

**FLORIDA BUILDING COMMISSION
ORLANDO MARRIOTT LAKE MARY
1501 INTERNATIONAL PARKWAY
LAKE MARY, FLORIDA 32746**

**Plenary Session
April 10, 2018
8:30 AM**

MINUTES

COMMISSIONERS PRESENT:

Jay Carlson, Chairman
Hamid Bahadori
James Batts
Steve Bassett
Bob Boyer
Donald Brown
Oscar Calleja
Nan Dean
Shane Gerwig
David Gilson
Richard Goff

Jeff Gross
Robert Hamberger
Brian Langille
Bradley W. Schiffer
Frederick Schilling
James Schock, Vice Chairman
Drew Smith
Jeff Stone
Brian Swope
Don Whitehead
Diana Worrall

COMMISSIONERS NOT PRESENT:

Kelley Smith Burk
Kevin Flanagan

David Compton

OTHERS PRESENT:

Thomas Campbell
Mo Madani
Chris Howell

Justin Vogel
Jim Hammers

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 Carlson welcomed Commissioners, staff, and members of the public to Lake Mary and the April 10, 2018 plenary session of the Florida Building Commission. He stated the primary focus of the February meeting is to consider 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 to approve the Scope of Work for the 7th Edition (2020) Florida Building Code, to approve the TAC I-Codes changes review process, and to adopt the Summary of Issues for Inclusion in the FBC FY 2017-2018 Annual Report.

Chairman Carlson 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 Carlson 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 Carlson asked that all please remember to keep all electronic devices turned off or in a silent mode and thanked them for their cooperation.

Chairman Carlson 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.

Roll Call:

Chairman Carlson asked that Jeff Blair perform roll call, a quorum was met with 21 members present at roll call.

Agenda Review and Approval:

Chairman Carlson 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 Schiffer. The motion passed unanimously with a vote of 21 to 0 in favor.

Approval of Previous Meeting Minutes and Facilitator Report for February 13, 2018 and Minutes for the Teleconference Call on March 2, 2018.

Chairman Carlson requested a motion for approval of the February 13, 2018 Facilitator's Summary Report and Meeting Minutes, and Meeting Minutes for the Teleconference Call on March 2, 2018 as posted.

Commissioner Boyer entered a motion to approve February 13, 2018 Facilitator's Summary Report and Meeting Minutes, and Meeting Minutes for the Teleconference Call on March 2, 2018 as posted. The motion was seconded by Commissioner Schilling. The motion passed unanimously with a vote of 21 to 0 in favor.

Commissioner Brown joined the meeting bringing the total Commissioners present to 22.

Chairman's Discussion Issues and Recommendations:

Chairman Carlson said that as the Commission knew or at least surmised, he was appointed as Chairman of the Commission by Governor Scott for a term beginning February 20, 2018, and ending February 20, 2022. He stated he is very much looking forward to working with the Commission in my new capacity. Chairman Carlson said as was true with our previous chairman he remains committed to maintaining the Commission's consensus-building process, and working in close collaboration with building construction industry stakeholders.

Chairman's Discussion Issues and Recommendations:

Commission Reappointments:

Chairman Carlson advised of the following re-appointments to the Commission with his congratulations on the new term for each.

Jim Batts term - 2/20/2018 – 11/5/2020.

Robert Hamberger term - 2/20/2018 – 1/9/2021

Brian Langille term – 2/20/2018 – 6/30/2021

Drew Smith term – 2/20/2018 – 11/5/2020

TAC Appointments:

Chairman Carlson advised since his appointment as Commission Chairman he has resigned as a member of the Code Administration TAC, and the Product Approval POC.

Code Administration TAC:

Chairman Carlson advised he was appointing Shane Gerwig to replace himself as chairman of the Code Administration TAC.

Special Occupancy TAC:

Chairman Carlson advised he was appointing Don Whitehead, who currently serves on the TAC, as chairman to replace Charles Frank who resigned from the Commission.

