

**FLORIDA BUILDING COMMISSION
HYATT REGENCY JACKSONVILLE RIVERFRONT
225 EAST COASTLINE DRIVE, JACKSONVILLE, FLORIDA 32202**

**Plenary Session
February 19, 2019
8:30 AM**

MINUTES

COMMISSIONERS PRESENT:

James Schock, Vice Chairman	Richard Goff
Hamid Bahadori	Jeff Gross
James Batts	Robert Hamberger
Bob Boyer	David John
Donald Brown	Brian Langille
Kelley Smith Burk	Brad Schiffer
Oscar Calleja	Fred Schilling
Nan Dean	Jeff Stone
Kevin Flanagan	Brian Swope
John Gatlin	Don Whitehead
Shane Gerwig	John Wiseman
David Gilson	

COMMISSIONERS NOT PRESENT:

David Compton	Drew Smith
Diana Worrall	

STAFF PRESENT:

Thomas Campbell	Justin Vogel
Mo Madani	Jim Hammers
Chris Howell	

MEETING FACILITATION:

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

Time: 8:30 am

Vice Chairman Schock welcomed Commissioners, staff, and members of the public to Jacksonville and the February 19, 2019 plenary session of the Florida Building Commission. He stated in addition to considering regular procedural issues including product and entity approvals, applications for accreditor and course approvals, petitions for declaratory statements, accessibility waivers, and recommendations from our various committees and workgroups the primary focus of the February meeting was to adopt the TAC Code Modification Review and Recommendation Process, the TAC Public Comment Review Process and the Commission's Code Modification Approval Process for the 2020 Code Update Process.

Vice Chairman Schock stated that members of the public are requested to sign the attendance sheet on the speaker's table in the center of the room. In addition, we have a sign-up sheet for general public comment. He advised as always, we will provide an opportunity for public comment on each of the Commission's substantive discussion topics or actions that are not procedural or ministerial in content. Vice Chairman Schock stated that if they want to comment on a specific substantive Commission agenda item, please come to the speaker's table when the issue is up for consideration so we know you want to speak. He said that public input is welcome, but should be offered before there is a formal motion on the floor. Vice Chairman Schock asked that all please remember to keep all electronic devices turned off or in a silent mode and thanked them for their cooperation.

Vice Chairman Schock advised all in attendance if they are licensed by the Building Code Administrators and Inspectors Board attending the Commission meeting and interested in CE credits must complete the CE sign-in sheet in the binder located on the speaker's table in the center of the room.

Roll Call:

Vice Chairman Schock asked that Jeff Blair perform roll call, a quorum was met with 23 members present at roll call.

Agenda Review and Approval:

Vice Chairman Schock requested that Jeff Blair cover the agenda items for the meeting today.

Jeff Blair welcomed participants to the February Plenary Session and introduced the agenda.

Commissioner Schilling entered a motion to approve the agenda as posted. The motion was seconded by Commissioner Boyer. The motion passed unanimously with a vote of 23 to 0 in favor.

Approval of Previous Meeting Minutes and Facilitator Report for December 11, 2018

Vice Chairman Schock requested a motion for approval of the December 11, 2018 Facilitator's Summary Report and Meeting Minutes.

Commissioner Schilling entered a motion to approve December 11, 2018 Facilitator's Summary Report and Meeting Minutes, as posted. The motion was seconded by Commissioner Hamberger. The motion passed unanimously with a vote of 23 to 0 in favor.

Chairman's Discussion Issues and Recommendations:

Vice Chairman Schock reminded the participants the Update Commission Milestones document is linked to the agenda for today's meeting and also on the BCIS.

Executive Director Announcements and Discussions:

Legislative:

Mr. Campbell provided an overview of the 2019 Legislative Session. He advised that currently there are no bills that will directly affect the Commission; however there may be a need for some language changes in the Code. Mr. Campbell also stated two new bills were added since the drafting of the matrix, HB 801 relating to Tiny Homes and HB 757 creating an exclusion from the definition of public swimming pools for manmade lakes and lagoons over a certain size. Mr. Campbell stated the next Legislative calls are to be scheduled for March 15, 2019 and May 10, 2019.

