

FLORIDA BUILDING COMMISSION
Hilton University of Florida Conference Center
1714 SW 34th Street
Gainesville, Florida 32607
Plenary Session
April 12, 2016
8:30 AM

COMMISSIONERS PRESENT:

Dick Browdy, Chairman
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
Bradley W. Schiffer
Frederick Schilling
Jim Schock
Drew Smith
Jeff Stone
Brian Swope

COMMISSIONERS NOT PRESENT:

Beth Meyer

OTHERS PRESENT:

Jim Richmond
April Hammonds
Jim Hammers
Marlita Peters

Mo Madani
Chris Burgwald
Joe Bigelow

MEETING FACILITATION:

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

Welcome:

Time: 8:30 am

Chairman Browdy welcomed Commissioners, staff, and members of the public to Gainesville and the April 12, 2016 plenary session of the Florida Building Commission. He stated that 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 April meeting is 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.

Chairman Browdy 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 (actions that are not procedural or ministerial in content). Chairman Browdy 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. Chairman Browdy asked that all please remember to keep all electronic devices turned off or in a silent mode and thanked them for their cooperation.

Chairman Browdy stated that there are also buff colored "*Public Comment Forms*" on the speakers' table that can be used to provide written comments. He said all written comments will be included in the Facilitator's Summary Report and asked that they please give their completed "*Public Comment Forms*" to Jeff Blair.

Chairman Browdy advised 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 and stated if your board participates you may sign-in on the kiosk laptop provided in the meeting room.

Roll Call:

Chairman Browdy asked that Jeff Blair performed roll call, a quorum was met with twenty five members present.

Agenda Review and Approval:

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

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

A motion was entered by Commissioner Schilling to approve the agenda as presented. The motion was seconded by Commissioner Schiffer. The motion passed unanimously 25-0 in favor

Approval of the February10, 2016 Facilitator's Summary Report and Meeting Minutes and February 1, 2016, February 29, 2016 and March 14, 2016 teleconference meeting minutes:

Chairman Browdy requested a motion for the Approval of the February10, 2016 Facilitator's Summary Report and Meeting Minutes and February 1, 2016, February 29, 2016 and March 14, 2016 teleconference meeting minutes

Commissioner Schilling entered a motion to approve the February10, 2016 Facilitator's Summary Report and Meeting Minutes and February 1, 2016, February 29, 2016 and March 14, 2016 teleconference meeting minutes as presented with no amendments offered. The motion was seconded by Commissioner Schiffer. The motion passed unanimously with a vote of 25-0 in favor.

Chairman's Discussion Issues and Recommendations:

Chairman Browdy stated that he was pleased to report that all of the Commissioners who were recently appointed or reappointed by the Governor were confirmed by the Senate during the 2016 Legislative Session.

Appointments:

Chairman Browdy said that he wanted to thank all of the parting members for their dedicated and outstanding service and to thank the new members for agreeing to serve.

TAC/POC Appointments:

Chairman Browdy advised that he is appointing Bryan Holland to replace Leonard Devine on the Electrical TAC. He extended his thanks to Mr. Devine for his service and a thank you to Mr. Holland for agreeing to serve.

DBPR Office of Codes and Standards Location Move:

Chairman Browdy advised the Commissioners that Secretary Lawson had contacted him in order to let the Commission know 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 the offices located on Blairstone Road. He said the Secretary informed him that the legislature is requiring all state agencies will 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. Chairman Browdy stated in addition, Secretary Lawson communicated 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 (Professional Regulation Trust Fund) to assist with the move. Chairman Browdy advised that the phone numbers and email addresses for staff will remain the same, and that they will be provided with the new physical address once details are finalized.

Consideration of Accessibility Waiver Applications:

Chairman Browdy stated the Commission will now consider this month's requests for accessibility waivers. He advised April Hammonds will serve as legal counsel and present the Accessibility Advisory Council's recommendations. Chairman Browdy then asked Ms. Hammonds to present the waivers.

[Expert Shutter](#), 688 SW Whitmore Drive, Port St. Lucie, Florida (Waiver #139) – Council recommended granting to the extent needed.

Commissioner Schock entered a motion to accept the recommendation of granting to the extent needed. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 25-0.

[Indian River Networks](#), 241 Sixth Ave., Indialantic, Florida (Waiver #136) - Council recommended granting based on economic hardship.

Commissioner Schilling entered a motion to accept the recommendation of granting based on unreasonable economic hardship. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 25-0.

Consideration of Accessibility Waiver Applications (cont.):

City of Mattress, 2255 Palm Beach Lakes Blvd., West Palm Beach, Florida (Waiver #138) – Council recommended denial.

Commissioner Schilling entered a motion to accept the recommendation of denial. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 25-0.