Appreciation of Jim Schock for Role as Acting Chair:

Chairman Carlson advised he would like to take this opportunity on behalf of the Commission to thank Jim Schock for his outstanding fair and impartial leadership of the Commission in his role as Acting Chairman since Chairman Browdy's resignation in October of 2017. He said he has asked him to remain as the Vice Chairman for the Commission.

IBHS 2018 Ranking of FBC for Hurricane Prone States:

Chairman Carlson advised that IBHS conducted the third triennial assessment of residential building code enforcement systems for life safety and property protection in hurricane-prone regions. He said of the 18 states comprising the Atlantic and Gulf Coast states, Florida ranked #1 with a score of 95 out of a possible 100. Chairman Carlson further stated that in 2015 Florida scored a 94 and ranked second behind Virginia. He said this reflects positively on Florida's consensus-built Building Code and Building Code System. Chairman Carlson advised that the Commission remains committed to maintaining and updating the strongest Building Code System in the Nation.

Commission Milestones:

Chairman Carlson reminded everyone that the updated Commission Milestones documents are linked to the Agenda and on the BCIS.

Executive Director Announcements and Discussions:

CE certificates:

Mr. Campbell addressed the request made by Commissioner Gross stating that our Bureau of Education and Testing does not issue certificates, however, should he need written proof of his attendance, that we could send a letter on department letterhead with the information needed.

Legislative update:

Mr. Campbell stated that since none of the bills that were being tracked during session passed there is no further update or any action needed from the Commission.

Commission Meeting Dates and Locations

Mr. Campbell stated that there will possibly be a Teleconference Call for the first week of May to receive a Hurricane Research update and TAC I-Codes review. He advised that staff will let the Commission know when and if the call is scheduled.

Mr. Campbell advised that the June Commission meeting is scheduled for June 12, 2018 at the Altamonte Springs Embassy Suites.

Mr. Campbell advised that the August Commission meeting is scheduled for August 15, 2018 at the Coral Gables Biltmore. He stated the TAC Chairs will hold their annual meeting on the day before on August 14, 2018, also at the Coral Gables Biltmore.

TAC Review of I-Codes Meeting Dates and Locations:

Mr. Campbell stated that the TACs will meet according to the TAC's individual meeting schedule that will be addressed by Mr. Madani, the dates of the meetings are:

June 11 – 15, 2018 at the Altamonte Springs Embassy Suites.

June 18 – 22, 2018 at the Shores Resort and Spa in Daytona Beach Shores.

Mr. Campbell asked that Commissioners notify us in May of the meetings they are planning to attend to ensure we have the travel request information for submission.

Discussion of Accessibility Waivers:

Chairman Carlson advised at the February meeting Commissioner Worrell requested that there be a discussion regarding how the disproportionate cost exemption is used. He stated she had asked whether the Commission has authority to require specific documentation for substantiating the costs used to qualify for receiving a waiver from vertical accessibility requirements based on disproportionate cost. Chairman Carlson said she specifically asked about the renovation/construction costs, and the cost of lifts. He stated that staff indicated they would research the issue and report back at today's meeting.

Mr. Campbell provided the total figures for the prior waivers. In addition he stated that there were background documents attached to the agenda. He advised of the process.

There was discussion on the total cost of the elevators and whether the associated costs are included in the waiver request.

There was a request made by Commissioner Schiffer to ask that the drawings be submitted by a design professional as some that have been submitted were completed by the owner on just plain paper in a pencil drawing.

Accessibility Waivers:

Chairman Carlson 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. Chairman Carlson asked that Mr. Vogel present the Council's recommendations regarding waiver requests.

Peter Rogers Waiver #294 - 5195 East Silver Springs Blvd, Silver Springs 34488

Mr. Vogel presented the waiver and advised that the Council recommended denial of the waiver application on the basis that the Commission has no authority to waive the code requirements of the FBC, Plumbing.

Commissioner Worrall entered a motion to accept the Council's recommendation to deny on the basis that the Commission has no authority to waive the code requirement of the FBC, Plumbing. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 22 to 0.

