building Code, Energy Conservation, specifically REScheck version 4.6.5.0 Florida for demonstrating compliance with residential building energy requirements.

\* *Conditional approvals revert to approvals once the conditions of approval are met.*

**PRODUCT APPROVAL.** The product approval system is an internet-based system operated and administered by the Department of Business and Professional Regulation. Since January 1, 2014 DBPR staff has been administering the Product Approval System, and stakeholders report a high level of satisfaction with DBPR staff’s administration of the System.

The Product Approval system efficiently processes hundreds of applications monthly. The Commission's Product Approval Program Oversight Committee (POC) convenes prior to every Commission meeting to review product and entity applications, address petitions for declaratory statements and consider enhancements to the product approval system. Since the system went into effect in October 2003, the Commission has approved 30,703 product applications and 135,903 products for statewide use within limitations established by the approvals. In addition, the total number of product approval applications approved to the 2017 Code is 2,765, the total number of products approved to the 2017 Code is 11,495, and the total number of entities approved to the 2017 Code is 134.

**EDUCATION.** Education is one of the cornerstones of the Building Code System, and the effectiveness of the Building Code depends on the knowledge of professionals who design and construct buildings. The Commission continues to work with the Department of Business and Professional Regulation and representatives of the licensing boards to establish a cooperative system for approving building code courses and integrating building code continuing education into licensing requirements. In collaboration with the System Administrator and stakeholders, the Commission is working to ensure the accountability and efficacy of the Education System. During the reporting period the Commission continued to efficiently review and approve course and accreditor applications.

**LIGHTNING PROTECTION WORKGROUP PROJECT.** The Lightning Protection Workgroup was appointed by Chairman Browdy during 2017 and convened in 2018. The scope of work and purpose of the Lightning Protection Workgroup was to provide consensus recommendations to the Florida Building Commission regarding whether lightning protection requirements should be included in the future update to the Florida Building Code; and if yes, to provide recommended code change language that takes into consideration available lightning protection standards and technologies. The Workgroup met on January 18, 2018 and February 12, 2018 and in the process identified key issue regarding lightning protection standards, reviewed member submitted options regarding lightning protection standards for the Florida Building Code, identified additional options, and acceptability rated all of the proposed options. There were no options that achieved a consensus level of support, and as a result there are no recommendations for changes. It should be noted that the Status Quo achieved the highest level of support, and remains the requirement in the Florida Building Code.

**RESIDENTIAL CONSTRUCTION COST IMPACT WORKGROUP.** The Workgroup was convened in 2018 at the request of residential construction stakeholders in order to provide the technical advisory committees (TACs) and Commission with information regarding the cost of changes to the International Residential Code (IRC) and proposed modifications to the updated Code. The Workgroup's first task was to provide recommendations regarding the 2018 IRC and proposed modifications to the 6<sup>th</sup> Edition (2017) Florida Building Code for development of the 7<sup>th</sup> Edition (2020) Florida Building Code.

**BINDING INTERPRETATION PROCESS.** The Commission coordinates with the Building Officials Association of Florida (BOAF) on appointments to the Binding Interpretation Panel. The Panel consists of seven members charged with hearing requests to review decisions of local building officials. The Panel has heard 19 binding interpretations regarding the Florida Building Code to date.



**LEGISLATIVE ASSIGNMENTS.** The 2017 Florida Legislature through the passage of SB 1634 now 2017-97 Laws of Florida, HB 1021 now 2017-149 Laws of Florida, and HB 241 now 2017-52 Laws of Florida charged the Commission with a number of assignments impacting the Florida Building Code System. In response, the Commission worked with stakeholders and affected interests to address each of the legislative assignments through facilitated processes yielding consensus-based recommendations and Commission decisions. All of the 2017 Legislative assignments were implemented timely, and the Commission's specific actions on assignments that were not completed in time for inclusion in the 2017 Annual Report are summarized below:

*Action Required:* In addition to the actions required to amend the Florida Building Code, Sixth Edition (2017), 2017-149, Laws of Florida (HB 1021) and 2017-97, Laws of Florida (SB 1634) required the Commission to amend the Florida Building Code, 5<sup>th</sup> Edition (2014) to incorporate specific Legislative Code changes.