Young Life Southwind Dorm, 18115 SE 95th Street, Ocklawaha, Florida (Waiver #130) – Council recommended deferral at the request of the applicant for one meeting cycle.

Commissioner Schilling entered a motion to accept the recommendation of deferral. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 25-0.

Harding Suites Hotel, 8040 Harding Ave., Miami, Beach, Florida (Waiver #141) – Council recommended granting based on economic hardship and historical nature.

Commissioner Schilling entered a motion to accept the recommendation of granting based on economic hardship and historical nature. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 24-0.

Garden Suites Hotel 3900/3920 Garden Ave., Miami, Beach, FL 33140 (Waiver #142) – Council recommended granting based on economic hardship.

Commissioner Schilling entered a motion to accept the recommendation of granting based on economic hardship. Commissioner Gross seconded the motion. The motion passed unanimously with a vote of 25-0.

Jungle Island Zipline Tour, 1111 Parrot Jungle Tr., Miami, Florida (Waiver #145) – Council recommended granting based on economic hardship.

Commissioner Schilling entered a motion to accept the recommendation of granting based on economic hardship. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 25-0.

McHardy Renovation, 432 MLK Blvd., Stuart, Florida (Waiver #134) – Council recommended deferral to get more information from the applicant to include pictures and plans.

Commissioner Schiffer entered a motion to accept the recommendation of deferral. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 25-0.

Product and Entity Approval:

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

Commissioner Stone entered a motion to approve the consent agenda for the 18 product approval entities as posted. Commissioner Compton seconded the motion. The motion passed with a vote of 25 to 0.

Commissioner Stone entered a motion to approve the consent agenda for the 146 products as posted with three pulled for individual consideration. Commissioner Compton seconded the motion. The motion passed with a vote of 25 to 0.

Commissioner Stone entered a motion to approve 13446-R3. Commissioner Compton seconded the motion. The motion passed with a vote of 24-0 with one abstention from Commissioner Dean.

Commissioner Stone entered a motion to approve 16423-R1. Commissioner Compton seconded the motion. The motion passed with a vote of 24-0 with one abstention from Commissioner Dean.

Commissioner Stone entered a motion to defer 16543-R2. Commissioner Compton seconded the motion. The motion passed with a vote of 25-0.

Mr. Blair presented the following products for discussion:

19897 – Commissioner Stone entered a motion to conditionally approve as recommended by the POC, Commissioner Compton seconded the motion passed unanimously with a vote of 25-0.

17106-R2 – Commissioner Stone entered a motion to defer as recommended by the POC, Commissioner Compton seconded the motion passed unanimously with a vote of 25-0.

Applications for Accreditor and Course Approval:

Chairman Browdy advised that Commissioner Dean will now present the Education POC's recommendations regarding applications for accreditor and course approval.

Applications for Accreditor and Course Approval (cont.):

Commissioner Dean presented course 782.0 for approval as recommended by the POC. Commission Bassett seconded the motion. The motion passed 24-0 with one abstention from Commissioner Schiffer.

Commissioner Dean presented 10 advanced accredited courses for approval: **784.0, 785.0, 786.0, 787.0, 788.0, 781.0, 776.0, 777.0, 778.0, and 775.0.** Commissioner Flanagan seconded the motion. The motion passed unanimously 25-0.

Commissioner Dean presented 3 administratively approved updated courses for approval: **333.1, 442.1, and 421.4.** Commissioner Flanagan seconded the motion. The motion passed unanimously 25-0.

Commissioner Bassett advised of the required courses for Architects and Engineers that are being applied to licenses as required by the boards. He stated his concern is how Building Officials are not checking on some of the Engineers and Architects so how they will know if these courses were completed and how is this going to be policed. Mechanical Engineers are not listed in the Building realm.

Mr. Richmond stated all licensing boards have individual rules and guidelines. He said that the Commission does not have any regulatory authority over how the education is posted are credited to any licenses within DBPR, they are strictly regulated by their individual boards. Mr. Richmond said that he will take his concern back to DBPR.

Mr. Madani said he had a contact with Engineers that will be able to explain how this is posted.

Legal Update:

Chairman Browdy stated that prior to the declaratory statements; April Hammonds, Esq. will be providing information any legal matter to report.

Ms. Hammonds stated there is one legal issue to report. She advised that the prior declaratory statement from Julien Croteau that had Commissioner Bassett as a consultant is being appealed to the Fourth District Court of Appeal.

Petitions for Declaratory Statement: [Legal Report](#)

Chairman Browdy requested Ms. Hammonds to now present the declaratory statements.

[DS2015-150](#) by Rolando Soto of the Broward County Board of Rules and Appeals

Ms. Hammonds stated this declaratory statement is being deferred by unanimous vote from the Mechanical and Structural TACs. The stated reason for deferral was to allow Petitioner to address changes pursuant to HB 535.