Accessibility Waivers (cont.):

920 US 1 Plaza Waiver #297 - 920 US 1, Sebastian 32958

Mr. Vogel presented the waiver and advised that the Council recommended granting the request for waiver on the grounds of economic hardship.

Commissioner Boyer entered a motion to accept the Council's recommendation to grant based on economic hardship. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 22 to 0.

Old Willis Dairy – Barn Waiver #286 - 1609 Centerville Road, Tallahassee 32308

Mr. Vogel presented the waiver and advised that the Council recommended granting the request for waiver on the grounds of economic hardship.

Commissioner Worrall entered a motion to accept the Council's recommendation to grant based on economic hardship. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 22 to 0.

Isola Home (W. A. Mahoney House) Waiver #295 - 303 S. 8th St, Fernandina Beach 32034

Mr. Vogel presented the waiver and advised that the Council recommended granting the request for waiver on the grounds of economic hardship and historical significance.

Commissioner Worrall entered a motion to accept the Council's recommendation to grant based on economic hardship and historical significance. Commissioner Bahadori seconded the motion. The motion passed unanimously with a vote of 22 to 0.

Bone Island Tiki House Waiver #306 - 430 Greene Street, Key West 33040

Mr. Vogel presented the waiver and advised that the Council recommended denial of the waiver application on the basis that the applicant has not demonstrated any ground upon which a waiver should be granted.

Commissioner Worrall entered a motion to accept the Council's recommendation to deny on the basis that the applicant has not demonstrated any ground upon which a waiver should be granted. Commissioner Bahadori seconded the motion. The motion passed unanimously with a vote of 22 to 0.

Accessibility Waivers (cont.):

28th Street Obelisk & Pump Station Restoration Waiver #307 - 300 West 28th Street, Miami Beach 33139

Mr. Vogel presented the waiver and advised that the Council recommended granting the request for waiver on the grounds of historical significance.

Commissioner Worrall entered a motion to accept the Council's recommendation to grant based on historical significance. Commissioner Bahadori seconded the motion. The motion passed with a vote of 21 to 0 with Commissioner Schilling abstaining.

Product and Entity Approval:

Chairman Carlson 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 25 product approval entities as posted. Commissioner Dean seconded the motion. The motion passed unanimously with a vote of 21 to 0 in favor with one Commissioner out of the room at the time of the vote.

Product Approval Applications without Comments consent agenda:

Commissioner Stone entered a motion to approve the 271 products on the consent agenda list. Commissioner Dean seconded the motion. The motion passed unanimously with a vote of 21 to 0 in favor with one Commissioner out of the room at the time of the vote.

Product Approval Applications with Comments:

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

16423-R2 – Commissioner Stone entered a motion for approval of 16423-R2. Commissioner Boyer seconded the motion. The motion passed with a vote of 20 to 0 in favor with one Commissioner out of the room at the time of the vote and Commissioner Dean abstaining.

12809-R8 - Commissioner Stone entered a motion for conditional approval of 12809-R8. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 21 to 0 in favor with one Commissioner out of the room at the time of the vote.

Product Approval Applications with Comments (cont.):

12979-R6 - Commissioner Stone entered a motion for conditional approval of 12979-R6. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 21 to 0 in favor with one Commissioner out of the room at the time of the vote.

14554-R4 - Commissioner Stone entered a motion for conditional approval of 14554-R4. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 21 to 0 in favor with one Commissioner out of the room at the time of the vote.

14911-R9 - Commissioner Stone entered a motion for conditional approval of 14911-R9. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 21 to 0 in favor with one Commissioner out of the room at the time of the vote.

14935-R5 - Commissioner Stone entered a motion for conditional approval of 14935-R5. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 21 to 0 in favor with one Commissioner out of the room at the time of the vote.

14994-R3 - Commissioner Stone entered a motion for conditional approval of 14994-R3. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 21 to 0 in favor with one Commissioner out of the room at the time of the vote.

15054-R6 - Commissioner Stone entered a motion for approval of 15054-R6. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 21 to 0 in favor with one Commissioner out of the room at the time of the vote.