*Status:* The Commission posted the required amendments to the Building Code Information System (BCIS) for enforcement by Building Officials, in order to implement the provisions.

*Action Required:* 2017-149, Laws of Florida (HB 1021) required the Commission to change some of their processes for developing the Florida Building Code.

*Status:* The Commission conducted rulemaking to update rules 61G20-2.001, Commission Organization and Operations, and 61G20-2.002, Statewide Amendments to the Florida Building Code, to implement these changes.

**RECOMMENDATIONS.** Monitoring the building code system and determining refinements that will make it function better is a primary responsibility of the Commission, and consequently the Commission is continually effecting refinements to the building code system by administrative rule amendment(s) where the statutes provide authority. However, the building code system is established in law, requiring that some refinements must be implemented through changes to law.

In general the Commission works with building construction industry stakeholders to build consensus on legislative assignments and on modifications to the Florida Building Code, and relies on industry groups to take the lead in proposing specific legislation to implement proposed changes to statute.

The Commission's consensus developed recommendations for statutory changes designed to improve the system's effectiveness are developed in collaboration with industry stakeholders, who generally take the lead on initiating any specific legislative proposals. The Commission's summary of recommendations for 2019 Legislative actions, if any, will be included in the Annual Report for the reporting period of July 1, 2017 – June 30, 2018.

## II. APPENDICES

### APPENDIX A

#### DEVELOPMENT OF THE FLORIDA BUILDING CODE OVERVIEW

In 1974, Florida adopted a state minimum building code law requiring all local governments to adopt and enforce a building code. The system provided four separate model codes that local governments could consider and adopt to establish minimum standards of health and life safety for the public. In that system, the state's role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes as they saw fit.

Hurricane Andrew demonstrated in 1992 that this system of local codes did not provide the level of public protection that was necessary. The South Florida Building Code, which was the local code universally acknowledged to set the strongest standard for hurricane protection, essentially failed. The resulting problems had impacts well beyond southern Miami-Dade County. The state filled the property insurer void left by failed and fleeing private insurance companies, and the federal government poured billions of dollars of aid into the disaster area. It became starkly apparent the state had a significant interest in the effectiveness of building codes.

After Hurricane Andrew, Miami-Dade County conducted an exhaustive review of its building code and made significant changes to both the code and support systems for code enforcement. In other areas of the state the Florida Board of Building Codes and Standards (the predecessor to the Florida Building Commission) adopted significant upgrades to the wind resistance standards of the model state minimum code that was used by the majority of other local governments. The state also began licensing local governments' building code enforcement personnel. These steps proved critical in leading to the building codes that produced improved building performance in the 2004 hurricane season.

Like Miami-Dade County, the State went beyond modernizing the minimum building codes. In 1996 a study commission was appointed to review the system of local codes created by the 1974 law and to make recommendations for modernizing the entire system. The 1998 Legislature adopted the study commission's recommendations for a single state building code and an enhanced oversight role for the state in local code enforcement. The same legislation created the Florida Building Commission to develop and maintain the Florida Building Code and related programs and processes. The 2000 Legislature authorized implementation of the Florida Building Code, and the first edition replaced all local codes on March 1, 2002. There have been six editions to date, and the Commission initiated the development of the 7<sup>th</sup> Edition (2020) Florida Building Code in October of 2017.

## APPENDIX B

### COMMISSION REPRESENTATION AND PROCESS

**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 66 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.

**APPENDIX C**  
**KEY TO COMMON ACRONYMS**

<b>ACRONYM</b>	<b>DEFINITION</b>
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

APPENDIX D

COMMISSION MILESTONES FOR JULY 2017 – JUNE 2018

**AUGUST 2017.** The Commission meets in Deerfield Beach on August 8, 2017 and votes to approve the 2017-2018 Annual Regulatory Plan as presented, and to authorize publication of the Plan by DBPR. The Commission votes to implement the changes to Rule 61G20-2.001 as presented by staff, authorize staff to make editorial changes as needed, authorize the Department of Business and Professional Regulation to publish a Notice of Proposed Rule, and to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Chairman of the Florida Building Commission. The Commission votes to implement the changes to Rule 61G20-2.002 as drafted by staff with authorization for staff to make scoping revisions based on public and Commissioner comments; to leave the rule open and subject to comment for ten additional days prior to publishing the Notice of Proposed Rule; to authorize staff to make editorial and scoping changes as needed; to authorize the Department of Business and Professional Regulation to publish a Notice of Proposed Rule; and, to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Chairman of the Florida Building Commission. The Commission votes to approve the Draft Workplan for development of the 7<sup>th</sup> Edition (2020) Florida Building Code Update Process. The Commission votes to conditionally approve the Energy Code Compliance Software update for the 5<sup>th</sup> Edition (2014) Florida Building Code, Energy Conservation, specifically Right-Suite Universal 2017 (using Right-Energy Florida 2014) for demonstrating compliance with residential building energy requirements for single-family houses, subject to addressing DBPR staff's and FSEC's written comments pursuant to the Energy TAC's recommendations. The Commission votes to approve funding the research projects for fiscal year 2017 - 2018 as recommended by the Committee of TAC Chairpersons on the basis that the proposed projects evaluated meet the definition of "research" and/or "technical enrichment", and are approved for funding based on the TAC chairs' recommendations, and staff administering and overseeing the research, and to charge staff with negotiating scoping and contracting as appropriate.

**OCTOBER 2017.** The Commission meets in Tallahassee on October 9, 2017 and conducts a Rule Development Workshop for Rule 61G20-2.002 (Statewide Amendments to the Florida Building Code), and votes unanimously to implement the changes to Rule 61G20-2.002 and the associated forms as presented by staff, incorporating all approved amendments, authorizing staff to make editorial changes as needed, authorizing the Department of Business and Professional Regulation to publish a Notice of Proposed Rule, and to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Chairman of the Florida Building Commission.

**OCTOBER 2017.** The Commission meets in Tallahassee on October 9, 2017 and conducts a plenary session meeting to receive a briefing from the University of Florida regarding preliminary assessments of the impact of Hurricane Irma on the State. The Commission votes unanimously to authorize DBPR staff to develop a project scope based on Commissioner and public comments provided during the meeting for a Phase II formal damage assessment regarding the impacts of Hurricane Irma and the effectiveness of the Florida Building Code, and to develop the scope in consultation with the chairs of the Roofing and Structural TACs, and to negotiate and proceed with contracting with the University of Florida for conducting the research project.

**OCTOBER 2017.** The Commission meets in Tallahassee on October 10, 2017 and votes to select the 2018 International Codes and 2017 NEC for review in the development of the 7<sup>th</sup> Edition (2020) Florida Building Code.

**OCTOBER 2017.** The Commission conducts a Teleconference Plenary Session Meeting on October 17, 2017 and votes to approve the Energy Code Compliance Software for the 6<sup>th</sup> Edition (2017) Florida Building Code, Energy Conservation, specifically EnergyGauge USA 6.0 for demonstrating compliance with residential building energy requirements. The Commission votes to conditionally approve the Energy Code Compliance Software for the 6<sup>th</sup> Edition (2017) Florida Building Code, Energy Conservation, specifically Right-Suite Universal 2017 (using Right-Energy Florida 2017) for demonstrating compliance with residential building energy requirements for new construction, single-family houses, conditioned on the vendor correcting the program consistent with DBPR staff's comments. Chairman Browdy resigned from the Commission effective October 23, 2017 due to health issues, and Commissioner Jim Schock serves as Acting Chair pending a Governor appointment.

**DECEMBER 2017.** The Commission meets in Stuart on December 12, 2017 and votes to approve COMcheck Version 4.0.8.0 Florida Review for demonstrating compliance with commercial building energy requirements for the 6<sup>th</sup> Edition (2017) Florida Building Code, Energy Conservation. The Commission votes to conditionally approve Energy Gauge Summit 6.0 for demonstrating compliance with commercial building energy requirements for the 6<sup>th</sup> Edition (2017) Florida Building Code, Energy Conservation subject to addressing DBPR staff's written comments.

**DECEMBER 2017.** The Florida Association of American Institute of Architects, Inc. (FAAIA) files 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 7<sup>th</sup> Edition (2020) Florida Building Code.

**JANUARY 2018.** The Commission conducts a Teleconference Plenary Session Meeting on January 26, 2018 and votes to approve Energy Code Compliance Software for the 6<sup>th</sup> Edition (2017) Florida Building Code, Energy Conservation, specifically REScheck version 4.6.5.0 Florida for demonstrating compliance with residential building energy requirements, conditioned on the vendor correcting the program consistent with DBPR staff's written comments.

**FEBRUARY 2018.** The Commission meets in Jacksonville on February 13, 2018 and votes to adopt a Resolution of Appreciation for Chairman Richard S. Browdy's leadership of the Florida Building Commission. The Commission votes to approve the August 2018 and October 2018 Commission Plenary meeting dates; specifically, August 14, 2018 and October 9, 2018.

**FEBRUARY 2018.** The Division of Administrative Hearings' (DOAH) assigned An Administrative Law Judge (ALJ) rules that the challenged provisions of Rule 61G20-2.002 (2) are a valid exercise of delegated authority as to the objections raised, and the Petition was dismissed.

**FEBRUARY 2018.** Governor Rick Scott appoints Commissioner Jay Carlson as Chair of the Florida Building Commission effective February 20, 2018.

**APRIL 2018.** The Commission meets in Lake Mary on April 10, 2018...

**JUNE 2018.** The Commission meets in Altamonte Springs on June 12, 2018...

APPENDIX E

COMMISSION MEETING SUMMARY REPORTS FY 2017 - 2018

**AUGUST 2017.** At the August 8, 2017 meeting conducted in Deerfield Beach 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. Specific actions included voting: 1.) To approve the meeting dates for the February 2018, April 2018 and June 2018 Commission meetings; 2.) To approve the 2017-2018 Annual Regulatory Plan as presented, and to authorize publication of the Plan by DBPR; 3.) To implement the changes to Rule 61G20-2.001 as presented by staff, authorize staff to make editorial changes as needed, authorize the Department of Business and Professional Regulation to publish a Notice of Proposed Rule, and to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Chairman of the Florida Building Commission; 4.) To implement the changes to Rule 61G20-2.002 as drafted by staff with authorization for staff to make scoping revisions based on public and Commissioner comments; to leave the rule open and subject to comment for ten additional days prior to publishing the Notice of Proposed Rule; to authorize staff to make editorial and scoping changes as needed; to authorize the Department of Business and Professional Regulation to publish a Notice of Proposed Rule; and, to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Chairman of the Florida Building Commission; 5.) To approve the Draft Workplan for development of the 7<sup>th</sup> Edition (2020) Florida Building Code Update Process; 6.) To conditionally approve the Energy Code Compliance Software update for the 5<sup>th</sup> Edition (2014) Florida Building Code, Energy Conservation, specifically Right-Suite Universal 2017 (using Right-Energy Florida 2014) for demonstrating compliance with residential building energy requirements for single-family houses, subject to addressing DBPR staff's and FSEC's written comments pursuant to the Energy TAC's recommendation; and, 7.) To approve funding the research projects for fiscal year 2017 - 2018 as recommended by the Committee of TAC Chairpersons on the basis that the proposed projects evaluated meet the definition of "research" and/or "technical enrichment", and are approved for funding based on the TAC chairs' recommendations, and staff administering and overseeing the research, and to charge staff with negotiating scoping and contracting as appropriate.