Commissioner Bassett entered a motion to accept the recommendation of deferral from the TAC. Commissioner Calleja seconded the motion. The motion passed unanimously 25-0.

Legislative Report:

Chairman Browdy asked that Jim Richmond provide an updated Legislative Report for the Commission.

Mr. Richmond stated that the session is now over and they completed their working including a budget. He said HB 535 has been signed by the Governor on March 25, 2016 and is now known as Chapter 2016-129 Laws of Florida. Mr. Richmond said it now has an effective date of July 1, 2016. He further stated that there are several provisions within that bill that impact the Florida Building Code with one section in particular that impacts our Product Approval rule adding a couple of evaluation entities to that.

Mr. Richmond stated he had Ms. Hammonds contact the Joint Administrative Procedures Committee and they were fine with us work shopping that Rule in advance of the effective date of the bill. He further stated currently we are looking at work shopping those Rules at the June Commission Meeting with meetings with the appropriate POC and TACs to review the language of those Rules May 25th through May 27th most likely by teleconference. Mr. Richmond advised that Mr. Madani will circulate the language implementing the Bills requirements in advance of those meetings and the TACs will get an opportunity to weigh in with a recommendation to the Commission on June 8, 2016, back here in Gainesville.

Mr. Richmond continued by advising that because the Code Modification part of that at this point are really inconsistent with Law to be July 1st we will use the glitch process to get them into the Building Code and that basically allows them to become effective upon approval by the Commission and language with publication of that on the Commission's Website (BCIS). He said they anticipate publishing that as close to the July 1st effective date of the Bill as possible and the outside target that he set is for publication on July 8, 2016. Mr. Richmond stated then we will go through the formal Rule making process and complete with a Rule adoption in our August meeting and then the product approval rule will go to a Rule Adoption hearing at that

Legislative Report (cont.):

meeting with a final approval October 1st if we can make that date. He said that this will ensure that the Code is consistent with the Statute as soon as possible and will afford the constituents who petitioned the Legislature for relief that relief as soon as we can.

Mr. Richmond asked if there were any questions relating to this issue. He said that he is looking for a motion to open Rules 61G20-1.001 and 61G20-3.008 for development of rulemaking and delegate authority to him to sign rulemaking documents on behalf of the Chairman of the Florida Building Commission.

Commissioner Schiffer entered a motion to open Rules 61G20-1.001 and 61G20-3.008 for development of rulemaking and delegate authority to Jim Richmond to sign rulemaking documents on behalf of the Chairman of the Florida Building Commission. Commissioner Schilling seconded the motion.

Discussion was requested by Commissioner Schock asking if this will go into effective July 1 whether we have our language developed and approved. He asked also if there would be a draft sent.

Mr. Richmond advised yes there will be language provided and will be presented to the POC and TACs prior to it coming to the Commission. He further stated the actual effective date of the provision depends on specific provisions language. Mr. Richmond said that some of them tell us to adopt it into the Code and other makes substantive modifications to the statute. He further stated that the substantive modifications to the statute will automatically take effect July 1, 2016 whether we amend the Code or not. Mr. Richmond said those that direct the Commission to amend the Code will require that type of execution by the Commission in order to implement them.

Commissioner Calleja stated there are some sections that have specific dates on them “shall become effective July 1, 2017 like the blower door” so how do you handle that within the Code with different dates within the sections.

Mr. Richmond advised there are several ways within the drafting of the proposal. He said the statute will go into effect but those that require Commission to act prior to implementation.

Commissioner Brown asked if section 35 is included in the rule making. He specifically asked if the Commission shall adopt the Energy conservation, particularly the requirement that the Commission shall determine by October 1 whether onsite renewal power generation may be used for compliance with the alternative performance path. Commissioner Brown asked how that determination will be made and what criteria will be used to determine if that alternative would be approved and is it incorporated in the Rule.

Legislative Report (cont.):

Mr. Richmond advised that section is one that will have to go through the glitch process and we will be working through some of this under the Energy TAC and bring that to the Commission in June.

Chairman Browdy reminded the Commission of the motion on the floor with a second and called for the vote. The motion passed unanimously 25-0.

Review and Approval of Summary of Issues for Inclusions in the Commission's Fiscal Year 2015-2016 Annual Report:

Chairman Browdy stated 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. He said that Jeff will review the issues for inclusion in the Commission's Fiscal Year 2015 - 2016 Annual Report with the Commission.

Mr. Blair provided a full review of the summary of issues for inclusion in the Commission's Fiscal Year 2015-2016 Annual Report.

Commissioner Gross entered a motion to adopt the Summary of Issues for inclusion in the Commission's Fiscal Year 2015 - 2016 Annual Report. The Commission will 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. Commissioner Schock seconded the motion. The motion passed unanimously 25-0.