15099-R9 - Commissioner Stone entered a motion for approval of 15099-R9. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 21 to 0 in favor with one Commissioner out of the room at the time of the vote.

15184-R5 - Commissioner Stone entered a motion for approval of 15184-R5. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 21 to 0 in favor with one Commissioner out of the room at the time of the vote.

16556-R2 - Commissioner Stone entered a motion for conditional approval of 16556-R2. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 21 to 0 in favor with one Commissioner out of the room at the time of the vote.

18413-R1 - Commissioner Stone entered a motion for approval of 18413-R1. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 21 to 0 in favor with one Commissioner out of the room at the time of the vote.

Product Approval Applications with Comments (cont.):

20652-R1 - Commissioner Stone entered a motion for conditional approval. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 21 to 0 in favor with one Commissioner out of the room at the time of the vote.

21036-R1 - Commissioner Stone entered a motion for approval of 21036-R1. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 21 to 0 in favor with one Commissioner out of the room at the time of the vote.

20158-R1 - Commissioner Stone entered a motion for conditional approval of 20158-R1. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 21 to 0 in favor with one Commissioner out of the room at the time of the vote.

21059-R1 - Commissioner Stone entered a motion for approval of 21059-R1. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 21 to 0 in favor with one Commissioner out of the room at the time of the vote.

21892-R1 - Commissioner Stone entered a motion for approval of 21892-R1. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 21 to 0 in favor with one Commissioner out of the room at the time of the vote.

22264-R1 - Commissioner Stone entered a motion for approval of 22264-R1. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 21 to 0 in favor with one Commissioner out of the room at the time of the vote.

22309-R1 - Commissioner Stone entered a motion for conditional approval of 22309-R1. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 21 to 0 in favor with one Commissioner out of the room at the time of the vote.

22333 - Commissioner Stone entered a motion for conditional approval of 22333. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 21 to 0 in favor with one Commissioner out of the room at the time of the vote.

22886 - Commissioner Stone entered a motion for conditional approval of 22886. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 21 to 0 in favor with one Commissioner out of the room at the time of the vote.

23502-R1 - Commissioner Stone entered a motion for conditional approval of 23502-R1. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 21 to 0 in favor with one Commissioner out of the room at the time of the vote.

Product Approval Applications with Comments (cont.):

25570-R1 - Commissioner Stone entered a motion for approval of 25570-R1. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 21 to 0 in favor with one Commissioner out of the room at the time of the vote.

25681 - Commissioner Stone entered a motion for conditional approval of 25681. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 22 to 0.

25974 - Commissioner Stone entered a motion for approval of 25974. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 22 to 0.

25987 - Commissioner Stone entered a motion for conditional approval of 25987. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 22 to 0.

26033 - Commissioner Stone entered a motion for conditional approval of 26033. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 22 to 0.

26035 - Commissioner Stone entered a motion for conditional approval of 26035. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 22 to 0.

26341 - Commissioner Stone entered a motion for approval of 26341. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 22 to 0.

26344 - Commissioner Stone entered a motion for approval of 26344. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 22 to 0.

26356 - Commissioner Stone entered a motion for approval of 26356. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 22 to 0.

Accreditor and Course Approval:

Chairman Carlson 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 courses 906.0, 905.0, 902.0, 903.0, 904.0, 892.0, 901.0, 891.0, 879.0, 889.0, 890.0, 888.0 and 881.0. Commissioner Stone seconded the motion. The motion passed unanimously with a vote of 22 to 0 in favor.

Commissioner Dean entered a motion to approve the administratively approved updated courses 163.1 and 292.1. Commissioner Stone seconded the motion. The motion passed unanimously with a vote of 22 to 0 in favor.

Accreditor and Course Approval (cont.):

Commissioner Dean entered a motion to approve the administratively approved self-affirmed courses 594.2 and 531.1. Commissioner Stone seconded the motion. The motion passed unanimously with a vote of 22 to 0 in favor.

Commissioner Dean entered a motion to conditionally approve the administratively approved self-affirmed courses 686.1 and 701.1. Commissioner Stone seconded the motion. The motion passed unanimously with a vote of 22 to 0 in favor.

Legal Report:

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

Mr. Vogel stated he has continued to pursue contact with DOJ regarding the Commission's application for certification on SAD 2010. He said that his requests have received no response.

Chairman Carlson stated since there has been nothing new to report month after month, I am requesting that we take this off of the legal report as a standing item, and ask that Justin continue attempting to communicate with the DOJ, but to only report to the Commission if there are any new developments.

Chairman Carlson said as reported in December of 2017 the Florida Association of American Institute of Architects, Inc. (FAAIA) filed a rule challenge to the Commission's adoption of Rule 61G20- 2.002 (Statewide Amendments to the Florida Building Code) regarding the code update Process for development of the 7th Edition (2020) Florida Building Code. In February of 2018 the Division of Administrative Hearings' (DOAH) assigned Administrative Law Judge (ALJ) ruled that the challenged provisions of Rule 61G20-2.002 (2) were a valid exercise of delegated authority as to the objections raised, and the Petition (rule challenge) was dismissed. He then asked Mr. Vogel for an update.

Mr. Vogel stated that the Florida AIA has filed an appeal of the DOAH decision upholding the Commissioner's proposed rule, 61G20-2.002. He further stated the rule went effective on March 27th. Mr. Vogel advised that he will keep the Commission apprised of the status of the appeal, and when we are planning on moving forward with the review of the I-Code changes in June, as scheduled in the work plan.

Petition for Declaratory Statements:

Chairman Carlson stated if anyone wished to speak on the 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. Chairman Carlson stated that after legal counsel reviews the petition, he will ask for public comment on the petition.

DS 2018-012 by Robert Czyszczon of the Plaza Beach Motel, Inc.:

Mr. Vogel presented the declaratory statement and advised that the Code Administration TAC considered the petition on March 28, 2018 and recommended the following answers:

Question 1:

To be exempt under the Florida Building Code, a chickee must not "incorporate any non-wood features." Would merely placing non-wood items underneath a chickee – including aluminum or plastic chairs and tables, a tiled countertop-height bar, and food/beverages – mean that Petitioner is incorporating non-wood features into its chickee so as to lose its exemption under Florida Statue 553.73(10)(i) and Florida Building Code 102.2(h)?

Answer:

For the level of work in question, the answer is "No." Adding the items (aluminum or plastic chairs and tables, and a tiled, counter-top height bar) within the footprint of the "chickee" in question will not void its exemption status as per section 102.2(h) of the 6th Edition (2017) Florida Building Code, Building.

Question 2:

Does the Florida Building Commission consider the use of a chickee for purposes of determining whether a chickee may be exempt under Florida Statue 553.73(10)(i) and Florida Building Code 102.2(h)?

Answer

No; neither section 553.73(10)(i), F.S., nor section 102.2(h), Florida Building Code, Building (2017), condition the exemption of chickees from the Florida Building Code based upon their use. Note that this does not preclude the possibility that other legal authority may restrict the possible uses of chickees.

Commissioner Schiffer entered a motion to accept the TAC recommendation. Commissioner Goff seconded the motion. The motion passed unanimously with a vote of 22 to 0.

DS 2018-016 by Angela Petrakis of Diversified Window Solutions:

Mr. Vogel presented the declaratory statement and advised that the Fire TAC considered the petition on March 28, 2018 and recommended the following answers:

Questions:

1. Does this Hazardous location apply to Exterior Doors only adjacent to Exterior Windows?
2. Does this Condition apply to Interior Doors as well adjacent to Exterior Windows?

Answers:

1. No.
2. Yes, per Chapter 24.

Angela Petrakis, Diversified Window Solutions addressed the Commission with her continued concern and the need for further clarification for interior doors that open to glass and she feels it is over kill and costly to the consumers as it is stated now. She stated she is asking for clarification for the hazardous language in the code and why the exception is not on single family homes.

