

**FLORIDA BUILDING COMMISSION
Plenary Session
Daytona Beach Oceanfront Resort
100 North Atlantic Avenue,
Daytona Beach, Florida 32118
June 11, 2013**

COMMISSIONERS PRESENT:

Dick Browdy, Chairman	Jon Hamrick
Bob Boyer	Beth Meyer
Oscar L. Calleja	Rafael Palacios
Nanette (Nan) Dean	John Scherer
Kevin M. Flanagan	Bradley W. Schiffer
Charles L. Frank	James Schock
Dale Greiner	Jeff Stone
Jeff Gross	Brian Swope

COMMISSIONERS NOT PRESENT:

Hamid Bahadori	Herminio Gonzalez
Ken Gregory	Drew Smith
Tim Tolbert	

OTHERS PRESENT:

Jim Richmond	April Hammonds
Mo Madani	Chris Burgwald
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:

Welcome Commissioners, staff, and members of the public to Daytona Beach and the June 11, 2013 plenary session of the Florida Building Commission. 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, the primary focus of the June meeting is to approve the 2013 Glitch Review Processes (TAC and FBC) and to review and approve the Commission's 2012-2103 Annual Report.

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. As always, we will provide an opportunity for public comment on each of the Commission's substantive discussion topics. If you 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. Public input is welcome, but should be offered before there is a formal motion on the floor. **Please remember to keep all electronic devices turned off or in a silent mode.** Thank you for your cooperation.

There are also buff colored "*Public Comment Forms*" on the speakers' table that can be used to provide written comments. All written comments will be included in the Facilitator's Summary Report. Please give your completed "*Public Comment Forms*" to Jeff Blair.

Some of the licensing boards located within the Department of Business and Professional Regulation (*Board of Architecture and Interior Designers; Building Code Administrator and Inspector Board; Construction Industry Licensing Board; Electrical Contractors Licensing Board, and Board of Professional Engineers*), have adopted rules regarding continuing education credits for attending Florida Building Commission meetings and/or Technical Advisory Committee meetings. If your board participates you may sign-in on the kiosk laptop provided in the meeting room.

Chairman Browdy conducted a roll call of the Commission members, stating that there are 21 members currently with 5 vacancies stating the areas that are vacant.

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

Jeff Blair welcomed everyone to the June Plenary Session and introduced the agenda as follows:

- To Consider Regular Procedural Issues: Agenda Approval and Approval of the April 9, 2013, Facilitator's Summary Report and Meeting Minutes, and April 22, 2013, April 29, 2013, May 13, 2013 Teleconference Minutes, and May 14, 2013 Teleconference Minutes and Facilitator's Summary Report.
- To Consider/Decide on Chairman's Discussion Issues/Recommendations.
- To Consider Provide Direction for Commission Funded Research.
- To Consider/Approve TAC and FBC Glitch Amendment Review Processes.
- To Consider/Decide on Accessibility Waiver Applications.
- To Consider/Decide on Approvals and Revocations of Products and Product Approval Entities.
- To Consider Applications for Accreditor and Course Approval.
- To Consider/Decide on Legal Issues: Petitions for Declaratory Statements.
- To Consider/Decide on Technical Advisory Committees (TACs): Accessibility, Code Administration, Energy, Mechanical, and Roofing TAC Report/Recommendations.
- To Consider/Decide on Program Oversight Committees (POCs): Education and Product Approval POC Reports/Recommendations.
- To Consider/Decide on Ad Hoc/Workgroups: Building Code System Uniform Implementation Evaluation.
- To Consider and Approve Commission's 2012–2013 Annual Report.
- To Receive Public Comment.
- To Discuss Commissioner Comments and Issues.
- To Review Committee Assignments and Issues for the Next Meeting—August 22-23, 2013 in Boca Raton, Florida.

Chairman Browdy requested a motion to approve the June 11, 2013 agenda as presented and posted. There was a motion to approve and a second, the motion carried unanimously with the Chairman.

Approval of Facilitator's Summary Report and Minutes:

Approval of the April 9, 2013 Facilitator's Summary Report and Meeting Minutes, April 22, 2013, April 29, 2013, May 13 2013 Teleconference Minutes and May 14, 2013 Teleconference Minutes and Facilitator's Summary Report.

Chairman Browdy requested a motion to approve the Minutes and Facilitator's Summary Reports. There was a motion to approve and a second, the motion carried unanimously with the Chairman.

Chairman's Discussion Issues and Recommendations:

Chairman Browdy thanked the newly appointed Commissioners for agreeing to serve. He advised that at this time there are no further new appointments with five current vacancies. Chairman Browdy congratulated Nan Dean on her Senate approval with an extended term ending in 2107.

Chairman Browdy advised he appointed James A. Ginas to the Special Occupancy TAC, moving him from the Code Administration TAC, so that he can represent manufactured building interests. Chairman Browdy thanked Mr. Ginas for his continuing service to the Commission and the processes.

Chairman Browdy stated there were a number of Commissioners with expired terms and he was appreciative of them continuing to serve pending re-appointment or replacement. Chairman Browdy told the Commissioners with expired terms to submit a new application by completing the Gubernatorial Appointments Questionnaire on the Governor's Appointments Office webpage if they wished to be reappointed. He said this action should take place immediately and provided the link on the web for completing the questionnaire. www.flgov.com/appointments

Commission Alumnus Appreciation:

Chairman Browdy stated on behalf of the Commission it was his honor to offer for consideration a Resolution of Appreciation to the following Commissioners for their outstanding service to the State of Florida:

Ed Carson: Ed represented Manufactured Buildings and served from June 2000 until June 2012. Ed served on the Electrical TAC and chaired the Product Approval POC. On behalf of the Commission thank you Ed for your 12 years of service to the citizens of Florida.

Chris Schulte: Chris represented roofing, sheet metal and AC contractors served from May 2003 until June 2012. Chris chaired the Roofing TAC and served on the Product Approval POC. On behalf of the Commission thank you Chris for your 9 years of service to the citizens of Florida.

Kiko Franco: Kiko represented architects and served from August 2007 until November 2012. Kiko chaired the Education POC and served on the Code Administration TAC. On behalf of the Commission thank you Kiko for your 5 years of service to the citizens of Florida.

Scott Mollan: Scott represented mechanical contractors and served from July 2008 until November 2012. Scott served on the Mechanical TAC and the Education POC. On behalf of the Commission thank you Scott for your 4-1/2 years of service to the citizens of Florida.

Commission Alumnus Appreciation (cont.):

Mark Turner: Mark represented electrical contractors and served from July 2008 until November 2012. Mark chaired the Electrical TAC. On behalf of the Commission thank you Mark for your 4-1/2 years of service to the citizens of Florida.

Nick Nicholson: Nick represented structural engineers and served from June 2009 until December 2012. Nick served on the Structural TAC and the Product Approval POC. On behalf of the Commission thank you Nick for your 3-1/2 years of service to the citizens of Florida.

Chairman Browdy entertained a motion to adopt the Resolutions of Appreciation for Commissioners Carson, Schulte, Franco, Mollan, Turner and Nicholson. Motion entered and seconded, motion passed unanimously with Chairman.

Review of Code Related Legislation:

Chairman Browdy requested that Jim Richmond provide update for the Commission.

Jim Richmond advised Bill 269 which was the primary bill is pending action from the Governor. Jim said the bill was delivered to the Governor on June 3rd and action should be taken within 15 days or it will automatically pass.

Jim also stated Bill 973 was presented to the Governor on June 10 and will also show 15 days for action to be taken before it will automatically pass.

Commission Funded Research:

Chairman Browdy provided background and overview of the research conducted at the University of Florida Research Facility. In addition, Chairman Browdy stated that Commissioner Schock recently visited the facility and took pictures to share with the Commission.

Chairman Browdy advised that he would like for the Commission to discuss whether or not the Commission should continue to fund research as in the past or expand into other Code areas after Commissioner Schock presented slideshow.

At this time Chairman Browdy turned the floor over to Commissioner Schock.

Commissioner Schock presented the slideshow, providing detail on the specific areas of interest.