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. He asked if the TAC/POC requires Commission action, to frame the needed action in the form of a proposed motion. Chairman Browdy stated 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.

Accessibility Technical Advisory Committee; April 8, 2016.

Commissioner Gross provided a brief summary of the Accessibility TAC meeting on April 8, 2016 in Gainesville, FL.

Committee Reports and Recommendations (cont.):

A motion was entered by Commissioner Gross to accept the Accessibility TAC report. The motion was seconded by Commissioner Schock. The motion passed unanimously with a vote of 25 to 0.

Education Program Oversight Committee;

Commissioner Dean provided a brief summary of the Education POC meeting held via teleconference on March 31, 2016.

A motion was entered by Commissioner Dean to accept the Education POC report. The motion was seconded by Commissioner Flanagan. The motion passed unanimously with a vote of 25 to 0.

Electrical Technical Advisory Committee;

Commissioner Flanagan provided a brief summary of the Electrical TAC meeting held April 4, 2016 in Gainesville, Florida.

A motion was entered by Commissioner Flanagan to accept the Electrical TAC report. The motion was seconded by Commissioner Brown. The motion passed unanimously with a vote of 25 to 0.

Energy Technical Advisory Committee;

Commissioner Smith provided a brief summary of the Electrical TAC meeting held April 11, 2016 in Gainesville, Florida.

A motion was entered by Commissioner Smith to accept the Electrical TAC report. The motion was seconded by Commissioner Calleja. The motion passed unanimously with a vote of 25 to 0.

Fire Technical Advisory Committee;

Commissioner Bahadori provided a brief summary of the Fire TAC meeting held on April 7, 2016 in Gainesville, Florida.

A motion was entered by Commissioner Bahadori to accept the Fire TAC report. The motion was seconded by Commissioner Schiffer. The motion passed unanimously with a vote of 25 to 0.

Mechanical Technical Advisory Committee;

Committee Reports and Recommendations (cont.):

Commissioner Bassett provided a brief summary of the Mechanical TAC teleconference meeting held on March 30, 2016.

A motion was entered by Commissioner Bassett to accept the Mechanical TAC report. The motion was seconded by Commissioner Calleja. The motion passed unanimously with a vote of 25 to 0.

Product Approval Program Oversight Committee;

Commissioner Stone provided a brief summary of the Product Approval POC meeting held via teleconference on March 31, 2016.

A motion was entered by Commissioner Stone to accept the Product Approval POC report. The motion was seconded by Commissioner Compton. The motion passed unanimously with a vote of 25 to 0.

Roofing Technical Advisory Committee; 030216: 040516

Commissioner Swope provided a brief summary of the Roofing TAC meeting held via teleconference on March 2, 2016 and the meeting held April 5, 2016 in Gainesville, Florida.

A motion was entered by Commissioner Swope to accept the Roofing TAC reports. The motion was seconded by Commissioner Boyer. The motion passed unanimously with a vote of 25 to 0.

Special Occupancy Technical Advisory Committee;

Commissioner Phillips provided a brief summary of the Special Occupancy TAC meeting held April 1, 2016 in Tallahassee, Florida.

A motion was entered by Commissioner Phillips to accept the Special Occupancy TAC report. The motion was seconded by Commissioner Frank. The motion passed unanimously with a vote of 25 to 0.

Committee Reports and Recommendations (cont.):

Structural Technical Advisory Committee; [03-02-16](#), [03-30-16](#)

Commissioner Schock provided a brief summary of the Structural TAC teleconference meetings on March 2, 2106 and March 30, 2016.

A motion was entered by Commissioner Schock to accept the Mechanical TAC reports. The motion was seconded by Commissioner Compton. The motion passed unanimously with a vote of 25 to 0.

[Swimming Pool Technical Advisory Committee](#)

Commissioner Batts provided a brief summary of the Swimming Pool TAC meeting held April 4, 2016 in Gainesville, Florida.

A motion was entered by Commissioner Batts to accept the Swimming Pool TAC report. The motion was seconded by Commissioner Swope. The motion passed unanimously with a vote of 25 to 0.

Public Comment:

Chairman Browdy advised if anyone wished to address the Commission and had not yet signed the speaker's list please do so now. He said that the Commission welcomes their comments on its actions or any other topic under the Commission's purview and authority.

Arlene Stewart, AZS Consulting wanted to thank everyone for their services during the code hearings.

Commission Member Comments and Issues:

Chairman Browdy stated that he wanted to thank Mo and his staff for the superb job they have done on the Code Modification Process and how the system has worked so well this cycle.

Commissioner Calleja asked if the location has been determined for the August meeting.

Ms. Hammonds advised the meeting will be held at the Ft. Lauderdale Embassy Suites with the dates of August 16-17, 2016.

Mr. Blair provided summary of upcoming meetings.

Adjournment 9:56 am: