



FLORIDA BUILDING COMMISSION

"STRONGER CODES THROUGH SCIENCE AND CONSENSUS"

Florida Department of
Business
Professional
Regulation

FACILITATOR'S SUMMARY REPORT OF THE APRIL 12, 2016 FLORIDA BUILDING COMMISSION MEETING GAINESVILLE, FLORIDA

PROCESS DESIGN, CONSENSUS-BUILDING AND FACILITATION BY



CONSENSUS CENTER

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FLORIDA BUILDING COMMISSION

APRIL 12, 2016 FACILITATOR’S MEETING SUMMARY REPORT

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FLORIDA BUILDING COMMISSION
APRIL 12, 2016 FACILITATOR'S SUMMARY REPORT



FLORIDA BUILDING COMMISSION

"STRONGER CODES THROUGH SCIENCE AND CONSENSUS"

OVERVIEW OF COMMISSION'S KEY ACTIONS AND DECISIONS

TUESDAY, APRIL 12, 2016

WELCOME AND INTRODUCTIONS

Chairman Browdy welcomed the Commission, DBPR staff and the public to Gainesville and the April 12, 2016 plenary session of the Florida Building Commission. The Chair noted that the primary focus for the April meeting, 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 the Commission's various committees, was for the purpose of: receiving updates regarding the progress of the 'TACs' review of code modifications for the 2017 Code Update Process, and to approve the Summary of Issues for inclusion in the Commission's Fiscal Year 2015 - 2016 Annual Report.

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

Chairman Browdy explained that some of the licensing boards located within the Department of Business and Professional Regulation, have adopted rules regarding continuing education credits for attending Florida Building Commission meetings and/or Technical Advisory Committee meetings. Participants whose board participates may sign-in on the laptop kiosk station located in the meeting room.

I. PLENARY SESSION SUMMARY AND OVERVIEW

At the April 12, 2016 meeting conducted in Gainesville the Commission considered and decided on Chair's issues and recommendations, product and entity approvals, applications for accreditor and course approvals, petitions for declaratory statements, accessibility waivers, recommendations from the Commission's various committees. In addition, the Commission received a briefing on relevant issues from the 2016 Legislative Session. Specific actions included voting unanimously: to authorize the Department of Business and Professional Regulation to open Rules 61G20-1.001 and 61G20-3.008 for development of rulemaking and to delegate authority to Jim Richmond to sign rulemaking documents on behalf of the Chairman of the Florida Building Commission; and, to adopt the Summary of Issues for inclusion in the Commission's Fiscal Year 2015 - 2016 Annual Report.

(Attachment 1—Meeting Evaluation Results)

II. COMMISSION ATTENDANCE

The following Commissioners attended the Tuesday, April 12, 2016 meeting:

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

(25 of 26 seated Commissioners attended).

Absent Commissioners:

Beth Meyer.

DBPR STAFF PRESENT

Joe Bigelow, Chris Burgwald, Jim Hammers, April Hammonds, Mo Madani, Marlita Peters, and Jim Richmond.

MEETING FACILITATION

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



CONSENSUS CENTER

PROJECT WEBPAGE

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

III. AGENDA REVIEW AND APPROVAL

The Commission voted unanimously, 25 - 0 in favor, to approve the agenda for the April 12, 2016 meeting as posted/presented. Following are the key agenda items approved for consideration:

- To Consider Regular Procedural Issues: Agenda Approval and Approval of the February 10, 2016 Facilitator's Summary Report and Meeting Minutes, and February 1, 2016, February 29, 2016 and March 14, 2016 teleconference meeting minutes.
- To Consider/Decide on Chair's Discussion Issues/Recommendations.
- 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 Consider/Decide on Legal Issues: Petitions for Declaratory Statements.
- To Receive a Report on Legislation.
- To Review and Approve Summary of Issues for Inclusion in FY 2015-2016 Annual Report.
- To Consider/Decide on Technical Advisory Committees (TACs): Accessibility, Electrical, Energy, Fire, Mechanical, Roofing, Special Occupancy, Structural, and Swimming Pool. TACs.
- To Consider/Decide on Program Oversight Committees (POCs): Education and Product Approval POC Reports/Recommendations.
- To Receive Public Comment.
- To Discuss Commissioner Comments and Issues.
- To Review Committee Assignments and Issues for the Next Meeting—June 8, 2016 in Gainesville, Florida.