Commissioner Bahadori entered a motion to approve the scheduled Legislative calls as stated. Commissioner Hamberger seconded the motion. The motion passed unanimously with a vote of 23 to 0.

Executive Director Announcements and Discussions (cont.):

BCIS:

Mr. Campbell provided the Commission with an update on the submittal of proposed Code modifications. He stated the staff had identified an isolated issue and had reviewed all proposed changes that were entered into the system. Mr. Campbell advised that those impacted were contacted and allowed to resubmit the modification. He expressed his appreciation for the cooperation and understanding while staff took action on the issue. Mr. Campbell advised that there has been a fix installed and hopefully this will prevent any further issues.

Mr. Campbell stated there were over 1,000 code modifications submitted. He thanked everyone for their hard work and cooperation with staff to get the submission in on time and verified.

Mr. Campbell stated that the staff is aware of the issues and the time spent submitting the code modifications and the Department is continuing to explore possible upgrades to the BCIS and the code modification module would be a priority.

Mr. Campbell advised that once this process is complete, the staff, the new chairperson and the Commission will evaluate whether some tweaks and adjustments need to be made to the process.

Future Meeting Location:

Mr. Campbell advised that the Commissioners of the following scheduled meetings and locations.

- March 18-22, 2019 meeting will be at the Embassy Suites, Altamonte Springs (TAC Meetings for submitted code mods). Mr. Campbell advised more meetings can be scheduled if necessary.
- April 16, 2019 meeting will be held at Hilton UF, Gainesville
- June 18, 2019 meeting will be held at the Hyatt Regency, Sarasota.
- August 12th, 13th and 14th, stating that this meeting will probably be only on the 13th and 14th dates.

Travel:

Mr. Campbell advised that the departmental's travel reporting is currently transitioning from paper to an online service. He stated he would keep the Commission posted but at this time we will continue to capture the travel on paper.

Accessibility Waiver:

Vice Chairman Schock advised that the Commission will now consider this month's requests for accessibility waivers. He stated Justin Vogel will serve as legal counsel and present the Accessibility Advisory Council's recommendations. Vice Chairman Schock asked that Mr. Vogel present the Council's recommendations regarding waiver requests.

1233 Collins – Waiver 330 – 1233 Collins Avenue, Miami Beach 33139 – Issue: Vertical accessibility to the second floor.

Mr. Vogel presented the waiver and advised this waiver had previously been deferred as the Council had requested full site plans and additional photographs. The applicant complied with the request and the Council is recommending granting the request for waiver based on the historical nature of the building.

Commissioner Schilling entered a motion to grant the waiver based on historical nature of the building. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 23 to 0.

Product Approval:

Vice Chairman Schock advised that Commissioner Stone would present the POC's recommendations for entity approvals and the consent agenda for products recommended for approval, and Jeff Blair would present the POC's recommendations for product approvals with discussion and/or comments.

Commissioner Stone entered a motion to approve the 29 product approval entities as posted. Commissioner Dean seconded the motion. The motion passed unanimously with a vote of 23 to 0.

Product Approval Applications without Comments Consent Agenda:

Commissioner Stone entered a motion to approve the 116 products on the consent agenda list. Commissioner Dean seconded the motion. The motion passed unanimously with a vote of 23 to 0.

Product Approval Applications with Comments:

Jeff Blair presented the POC's recommendations for product approvals with discussion and/or submitted public comments.

13061- R6 – Commissioner Stone entered a motion for conditional approval of 13061-R6. Commissioner Dean seconded the motion. The motion passed with a vote of 23 to 0.

Product Approval Applications with Comments (cont.):

14313-R10 - Commissioner Stone entered a motion for approval of 14313-R10. Commissioner Dean seconded the motion. The motion passed with a vote of 23 to 0.

14370-R4 - Commissioner Stone entered a motion for approval of 14370-R4. Commissioner Dean seconded the motion. The motion passed with a vote of 23 to 0.

14428-R6 - Commissioner Stone entered a motion for conditional approval of 14428-R6. Commissioner Dean seconded the motion. The motion passed with a vote of 23 to 0.

15099-R11 - Commissioner Stone entered a motion for approval of 15099-R11. Commissioner Dean seconded the motion. The motion passed with a vote of 23 to 0.