Mr. Madani stated he feels the problem is the way the questions were stated and further clarification is needed with specific language to enable the Commission to respond with clarity. He suggested that the Commission defer a decision on this declaratory statement until the next meeting to allow the petitioner to amend her question with more specific language; this will enable the staff to provide a clear answer.

Chairman Carlson asked Ms. Petrakis if she agreed. The petitioner stated yes she would be willing to be more specific in the questions to allow the staff and Commission to readdress the response.

Commissioner Schiffer entered a motion to defer until the next Commission Meeting. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 22 to 0 in favor.

DS 2018-018 by Arthur Chartrand of National Home Service Contract Association:

Mr. Vogel presented the declaratory statement and advised that the Energy TAC considered the petition on March 30, 2018 and recommended the following answers to the Petitioner's questions:

DS 2018-018 by Arthur Chartrand of National Home Service Contract Association (cont.):

Question A:

Is it required that when part of an HVAC unit is replaced, that the part or resulting whole system must meet the current SEER rating?

Answer:

For the level of work in question, the answer is “No”. As per R501.7, Exception 1 and R503.1 of the 6th Edition (2017) Florida Building Code, Energy Conservation “the Code”, replacement part of an HVAC is permitted without requiring the combined efficiency of the whole system to meet the minimum efficiency listed for that type of equipment in the current Code.

Question B:

In the event an outdoor condenser/compressor unit is replaced and upgraded to a higher, current SEER rating, must the fully functioning and by industry standards, compatible indoor evaporator coil be replaced to match the SEER rating of the outdoor unit (or vice-versa)?

Answer:

For the level of work in question, the answer is “no”. As per R501.7, Exception 1 and R503.1 of the 6th Edition (2017) Florida Building Code, Energy Conservation “the Code”, replacement of the outdoor condenser/compressor in question is permitted without requiring the combined efficiency of the whole system (outdoor unit plus indoor unit) to meet the minimum efficiency listed for that type of equipment in the current Code. However, the two units (outdoor unit plus indoor unit) must be matched as per R501.7, Exception 2, of the Code and the combined capacity and SEER rating must be no less than originally listed.

Commissioner Schiffer entered a motion to accept the TAC recommendation as stated. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 21 to 0 with one Commissioner out of the room at the time of the vote.

Binding Interpretation #153 - Petitioned by Hendrick Roofing, Inc.:

Chairman Carlson advised that Binding Interpretation #153 was petitioned by Hendrick Roofing, Inc. regarding the City of Seminole in Pinellas County Building Official’s interpretation pursuant to Chapter 1 – Scope and Administration, Section 104.9. He said the issue involves a petition for a binding interpretation on the Building Official’s interpretation and denial of the use of a material submitted for local product approval. Chairman Carlson asked Mr. Madani to provide the Commission with a brief description of the interpretation.

Mr. Madani advised the Commission of binding interpretation #153 and answer that was provided. He stated the Binding Interpretation Panel ruled that the Building Official has the authority to deny local product approval due to the lack an installation instruction specification submittal from the design professional.

Binding Interpretation #153 - Petitioned by Hendrick Roofing, Inc. (cont.):

The Building Official has the authority to revoke a permit, as provided by FBC 105.6, that has been determined to be issued or has passed final inspection that is not in compliance with the Florida Building Code. The permit in question was obtained and approved within one year of filing of this interpretation request.

The Building Official can accept an inspection affidavit, as provided by FBC 105.14, from the design professional, if the Building Official deems the affidavit addresses the scope of the installation and code compliance issues in question with sufficient specificity. In this particular situation, the design professional is allowed under the Florida Building Code to conduct a field inspection of the roof system.

Scope of Work for the 7th Edition (2020) Florida Building Code Update to the Florida Building Code and TAC Review Process for 2018 I-Code Changes:

Chairman Carlson advised as noted at the February meeting a key change for the 2020 Code Update Process is that it will mark the first time the Commission will be using the Florida Building Code as the base code and not the I-Codes. He said specifically, the 6th Edition (2017) FBC will serve as the base code for the 2020 Code Update Process. Chairman Carlson stated at the February meeting staff provided the Commission with an overview of how the proposed I-Codes review phase of the process would look, including reviewing the NEC for potential changes to the electrical provisions of the Florida Building Code.

Chairman Carlson stated that the staff would now present the proposed Scope of Work for the development of the 7th Edition (2020) Update to the Florida Building Code for the Commission's review and approval.

Scope of work for development of 2020 Code update:

Mr. Madani presented the scope of work and work plan for the 2020 Code update process for the Commission that included the schedule and developmental task and meeting matrix.

Commissioner Bahadori entered a motion to approve the scope of work the development of the 7th Edition (2020) Update to the Florida Building Code. Commissioner Smith seconded the motion. The motion passed unanimously with a vote of 22 to 0.

TAC I-Code changes review process:

Mr. Blair explained the TAC I Code review process

Discussion followed with Commissioner Stone expressing his opposition to the process.

Commissioner Batts entered a motion to approve the TAC I-Code Changes review process. Commissioner Boyer seconded the motion. The motion passed with a vote of 19 in favor and 1 against with 2 Commissioners out of the room at the time of the vote.

Review and Approve Summary of Issues for Inclusion in the FBC FY 2016-2017 Annual Report:

Chairman Carlson noted 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 stated that the Commission would adopt the Annual Report at the June 2018 meeting and charge him with reviewing and approving the final Report prior to submittal to the Legislature and Governor.

Mr. Blair reviewed the summary of issues for inclusion in the Commission's Fiscal Year 2017 - 2018 Annual Report with the Commission and answered questions.

Commissioner Goff entered a motion to adopt the Summary of Issues for inclusion in the Commission's Fiscal Year 2017 - 2018 Annual Report. The Commission will adopt the Annual Report at the June 12, 2018 meeting and charge Chairman Carlson with reviewing and approving the final Report prior to submittal to the 2019 Legislature and Governor. Commissioner Hamberger seconded the motion. The motion passed unanimously with a vote of 20 to 0 with 2 Commissioners out of the room at the time of the vote.

Consideration and Approval of Energy Code Compliance Software for the 6th Edition (2017) Florida Building Code, Energy Conservation:

Chairman Carlson stated periodically the Commission is requested to consider approval of Energy Code Compliance Software for specific editions of the Florida Building Code, Energy Conservation. He said at the October 17, 2017 meeting the Commission voted to approve Energy Code Compliance Software for the 6th Edition (2017) Florida Building Code, Energy Conservation, specifically EnergyGauge USA 6.0 for demonstrating compliance with residential building energy requirements, and to conditionally approve Right-Suite Universal 2017 (using Right-Energy Florida 2017) for demonstrating compliance with residential building energy requirements for new construction, single-family houses. Chairman Carlson advised at the

Consideration and Approval of Energy Code Compliance Software for the 6th Edition (2017) Florida Building Code, Energy Conservation (cont.):

January 26, 2018 Teleconference meeting the Commission voted to approve Energy Code Compliance Software for the 6th Edition (2017) Florida Building Code, Energy Conservation, specifically REScheck version 4.6.5.0 Florida for demonstrating compliance with residential building energy requirements, conditioned on the vendor correcting the program consistent with DBPR staff's written comments. Chairman Carlson requested that Commissioner Smith, Energy TAC Chairman, provide the TAC's recommendation.

Commissioner Smith reported that the Energy TAC met on March 16, 2018 and reviewed the EnergyGauge USA Version 6.0.02 software for demonstrating compliance with residential building energy requirements and is recommending conditional approval pursuant to addressing DBPR staff's written comments, public comments provided during the meeting as appropriate, and staff working with the vendor (FSEC) on reviewing and addressing as needed, the written public comments linked to the Commission's Agenda. He stated in addition, the approval is limited to the prescriptive compliance method, and the Energy Rating Index alternative compliance method.

Rob Vieira, FSEC was present and spoke briefly on what has been accomplished since the TAC's conditional approval and was available for questions.