**SEPTEMBER 2017.** The Commission conducts a teleconference meeting and votes unanimously to approve the certification letter linked to the Agenda, with authority for staff to make edits as needed and for Chairman Browdy to sign on behalf of the Commission, and to certify that the commercial building provisions of the proposed Florida Building Code, 6<sup>th</sup> Edition (2017), Energy Conservation, will meet the 2013 edition of the Energy Standard for Buildings, Except Low-Rise Residential Buildings, American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE)/ Illuminating Engineering Society of North America (IESNA) Standard 90.1, as referenced by the 2015 International Energy Conservation Code, for buildings other than low-rise residential. The Commission votes to adopt the Energy Rating Index Workgroup's and Energy TAC's package of consensus recommendations; to conduct a supplemental rule hearing on Rule 61G20-1.001 on October 13, 2016, regarding the inclusion of the recommended Code provisions into the Florida Building Code, 5<sup>th</sup> Edition (2014); and, to authorize the Chair to approve the report submitted to the Legislature pursuant to Section 34 of HB 535. Jim Richmond resigns as the Commission's second

executive director effective September 8, 2016. Tom Campbell is appointed as the Commission's third executive director effective September 23, 2016.

**OCTOBER 2017.** At the October 9, 2017 Rule Development Workshop for Rule 61G20-2.002 (Statewide Amendments to the Florida Building Code) conducted in Tallahassee the Commission received public comment and voted unanimously to implement the changes to Rule 61G20-2.002 and the associated forms as presented by staff, incorporating all approved amendments, authorizing staff to make editorial changes as needed, authorizing the Department of Business and Professional Regulation to publish a Notice of Proposed Rule, and to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Chairman of the Florida Building Commission.

At the October 9, 2017 meeting conducted in Tallahassee the Commission received a briefing from the University of Florida regarding preliminary assessments of the impact of Hurricane Irma on the State. Specific actions include: voting unanimously to authorize DBPR staff to develop a project scope based on Commissioner and public comments provided during the meeting for a Phase II formal damage assessment regarding the impacts of Hurricane Irma and the effectiveness of the Florida Building Code, and to develop the scope in consultation with the chairs of the Roofing and Structural TACs, and to negotiate and proceed with contracting with the University of Florida for conducting the research project.

At the October 10, 2017 meeting conducted in Tallahassee 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. Specific actions included voting: to select the 2018 International Codes and 2017 NEC for review in the development of the 7<sup>th</sup> Edition (2020) Florida Building Code.

At the October 17, 2017 Teleconference Commission meeting the Commission voted unanimously: to approve the Energy Code Compliance Software for the 6<sup>th</sup> Edition (2017) Florida Building Code, Energy Conservation, specifically EnergyGauge USA 6.0 for demonstrating compliance with residential building energy requirements; and, to conditionally approve the Energy Code Compliance Software for the 6<sup>th</sup> Edition (2017) Florida Building Code, Energy Conservation, specifically Right-Suite Universal 2017 (using Right-Energy Florida 2017) for demonstrating compliance with residential building energy requirements for new construction, single-family houses, conditioned on the vendor correcting the program consistent with DBPR staff's comments.

**DECEMBER 2017.** At the December 12, 2017 meeting conducted in Stuart 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. Specific actions included voting: 1.) To approve COMcheck Version 4.0.8.0 Florida Review for demonstrating compliance with commercial building energy requirements for the 6<sup>th</sup> Edition (2017) Florida Building Code, Energy Conservation; and, 2.) To conditionally approve Energy Gauge Summit 6.0 for demonstrating compliance with commercial building energy requirements for the 6<sup>th</sup> Edition (2017) Florida Building Code, Energy Conservation subject to addressing DBPR staff's written comments.



**JANUARY 2018.** At the January 26, 2018 Teleconference Commission meeting the Commission voted unanimously: to approve the Energy Code Compliance Software for the 6<sup>th</sup> Edition (2017) Florida Building Code, Energy Conservation, specifically REScheck version 4.6.5.0 Florida for demonstrating compliance with residential building energy requirements, conditioned on the vendor correcting the program consistent with DBPR staff's written comments. In addition, the Commission received: an update on legislative activities relevant to the Commission from the 2018 Legislative Session; and, a legal issues briefing.

**FEBRUARY 2018.** 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 7<sup>th</sup> 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.

**APRIL 2018.** The Commission meets in Lake Mary...

**JUNE 2018.** The Commission meets in Altamonte Springs...