Amendments to the Posted Agenda:

None.

(Attachment 4—April 12, 2016 Commission Agenda)

IV. FEBRUARY 10, 2016 FACILITATOR'S SUMMARY REPORT AND MEETING MINUTES, AND FEBRUARY 1, 2016, FEBRUARY 29, 2016 AND MARCH 14, 2016 TELECONFERENCE MEETING MINUTES

MOTION—The Commission voted unanimously, 25 - 0 in favor, to approve the February 10, 2016 Facilitator's Summary Report and Meeting Minutes, and the February 1, 2016, February 29, 2016 and March 14, 2016 teleconference meeting minutes as presented/posted.

Amendments: There were no amendments offered.

V. CHAIR'S DISCUSSION ISSUES AND RECOMMENDATIONS

Appointments/Reappointments

Chairman Browdy reported that that all of the Commissioners who were recently appointed or reappointed by the Governor were confirmed by the Senate during the 2016 Legislative Session.

The Chair also noted that he expects an appointment to the last remaining vacant Commission position by the June 2016 meeting. The remaining appointment is for the representative of the FDACS Energy Office, a position that has not been filled since created on July 1, 2014.

TAC Appointments

The Chair announced the following TAC appointments:

Electrical TAC. The Chair appointed Bryan Holland to replace Leonard Devine on the Electrical TAC. The Chair thanked Leonard for serving on the TAC, and thanked Bryan for agreeing to serve as a member of the TAC.

DBPR Office of Codes and Standards Location Move

The Chair reported that Secretary Lawson contacted him to inform the Commission that DBPR will be moving out of their current location in the Northwood Center on North Monroe Street, and the Office of Codes and Standards will be moving to offices located on Blairstone Road. He informed the Chair that the legislature is requiring all state agencies to vacate the existing North Monroe Street offices prior to July 1, 2016. It is anticipated that Codes and Standards will move prior to the next Commission meeting. In addition, the Chair noted that Secretary Lawson explained that there was no specific funding appropriated for the move; however, there is spending authority authorized to use funds from the Commission's Trust Fund to assist with the move. The phone numbers and email addresses for staff will remain the same, and the Commission will be provided with the new physical address once details are finalized.

VI. CONSIDERATION OF ACCESSIBILITY WAIVER APPLICATIONS

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

Commission Actions Regarding Accessibility Waiver Applications:

a. Expert Shutter Waiver #139 -688 SW Whitmore Drive Port St. Lucie 34984-5099

MOTION—The Commission voted unanimously, 25 - 0 in favor, to grant the waiver request to the extent a waiver is needed.

b. Richard E Smith - Indian River Networks Waiver #136 - 241 Sixth Ave Indialantic 32903

MOTION—The Commission voted unanimously, 25 - 0 in favor, to grant the waiver from vertical accessibility as unreasonable based on economic hardship.

c. Alterations to Existing Mezzanine for City Mattress Waiver # 138 - 2255 Palm Beach Lakes Boulevard West Palm Beach 33401

MOTION—The Commission voted unanimously, 25 – 0 in favor, to deny the waiver request.

d. Young Life Southwind Dorm Waiver #130 - 18115 SE 95th Street Ocklawaha, 32179

MOTION—The Commission voted unanimously, 25 – 0 in favor, to defer action on the waiver at the request of the applicant.

e. Harding Suites Hotel Waiver #141 - 8040 Harding Avenue Miami Beach 33141

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

f. Garden Suites Hotel Waiver #142 - 3900/3920 Garden Avenue Miami Beach 33140

MOTION—The Commission voted unanimously, 25 - 0 in favor, to grant the waiver from vertical accessibility as unreasonable based on economic hardship.

g. Jungle Island Zipline Tour Waiver #145 - 1111 Parrot Jungle Tr. Miami 33132

MOTION—The Commission voted unanimously, 25 - 0 in favor, to grant the waiver from vertical accessibility as unreasonable based on economic hardship.

h. McHardy Renovation Waiver #134 - 432 MLK Blvd Stuart 34994

MOTION—The Commission voted unanimously, 25 - 0 in favor, to defer action on the waiver request to get additional information from the applicant.

VII. CONSIDERATION OF APPLICATIONS FOR PRODUCT AND ENTITY APPROVAL

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

Commission Actions on the Consent Agendas for Approval:

MOTION—The Commission voted unanimously, 25 - 0 in favor, to approve the consent agenda of product approval entities as posted/presented.

MOTION—The Commission voted unanimously, 25 - 0 in favor, to approve the consent agenda of products recommended for approval to the 2014 Code as amended*.

* Products FL 13446-R3, FL 16423-R1, and FL 16543-R2 were pulled from the consent agenda for individual consideration.

Commission Actions Regarding Product Approval Applications With Comments:

MOTION—The Commission voted unanimously, 24* – 0 in favor, to approve product FL 13446-R3.

MOTION—The Commission voted unanimously, 24* – 0 in favor, to approve product FL 16423-R1.

MOTION—The Commission voted unanimously, 25 – 0 in favor, to defer action on product FL 16543-R2 at the applicants request.

MOTION—The Commission voted unanimously, 25 – 0 in favor, to conditionally approve product FL 19897 based on the conditions recommended by the POC.

MOTION—The Commission voted unanimously, 25 – 0 in favor, to defer action on product FL 17106-R2 at the applicants request.

* Commissioner Dean abstained from voting on these product applications.

Commission Actions Regarding DBPR Applications:

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

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

(See BCIS Website for Linked Committee Report)

VIII. CONSIDER APPLICATIONS FOR ACCREDITOR AND COURSE APPROVAL

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

Commission Actions:

MOTION—The Commission voted unanimously, 25 – 0 in favor, to approve the following consent agenda for approval of advanced accredited course numbers: 784.0, 785.0, 786.0, 787.8, 788.0, 781.0, 776.0, 777.0, 778.0, and 775.0.

MOTION—The Commission voted unanimously, 24* – 0 in favor, to approve advanced accredited course number 782.0.

* Commissioner Schiffer abstained from voting on this application.

MOTION—The Commission voted unanimously, 25 – 0 in favor, to approve administratively approved updated course numbers: 333.1, 442.1, and 421.4

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

IX. LEGAL REPORT

April Hammonds reported that one of the Commission’s declaratory statements was appealed to the District Court of Appeals.

CONSIDERATION OF PETITIONS FOR DECLARATORY STATEMENTS

Petitions For Declaratory Statements

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

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

Motion—The Commission voted unanimously, 25 - 0 in favor, to approve the Mechanical TAC’s and Structural TAC’s recommendations on the Petition (to defer action on the Petition until the next available meeting after July 1, 2016 to allow the petitioner to address changes pursuant to HB 535).

X. LEGISLATIVE REPORT

Jim Richmond, FBC Executive Director, provided the Commission with a briefing regarding legislation pertaining to the Florida Building Code System resulting from the 2016 Legislative Session. Jim noted that HB 535 was signed by the Governor and becomes effective July 1, 2016.

Subsequently Chairman Browdy indicated that in order to implement Legislative assignments resulting from the 2016 Legislative Session the Commission should move to authorize the Department of Business and Professional Regulation to open Rules 61G20-1.001 (Florida Building Code) and 61G20-3.008 (Product Approval Entities) for development of rulemaking and to delegate authority to Jim Richmond to sign rulemaking documents on behalf of the Chairman of the Florida Building Commission.

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

Commission Actions:

MOTION—The Commission voted unanimously, 25 – 0 in favor, to authorize the Department of Business and Professional Regulation to open Rules 61G20-1.001 and 61G20-3.008 for development of rulemaking and to delegate authority to Jim Richmond to sign rulemaking documents on behalf of the Chairman of the Florida Building Commission.

XI. APPROVAL OF SUMMARY OF ISSUES FOR INCLUSION IN THE COMMISSION’S FISCAL YEAR 2015 - 2016 ANNUAL REPORT

Chairman Browdy reported that each year the Commission reviews a Draft Summary of Issues for inclusion in the Commission’s Fiscal Year Annual Report at the April meeting, and a draft Report to the Legislature for approval at the June meeting. The Chair noted that the Commission would adopt the Annual Report at the June 2016 meeting and charge the Chair with reviewing and approving the final Report prior to submittal to the Legislature and Governor. Jeff Blair reviewed the summary of issues for inclusion in the Commission’s Fiscal Year 2015 - 2016 Annual Report with the Commission.

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

Commission Actions:

MOTION—The Commission voted unanimously, 25 – 0 in favor, to adopt the Summary of Issues for inclusion in the Commission’s Fiscal Year 2015 - 2016 Annual Report.

(Attachment 6—FY 2015-2016 Annual Report Summary)

XII. COMMITTEE REPORTS AND RECOMMENDATIONS

Chairman Browdy requested TAC and POC chairs to confine their reports to a brief summary of any key recommendations, emphasizing any issues requiring an action from the Commission. The Chair requested if the TAC/POC requires Commission action, to frame the needed action in the form of a proposed motion. This will ensure that the Commission understands exactly what the TAC/POC’s are recommending, and the subsequent action requested of the Commission. Acceptance of a committee

report does not approve any recommendations contained within the report. Committee reports are linked to the following URL (linked to Commission's April 12, 2016 Agenda): http://www.floridabuilding.org/fbc/commission/FBC_0416/index.htm.

Accessibility TAC

Commissioner Gross presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 25 – 0 in favor, to accept the TAC's report as presented/posted (April 8, 2016).

(See Agenda for Linked Committee Report)

Education POC

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

Commission Actions:

MOTION—The Commission voted unanimously, 25 – 0 in favor, to accept the POC's report as presented/posted (March 31, 2016).

(See Agenda for Linked Committee Report)

Electrical TAC

Commissioner Flanagan presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 25 – 0 in favor, to accept the TAC's report as presented/posted (April 4, 2016).

(See Agenda for Linked Committee Report)

Energy TAC

Commissioner Smith presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 25 – 0 in favor, to accept the TAC's report as presented/posted (April 11, 2016).

(See Agenda for Linked Committee Report)

Fire TAC

Commissioner Bahadori presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 25 – 0 in favor, to accept the TAC's report as presented/posted (April 7, 2016).

(See Agenda for Linked Committee Report)

Mechanical TAC

Commissioner Bassett presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 25 – 0 in favor, to accept the TAC's report as presented/posted (March 30, 2016).

(See Agenda for Linked Committee Report)

Product Approval POC

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

Commission Action:

MOTION—The Commission voted unanimously, 25 – 0 in favor, to accept the POC's report as presented/posted (March 31, 2016).

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

Roofing TAC

Commissioner Swope presented the TAC's reports and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 25 – 0 in favor, to accept the TAC's reports as presented/posted (March 2, 2016, and April 5, 2016).

(See Agenda for Linked Committee Report)

Special Occupancy TAC

Commissioner Phillips presented the TAC's reports and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 25 – 0 in favor, to accept the TAC's report as presented/posted (April 1, 2016).

(See Agenda for Linked Committee Report)

Structural TAC

Commissioner Schock presented the TAC's reports and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 25 – 0 in favor, to accept the TAC's reports as presented/posted (March 2, 2016 and March 30, 2016).

(See Agenda for Linked Committee Report)

Swimming Pool TAC

Commissioner Batts presented the TAC's reports and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 25 – 0 in favor, to accept the TAC's report as presented/posted (April 4, 2016).

(See Agenda for Linked Committee Report)

OTHER COMMISSION ACTIONS

There were no additional Commission actions.

XIII. GENERAL PUBLIC COMMENT

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

Public Comments:

Arlene Stuart, AZT Consulting: thanked the Commission and TAC members for their service during the TAC review of code modifications proposed for the 2017 Code Update Process.

XIV. COMMISSION MEMBER COMMENT AND ISSUES

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

Commission Member Comments:

- Steve Bassett: expressed concerns regarding receiving education CEUs for professional engineers.
- Mo Madani (DBPR): responded that he would speak with Steve regarding the issue after the meeting.
- Dick Browdy (Chair): appreciated how well the 2017 Code review process was going, and indicated that this was the result of the hard work by Mo Madani and his staff.
- Mo Madani (DBPR): thanked the Chairman, and thanked his staff for their efforts.

XV. NEXT COMMISSION MEETING OVERVIEW AND ISSUES

The June 8, 2016 meeting in Gainesville will focus on the Commission's regular procedural and substantive issues, and needed rule development initiatives.

(Attachment 5—Commission Meeting Schedule)

STAFF ASSIGNMENTS FROM THE APRIL 12, 2016 MEETING

There were no specific assignments requested of staff.

ADJOURNMENT

The Chair thanked Commission members, staff and the public for their attendance and participation, and adjourned the meeting at 9:56 A.M. on Tuesday, April 12, 2016.

ATTACHMENT 1
FLORIDA BUILDING COMMISSION MEETING EVALUATION RESULTS

APRIL 12, 2016—GAINESVILLE, FLORIDA

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

Number of Respondents: 18 of 25 Commissioners present completed meeting evaluations.

1. OVERALL MEETING ASSESSMENT.

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

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

- 9.8 Chairs Issues and Recommendations.
- 9.7 Accessibility Waiver Applications.
- 9.7 Approvals of Products and Product Approval Entities.
- 9.7 Applications for Accreditor and Course Approvals.
- 9.8 Petitions for Requests for Declaratory Statements—Legal Report.
- 9.8 Legislative Report.
- 9.8 Summary of Issues for Inclusion in FY 2015-2016 Annual Report Approval.
- 9.7 TAC, POC, Committee, and/or Workgroup Reports and Recommendations.

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

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

4. MEMBERS LEVEL OF SATISFACTION WITH THE MEETING.

- 9.8 Overall, I am very satisfied with the meeting.
- 9.7 I was very satisfied with the services provided by the Facilitator.
- 9.8 I am satisfied with the outcome of the meeting.

5. HOW WELL THE NEXT STEPS WERE COMMUNICATED.

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

6. WHAT MEMBERS LIKED BEST ABOUT THE MEETING.

- As usual Chairman Browdy kept the meeting focused.
- One of our short ones.

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

- That would be difficult to do (improve the meeting).
- Sound/microphones had too much echo. Hard to hear.

8. OTHER GENERAL COMMENTS.

- Good job Jeff Blair.

None were offered.

COMMENTS ON SPECIFIC AGENDA ITEMS

None were offered.

PUBLIC-MEETING EVALUATION AND COMMENT RESULTS

None were offered.

ATTACHMENT 2
KEY TO COMMON ACRONYMS

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

ATTACHMENT 3

FLORIDA BUILDING COMMISSION HISTORY AND OVERVIEW

HISTORY

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

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

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

OVERVIEW

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

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

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

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

ATTACHMENT 4
APRIL 12, 2016 MEETING AGENDA

FLORIDA BUILDING COMMISSION
PLENARY SESSION
APRIL 12, 2016

HILTON UNIVERSITY OF FLORIDA CONFERENCE CENTER
1714 SW 34TH STREET
GAINESVILLE, FLORIDA

MEETING OBJECTIVES

- To Approve Regular Procedural Topics (Agenda and Minutes)
- To Consider/Decide on Chair's Discussion Issues/Recommendations.
- To Consider/Decide on Accessibility Waiver Applications.
- To Consider/Decide on Approvals and Revocations of Products and Product Approval Entities.
- To Consider/Decide on Petitions for Declaratory Statement.
- To Consider Applications for Accreditor and Course Approval.
- To Receive a Report on Legislation.
- To Review and Approve Summary of Issues for Inclusion in FY 2015-2016 Annual Report
- 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