15551-R6 - Commissioner Stone entered a motion for approval of 15551-R6. Commissioner Dean seconded the motion. The motion passed with a vote of 23 to 0.

15768-R6 - Commissioner Stone entered a motion for approval of 15768-R6. Commissioner Dean seconded the motion. The motion passed with a vote of 23 to 0.

15780-R9 - Commissioner Stone entered a motion for approval of 15780-R9. Commissioner Dean seconded the motion. The motion passed with a vote of 23 to 0.

15781-R9 - Commissioner Stone entered a motion for approval of 15781-R9. Commissioner Dean seconded the motion. The motion passed with a vote of 23 to 0.

16854-R9 - Commissioner Stone entered a motion for approval of 16854-R9. Commissioner Dean seconded the motion. The motion passed with a vote of 23 to 0.

23505-R2 - Commissioner Dean entered a motion for approval of 23505-R2. Commissioner Dean seconded the motion. The motion passed with a vote of 23 to 0.

28131 - Commissioner Stone entered a motion for approval of 28131. Commissioner Dean seconded the motion. The motion passed with a vote of 23 to 0.

28682 - Commissioner Stone entered a motion for conditional approval of 28682. Commissioner Dean seconded the motion. The motion passed with a vote of 23 to 0.

DBPR APPLICATIONS:

No action is needed on the February 2019 DBPR Applications.

Accreditor and Course Approval:

Vice Chairman Schock advised Commissioner Dean would present the Education Program Administrators recommendations regarding applications for accreditor and course approval.

Commissioner Dean entered a motion to approve advanced accredited course 924.0. Commissioner Flanagan seconded the motion. The motion passed unanimously with a vote of 23 to 0 in favor.

Legal Report:

Vice Chairman Schock advised that Justin Vogel will report on relevant legal matters of interest to the Commission.

Petitions for Declaratory Statements:

Vice Chairman Schock stated if anyone wished to speak on a declaratory statement please come to the public comment table once the specific declaratory statement is introduced. He advised that Justin Vogel will serve as the Commission's counsel. Vice Chairman Schock stated that after legal counsel reviews the petition, he will ask for public comment on the petition.

DS 2018-076 by Lorenzo Cobiella of Lineaire Deigns, LLC:

Mr. Vogel presented the declaratory statement and advised that the Structural TAC considered the petition on February 7, 2019 and the TAC recommended staff analysis for the following answer:

Questions:

(1) Is Section 1607.8.1 the applicable Section of the Florida Building Code for the design of glass handrail and guards assembly in an interior installation?

Option #2/Staff: Yes. However, in addition to meeting the design requirements of section 1607.8.1 of the 6th Edition (2017) FBC, Building, the interior glazed handrail/guards in question must also meet the applicable requirements of Chapter 24 of the 6th Edition (2017) FBC, Building.

(2) Since the project address resides within a High Velocity Hurricane Zone as defined by the Florida Building Code, is Chapter 16, Section 1618.4.6.3, High Velocity Hurricane Zones Special Load Considerations, the applicable section of the Florida Building Code for the design of a glass handrail and guards in an interior installation?

Petitions for Declaratory Statements (cont.):

DS 2018-076 by Lorenzo Cobiella of Lineaire Deigns, LLC (cont.):

Answer: No. The requirement of Section 1618.4.6.3 of the 6th (2017) FBC, Building is a wind-resistant requirement which does not apply to the interior glazed handrail/guards in question.

Commissioner Schiffer entered a motion to accept the TAC recommendation of the staff analysis. Commissioner Hamberger seconded the motion. The motion passed with a vote of 23 to 0.

Public Comment: None

DS 2019-001 by Jalal Farooq of Al-Farooq Corporation:

Mr. Vogel presented the declaratory statement and advised that the Product Approval POC considered the petition on February 7, 2019 and the POC recommended staff analysis for the following answer:

Question:

Given that it is likely that ASTM E1996-17 will be incorporated into future versions of the Florida Building Code, and since this revision implies that it is not a structural issue for this type of substitution, is it acceptable to follow the new exemption in ASTM E1996-17 section A1.9.2 for spacers, even though Florida Building Code 6th Edition, Chapter 35 currently only lists ASTM E1996-05, 06, 09, 2012a, or 2014a as reference standards?

Answer:

As per Rule 61G20-3.015(5), Equivalence of product standards for specific application, ASTM E 1996 -2017 is permitted to be used to update the current product approval for FL 28367 as long as the said standard is certified by an approved entity (i.e. an approved certification agency, an approved test lab, an approved evaluation entity, Florida licensed professional engineer or architect, or a nationally recognized standard writing organization) as meeting or exceeding the performance of the standard (i.e. ASTM E 1996-05, 06, 09, 012a or 014a) as referenced by the 6th Edition (2017) FBC.

Public Comment: None

Commissioner Stone entered a motion to accept the POC recommendation of the staff analysis. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 23 to 0.

7th Edition, Florida Building Code (2020) Update Process:

Vice Chairman Schock indicated that proposed Code modifications to the Florida Building Code would be reviewed by the Commission's TACs in meetings conducted during the week of March 14 - 26, 2019. He stated that the TACs' recommendations regarding proposed Code modifications will subsequently be posted to the Commission's website for a minimum of 45 days and the public will be provided an opportunity to comment on the TACs' recommendations during this time-frame (second 45-day review period). Vice Chairman Schock advised the TACs will meet for a second time during the week of July 8-12, 2019 to review the public comments, and provide TAC comments to the Commission regarding whether the submitted comments address their concerns regarding their recommendations on proposed code modifications (TAC feedback on public comments to the Commission). He said in addition, the Residential Construction Cost Impact Workgroup will review the TACs' recommendations and provide comments regarding costs/impacts of the TACs' recommended modifications for approval relevant to the Residential Building Code (amendments identified as impactful). Vice Chairman Schock advised that these comments will be incorporated into the TACs' consent agendas of recommendations.

Vice Chairman Schock stated the Commission will consider the TACs' recommendations concurrent with the August 2019 Commission meeting, conduct rule development workshops on February 4, 2020 and April 7, 2020, and conduct a rule adoption hearing on the final version of the Code on June 8, 2020.

Vice Chairman Schock noted that the Commission would now review and approve the TAC Code Modification Review and Recommendation Process, the TAC Public Comment Review Process, and the Commission's Code Modification Approval Process for the 2020 Code Update Process. He stated in addition, there is a revised Workplan/Schedule for the Code Update Process for approval.

Vice Chairman Schock advised Jeff Blair will provide a review of the TACs' Code modification review and recommendation process for the 2020 Code Update Process—7th Edition, Florida Building Code (2020), and facilitate public comment and Commission discussion.

TAC Code Modification Review and Recommendation Process:

Mr. Blair presented an overview of the TAC Code Modification Review and Recommendation Process.

TAC Comments:

Commissioner Schiffer asked if the technical amendment yearly process would be used.

Mr. Vogel responded yes.

Public Comments (cont.):

Dick Wilhelm, AAMA and FMA, if there is alternative language on a code is there assurance it will not be on a consent agenda at the TAC meetings?

Mr. Campbell stated there will not be a consent agenda for the TAC meetings in March, each modification will be heard individually.

Richard Logan, AIA, asked that Mr. Vogel to reaffirm his previous statement regarding Florida specific need, that it need not be Florida unique.

Mr. Vogel, stated this was brought up at the oral argument and in the AIA brief and he stated it has never been the position of the Commission that a Florida specific need is unique to the State of Florida.

Commissioner Bahadori entered a motion to approve the TACs' Code modification review and approval process for the 2020 Code Update Process—7th Edition, Florida Building Code (2020). Commissioner Batts seconded the motion. The motion passed unanimously with a vote of 23 to 0.

Discussion was held on the voting language specifically the negative roll call voting. Mr. Belcher asked for this to be modified to make this process more clear.

Commissioner Gerwig asked that legal look into the language speaking to the voting process for clarification.

TAC Review Process for Public Comments on TAC's Code Modification Recommendations:

Mr. Blair presented an overview of the TAC Review Process for Public Comments on TAC's Code Modification Recommendations.

Commissioner Batts entered a motion to approve the TAC Review Process for Public Comments on TAC's Code Modification Recommendations. Commissioner Calleja seconded the motion. The motion passed unanimously with a vote of 23 to 0.

Commission's Code Modification Approval:

Mr. Blair presented an overview of the Commission's Code Modification Approval Process.

Commissioner Brown entered a motion to approve the Commission's Code modification approval process for the 2020 Code Update Process - 7th Edition, Florida Building Code (2020). Commissioner Batts seconded the motion. The motion passed unanimously with a vote of 23 to 0.

Revised 2020 Code Update Workplan/Schedule:

Mr. Madani provided an update of the Workplan/Schedule.

Commissioner Batts entered a motion to approve the updated Workplan/Schedule for the 2020 Code Update Process - 7th Edition, Florida Building Code (2020). Commissioner Gerwig seconded the motion. The motion passed unanimously with a vote of 23 to 0

Committee Reports:

Education Program Oversight Committee:

Commissioner Dean provided a brief summary of the Education POC's February 5, 2019 teleconference meeting.

Commissioner Dean entered a motion to accept the report from the February 5, 2019, teleconference meeting. Commissioner Flanagan seconded the motion. The motion passed unanimously with a vote of 23 to 0.

Fenestration Water Resistance Workgroup

Mr. Blair provided a brief summary of the Fenestration Water Resistance Workgroup onsite meeting February 18, 2019.

Commissioner Schiffer entered a motion to accept the report of the Fenestration Water Resistance Workgroup onsite meeting February 18, 2019. Commissioner Goff seconded the motion. The motion passed unanimously with a vote of 23 to 0.

Product Approval Program Oversight Committee

Commissioner Stone provided a brief summary of the Product Approval POC's February 7, 2019 teleconference meeting.

Commissioner Stone entered a motion to approve the report of the Product Approval POC's February 7, 2019 teleconference meeting. Commissioner Dean seconded the motion. The motion passed unanimously with a 23 to 0.

Structural Technical Advisory Committee:

Commissioner Schock provided a brief summary of the Structural TAC's February 7, 2019 teleconference meeting.

Commissioner Schock entered a motion to accept the report from the February 7, 2019, teleconference meeting. Commissioner Batts seconded the motion. The motion passed unanimously with a vote of 23 to 0.

Public Comments:

Joe Belcher stated he heard the facilitator contract was up and wondered if the public can offer support. He stated he would like to have Jeff Blair remain as he does a great job.

Mr. Campbell spoke on the rules of procurement and advised on the process listed within the bid. He advised the process of the panel that is appointed to review the bids.

John Farinelli, JC Code, Jim Bickford, FAPG Inspectors, Joe Crum, Ann Russo, BOAF and Joe Hetzel, expressed concerns and frustration with the BCIS system and the issues that have been experienced loading code modifications.

Commissioner Comments:

Commissioner Brown brought forth thoughts on ideas to enhance the code for issues identified after storms.

Commissioners Schock, Swope, Flanagan and Boyer responded with additional thoughts and there was some consensus on not adding additional language when the homeowner already has a choice to build above code requirements.

Mr. Madani added that there was a research project related to code plus.

Public Comments:

Doug Buck, FHBA spoke on the 1802 form and functions within and stated it is worth exploring. He said bringing in some people with the insurance industry to assist with information on discounts for homeowners and consider a study.

Eric Stafford, IBHS stated he supported enhanced technology and updates to the Code.

Jamie Gascon, Miami-Dade County stated the code is robust and homeowners have options now, however, does welcome the discussion.

Mike Silvers, Roofing Association stated the code is already complex and is not easy to understand.

Joe Crum stated he is for going back to using the I-Code as the base code as the old process was much better.

Commissioner Gerwig expressed his thoughts and concerns regarding the issues with the BCIS. He asked if all accounts affected had been identified.

Public Comments (cont.):

Mr. Campbell responded to Commissioner Gerwig advising staff had reviewed every modification that had been submitted to ensure that all issues were captured. He also said that as stated before the issues have been addressed and are being monitored.

Vice Chairman Schock advised that there was a NFIP and an Irma FEMA report attached to the agenda and is worthwhile reviewing to gain additional information on the issues within the state.

Vice Chairman Schock advised the next meeting will be April 16, 2019 in Gainesville, FL.

There being no further business Vice Chairman Schock adjourned the meeting at 10:51 a.m.