Commissioner Smith entered a motion to conditionally approve Energy Code Compliance Software for the 6th Edition (2017) Florida Building Code, Energy Conservation, specifically EnergyGauge USA Version 6.0.02 software for demonstrating compliance with residential building energy requirements, conditioned on the vendor (FSEC) correcting the program consistent with DBPR staff's written comments, public comments provided during the meeting as appropriate, and staff working with the vendor on reviewing and addressing as needed, the written public comments linked to the Commission's Agenda. In addition, the approval is limited to the Prescriptive compliance method, and the Energy Rating Index alternative compliance method. Commissioner Calleja seconded the motion. The motion passed unanimously with a vote of 21 to 0 with 1 Commissioner out of the room at the time of the vote.

Committee Reports:

Code Administration Technical Advisory Committee:

Commissioner Gerwig provided a brief summary of the Code Administration TAC March 28, 2018 teleconference meeting.

Commissioner Gerwig entered a motion to accept the report from the March 28, 2018 teleconference meeting. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 21 to 0 with 1 Commissioner out of the room at the time of the vote.

Education Program Oversight Committee;

Commissioner Dean provided a brief summary of the Education POC March 28, 2018 teleconference meeting.

Commissioner Dean entered a motion to accept the report from the March 28, 2018 teleconference meeting. Commissioner Smith seconded the motion. The motion passed unanimously with a vote of 21 to 0 with 1 Commissioner out of the room at the time of the vote.

Electrical Technical Advisory Committee:

Commissioner Gerwig provided a brief summary of the Electrical TAC March 28, 2018 teleconference meeting.

Commissioner Gerwig entered a motion to accept the report from the March 28, 2018 teleconference meeting. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 22 to 0 in favor.

Energy Technical Advisory Committee

Commissioner Smith provided a brief summary of the Energy TAC teleconference meetings held March 16, 2018 and March 30, 2018.

Commissioner Smith entered a motion to accept the reports from the March 16, 2018 and March 30, 2018 teleconference meetings. Commissioner Calleja seconded the motion. The motion passed unanimously with a vote of 22 to 0 in favor.

Fire Technical Advisory Committee:

Commissioner Bahadori provided a brief summary of the Fire TAC March 28, 2018 teleconference meeting.

Commissioner Bahadori entered a motion to accept the report from the March 28, 2018 teleconference meeting. Commissioner Batts seconded the motion. The motion passed unanimously with a vote of 22 to 0 in favor.

Product Approval Program Oversight Committee

Commissioner Stone provided a brief summary of the Product Approval POC meeting held March 29, 2018 via teleconference.

Commissioner Stone entered a motion to approve the report of the Product Approval POC meeting held March 29, 2018 via teleconference. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 22 to 0 in favor.

Residential Construction Cost Impact Workgroup:

Jeff Blair provided a brief summary of the Residential Construction Cost Impact Workgroup's March 6, 2018 teleconference meeting.

Commissioner Goff entered a motion to accept the report from the March 6, 2018 teleconference meeting. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 22 to 0 in favor.

Public Comments:

Doug Buck, FHBA stated he had no complaints, however would like the visual screens moved closer to the audience as they were hard to see and to get tables for the audience to use for their laptops.

Mr. Campbell advised that the tables could be furnished.

Rick Logan, FAIA, stated he attended the meeting on behalf of the FAIA and he should be considered a conduit for access to the AIA. He asserted that the FAIA's policy is that there should only be one national building code, specifically the IBC, and there should be no local amendments allowed to the IBC.

Commissioner Comments:

Commissioner Swope advised there was an error on the time for the Roofing TAC during I-Code review as it is showing 10 am to 12 noon.

Mr. Madani advised it would be corrected to match all the other times listed for the TAC's beginning at 8 am.

Commissioner Bassett stated he was glad that the Commission has finally adopted the South Florida Building Code as the base code for the Florida Building Code. Steve noted that with the I-Codes process only building officials get to vote, and with the FBC process all 27 stakeholder interests represented on the Commission get to vote.

Adjournment:

Chairman Carlson thanked Commission members, staff and the public for their attendance and participation, and adjourned the meeting at 10:55 a.m.