| | | |
|-----------|------------|--|
| March 2 | 1:00 p.m. | Roofing Technical Advisory Committee and Structural Technical Advisory Committee concurrently |
| March 30 | 1:30 p.m. | Mechanical Technical Advisory Committee and Structural Technical Advisory Committee concurrently |
| March 31 | 8:00 a.m. | Education Program Oversight Committee |
| March 31 | 10:00 a.m. | Product Approval Program Oversight Committee |
| March 31 | 2:00 p.m. | Accessibility Advisory Council |
| April 1 | 9:00 a.m. | Special Occupancy Technical Advisory Committee ¹ |
| April 4 | 8:00 a.m. | Electrical Technical Advisory Committee and Swimming Pool Technical Advisory Committee concurrently ² |
| April 5-6 | 8:00 a.m. | Roofing Technical Advisory Committee ² |
| April 7 | 8:00 a.m. | Building Fire Technical Advisory Committee ² |
| April 8 | 10:00 a.m. | Accessibility Technical Advisory Committee |
| April 11 | 8:00 a.m. | Energy Technical Advisory Committee ² |
| April 12 | 1:30 p.m. | Building Code Administration Technical Advisory Committee ² |
| April 13 | 8:00 a.m. | Plumbing Technical Advisory Committee ² |
| April 13 | 1:30 p.m. | Mechanical Technical Advisory Committee ² |

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| April 14-15 | 8:00 a.m. | Structural Technical Advisory Committee² |
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¹ The Special Occupancy TAC will meet at the Betty Easley Center in Tallahassee, Florida.

² The TAC meetings between April 4 and April 15 will meet on site at the Hilton except the Accessibility TAC which will meet by teleconference and webinar.

MEETING AGENDA—APRIL 12, 2016

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 Minutes: February 16, 2016, Plenary; Conference Calls – February 1, 2016; February 29, 2016; and March 14, 2016 Facilitator’s Summary Report: February 16, 2016 Plenary |
| | 4.) | Chair’s Discussion Issues: Commissioners Confirmed Electrical TAC Appointment – Bryan Holland for Leonard Devine |
| | 5.) | Accessibility Waiver Applications |
| | | a. Expert Shutter, 688 SW Whitmore Drive, Port St. Lucie, Florida (Waiver #139) b. Indian River Networks, 241 Sixth Ave., Indialantic, Florida (Waiver #136) c. City of Mattress, 2255 Palm Beach Lakes Blvd., West Palm Beach, Florida (Waiver #138) d. Harding Suites Hotel, 8040 Harding Ave., Miami, Beach, Florida (Waiver #141) e. Garden Suites Hotel 3900/3920 Garden Ave., Miami, Beach, FL 33140 (Waiver #142) f. Jungle Island Zipline Tour, 1111 Parrot Jungle Tr., Miami, Florida (Waiver #145) g. Young Life Southwind Dorm, 18115 SE 95th Street, Ocklawaha, Florida (Waiver #130) h. McHardy Renovation, 432 MLK Blvd., Stuart, Florida (Waiver #134) |
| | 6.) | Applications for Product and Entity Approval |
| | 7.) | Applications for Accreditor and Course Approval |
| | 8.) | Petitions for Declaratory Statement |
| | | DS2015-150 by Rolando Soto, Chief Code Compliance Officer, Mechanical, of Broward County Board of Rules and Appeals |
| | 9.) | Legislative Report |
| | 10.) | Review and Approval of Summary of Issues for Inclusion in FY 2015-2016 Annual Report |

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| | 11.) | Committee Reports: |
| | | a.) Accessibility Technical Advisory Committee; b.) Education Program Oversight Committee; c.) Electrical Technical Advisory Committee; d.) Energy Technical Advisory Committee; e.) Fire Technical Advisory Committee; f.) Mechanical Technical Advisory Committee; g.) Product Approval Program Oversight Committee; h.) Roofing Technical Advisory Committee; i.) Special Occupancy Technical Advisory Committee; j.) Structural Technical Advisory Committee; k.) Swimming Pool Technical Advisory Committee |
| | 12.) | Public Comment |
| | 13.) | Commissioner Comment |
| | 14.) | <i>Adjourn</i> |

ATTACHMENT 5
COMMISSION'S UPDATED MEETING SCHEDULE AND WORKPLAN

(UPDATED APRIL 12, 2016)

COMMISSION MEETING SCHEDULE

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

| FY 2016-2017 | LOCATION |
|---------------------|----------------------------------|
| August 16-17, 2016 | Fort Lauderdale (Embassy Suites) |
| October 11, 2016 | TBD |
| December 13, 2016 | TBD |
| February 7, 2017 | TBD |
| April 4, 2017 | TBD |
| June 13, 2017 | TBD |

ATTACHMENT 6

SUMMARY OF ISSUES FOR FY 2015-2016 ANNUAL REPORT

OVERVIEW. The primary focus of the Florida Building Commission during the reporting period of July 1, 2015 – June 30, 2016 (fiscal year 2015 – 2016) was initiating the development of the Florida Building Code, 6th Edition (2017). The Commission’s Technical Advisory Committees (TACs) met in April of 2016 and reviewed and developed recommendations on 532 proposed Code modifications to the adopted Code. The TACs will review public comments on the TAC’s recommendations on July 18-21, 2016, and the Commission is scheduled to conduct a rule development workshop on the TAC’s recommendations regarding proposed code amendments on August 18-19, 2016, and conduct a final rule adoption hearing on June 8, 2017. The Florida Building Code 6th Edition’s adopted effective date is December 31, 2017.

In addition, during the reporting period the Commission completed the development and adoption of the *5th Edition of the Florida Building Code (2014)* with an effective date of Midnight, June 30, 2015. The 5th Edition maintained the efficiency of the Florida Energy Code and merged with the format of the national model energy code, major components of the *5th Edition of the Florida Building Code (2014)* include enhancements to the wind, water intrusion and hurricane protection provisions of the Florida Building Code.

Entering its eighteenth 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. Chairman Richard Browdy encouraged and led the Commission’s consensus-building efforts supported by DBPR.

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 did not experience nearly as severe damage as older buildings.

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 *5th Edition Florida Building Code (2014)* 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 funding research projects for fiscal year 2015-2016 as recommended by the TAC chairs on the basis that the approved projects meet the three criteria for funding: 1.) definition of research and/or technical enrichment, 2.) urgency/immediacy, and needed for the 2017 FBC and/or legislative directive, and 3.) funding available (full or partial); and are approved for funding based on the TAC chairs’ recommendations, and staff administering and overseeing the research, and charging staff with 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: evaluate the economic impact of the delayed code provisions, estimate the cost impact of the 2015 International Building Codes changes, evaluate an approved method for achieving 1 hr. fire resistance rating under side of projections, continuation of the investigation of corrosion of fasteners for both roofing and screen enclosures, document field cases of attics sealed with spray foam insulation, and a swimming pool electrocution study.

CODE UPDATE. Florida law requires the Commission to update the Florida Building Code every three years, and the *Florida Building Code Sixth Edition (2017)* represents the fifth update of the Code. The update process is based on the code development cycle of the national model building codes, which serve as the “foundation” codes for the Florida Building Code. At the April 2015 meeting the Commission initiated the 2017 Code Update process by voting to adopt the 2015 International Codes and 2014 NEC as foundation codes for the Florida Building Code, 6th Edition (2017). In response to stakeholder requests to provide at least six months between the effective date of the 5th Edition of the Code (2014) and the closing date of when modifications must be proposed for the 6th Edition of the Code (2017), the Commission voted to extend the period of time for the public to propose modifications to the 2015 I Codes and the Preliminary Supplement to six months. At the August 2015 meeting the Commission voted to approve the updated workplan for development of the Florida Building Code, 6th Edition (2017) opting for rulemaking via an integrated Code, and conducting the Glitch amendment process, if needed, after the 2017 Code becomes effective. The adopted effective date for the Code is December 31, 2017.

The Code update process includes integration of the Florida Energy and Conservation Code (FECC) and the International Energy Conservation Code (IECC) maintaining the efficiencies of the FECC.

In addition, the Commission conducted a public hearing in conjunction with the December 2015 Commission meeting for the purpose of receiving public input regarding the recommendations from the report titled: *Florida Accessibility Code for Building Construction Review and Recommendations*. During the December meeting the Commission voted to accept the report and the report on the public meeting.

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

PRODUCT APPROVAL. The product approval system is an internet-based system operated and administered by the Department of Business and Professional Regulation. During the reporting period the Commission voted to move the Product Approval application submittal completion deadline back by one week to the current preliminary review deadline date for the product approval application cycle, providing additional time for applicants to resolve any issues with their product approval applications. At the inception of the Florida Building Commission in 2003, the Product Approval System was outsourced to a contract Program Administrator. Since January of 2014 DBPR staff has been administering the Product Approval System creating a savings for the stakeholders and additional income to the Trust Fund.

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 21,501 product applications and 95,314 products for statewide use within limitations established by the approvals. In addition, the Commission has approved 118 entities, 3,874 product applications and 16,092 products for statewide use to the 2014 Code.

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 approved applications of individual accreditors and reviewed courses from private providers to verify the course content was compliant with the current edition of the Florida Building Code.

CODE COORDINATION AND IMPLEMENTATION WORKGROUP PROJECT. In October of 2014 the Chairman proposed and the Commission voted unanimously to convene a Code Coordination and Implementation Workgroup to review and evaluate all of the regulatory requirements currently impacting the code development process (code update process), and to propose a legislative path to a more efficacious timetable for the implementation of the Florida Building Code update process. The goal of the project was to ensure that any recommendations for statutory changes, once approved by the full Commission, would be delivered to the 2016 Florida Legislature. The Workgroup met four times starting in January of 2015 and concluding in August of 2015. The Workgroup identified, evaluated and consensus ranked a full range of options for each of the topical issues under consideration, and enjoyed extensive public participation throughout the process. The seven overarching key topics evaluated by the Workgroup were as follows: code printing and publication, errata, the Code amendment process, Florida specific amendments, statutory timeline requirements, adoption of standards and codes by reference, and Commission participation with the ICC code development process. The Workgroup concluded their work at the August 18 – 19, 2015 meeting and developed a package of consensus recommendations for submittal to the Commission that were adopted unanimously by the Workgroup and approved unanimously by the Commission at their October 15, 2015 meeting. The Workgroup's recommendations for legislative changes were supported by industry stakeholders who agree to take the lead on any needed legislation.

SWIMMING POOL ELECTRICAL SAFETY PROJECT. The 2015 Florida Legislature identified the need to evaluate the electrical aspects of swimming pool safety focusing on minimizing electrocution risks linked to swimming pools. In response, the Florida Building Commission approved a research project (technical enrichment) for a *Swimming Pool Electrocution Prevention Study*. In order to implement the project the Commission convened a process to develop recommendations for pool safety focused on the prevention of electrocution in swimming pools. The Commission determined that the project would be evaluated and recommendations developed by convening concurrent meetings of the Commission’s Swimming Pool Technical Advisory Committee and Electrical Technical Advisory Committee (TAC). The objective of the project was to evaluate key topical issues, and as appropriate develop code amendment proposals designed to minimize electrocution risks linked to swimming pools.

In response to the Commission’s direction the Swimming Pool TAC and Electrical TAC agreed that the initial Phase I scope of the project was to determine whether to recommend a proposed code amendment that would require low voltage lighting in residential swimming pools for new construction. Once the Swimming Pool TAC and the Electrical TAC concluded their evaluation of low voltage lighting they would then evaluate additional project relevant topics in Phase II of the project: specifically bonding, grounding, retrofitting of existing pools, and education. The TACs met for the second time on October 14, 2015 and developed a consensus package of recommendations for both phases of the project (Phase I and Phase II). At their October 15, 2015 meeting the Commission voted unanimously to adopt the Swimming Pool TAC’s and Electrical TAC’s swimming pool safety consensus package of recommendations focused on the prevention of electrocution in swimming pools. The recommendations will be implemented during the 2017 Code update process.

BINDING INTERPRETATION PROCESS. In order to maintain the Binding Interpretation process as it must be lawfully implemented, the Commission appointed a panel of eight experienced building code administrators from geographically diverse regions of Florida to serve as an Interim Binding Interpretations Panel. The Panel has heard one binding interpretation to date.

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. The Commission’s recommendations for 2017 legislative actions designed to improve the system’s effectiveness are summarized below:

THE FLORIDA BUILDING COMMISSION’S RECOMMENDATIONS FOR LEGISLATIVE ACTIONS DESIGNED TO IMPROVE THE SYSTEM’S EFFECTIVENESS ARE SUMMARIZED AS FOLLOWS:

The Commission’s recommendations for statutory changes resulting from the Code Coordination and Implementation Workgroup were supported by industry stakeholders who will take the lead on initiating specific legislative proposals.