Chairman Browdy thanked Commissioner Schock for the detail and presentation, he then asked the Commission for discussion. He stated that the primary focus for this meeting is whether or not the research funded by the Commission should be on a broader scope than hurricane and associated wind related topics. Chairman Browdy expressed that he felt the Commission should be more engaged in the process. He advised that he will be asking each TAC and POC at the appropriate time to discuss the matter and make recommendations to the Commission regarding this matter.

Commission Funded Research (cont.):

Chairman Browdy asked if there were any comments or discussion from the Commission.

Commissioner Greiner stated that currently all funds are narrowly focused and that there should be a Committee formed to meet and compile a report to be presented to the Commission.

Commissioner Schock stated that he agreed that there should be an expansion as there appears to be a disconnect with results to ICC Code Liaison to review and make code modification recommendations.

Commissioner Schiffer added that he feels there should be scheduled reporting times.

Chairman Browdy advised that he would like each TAC and POC to complete a survey discuss issues that need future research and the Chairman of each TAC and POC should then meet to discuss and make recommendations to the Commission as he feels the Commission should weigh in on decision for future research.

Chairman Browdy asked if there were any objections. There being none, he asked that the TAC and POC Chairmen speak and compile issues and recommendations and adding to their agendas as soon as possible.

Chairman Browdy requested a motion for this request, there was a motion and second, with the request passing unanimously including the Chairman to evaluate expanding research projects considered for Commission funding based on recommendations from the Commission's TACs and POCs.

TAC Glitch Review Process and Meeting Schedule:

Chairman Browdy requested that Jeff Blair provide an overview of the TAC Glitch amendment process.

Jeff Blair provided detail overview of the TAC Glitch amendment process.

[Technical Advisory Committee Review Processes](#)

Chairman Browdy asked if there was any discussion from the Commission. There being none, he asked for any public comment.

Jack Glenn speaking for the Structural TAC advised that he did not feel a Teleconference Call was appropriate for this TAC as they host 108 Glitch Modifications and since there was time on June 10, 2013, this TAC should have met in Daytona. He requested to know why it was set up on a call.

Mo Madani responded advising 70% of the modifications were editorial code reference sections, 30% were straight forward changes and this could be handled on a conference call.

Chairman Browdy entertained a motion to approve the TAC Glitch overview. A motion was entered and seconded; the motion passed unanimously including the Chairman.

Commission Glitch Review Process:

Chairman Browdy requested that Jeff Blair provide an overview of the Commission Glitch amendment process.

Commission Review

Jeff Blair provided detail overview of the Commission Glitch amendment process.

Chairman Browdy asked if there was any discussion from the Commission. There being none, he asked for any public comment, there being none, the Chairman entertained a motion to approve the Commission Glitch Review Process.

Commissioner Flanagan entered the motion to approve, Commissioner Dean seconded and the motion passed unanimously including the Chairman.

2013 Code Update Workplan Schedule

Chairman Browdy requested a report from staff on the 2013 Code Workplan Schedule.

Mo Madani provided a report for the Commission outlining the dates of completed work as well as the continued schedule of upcoming deadlines for the new code. Listed below is a link for the entire report detail:

[Update to the 2013 Code Development Plan](#)

Chairman Browdy asked for a motion to approve the workplan.

Commissioner Schiffer entered the motion to approve, Commissioner Dean seconded the motion, the motion passed unanimously including the Chairman.

FIRE ALARM INTERRUPTION

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. A complete summary of accessibility waiver applications and Commission actions is included as an attachment to this Report.

[Fifth Street Marina, 341 N. W. South River Drive, Miami](#) deferred by TAC

Commission Action: Motion to defer, seconded vote was unanimous with Chairman.

[Holiday Surf and Racquet Club Condominium, 510 Gulfshore Drive, Destin](#) deny by TAC.

Commission Action: Motion to deny, seconded, vote was unanimous with Chairman.

[John King, 919 4th Street, Miami Beach](#) TAC granted waiver.

Commission Action: Motion to grant waiver, seconded, vote was unanimous with Chairman.

FBC Plenary Session

June 11, 2013

Page 8

Accessibility Waiver Applications (cont):

7-Eleven #1032305, 860 Ocean Drive, Miami Beach TAC granted waiver for technical infeasibility and historic nature.

Commission Action: Motion to grant waiver based on technical infeasibility and historic nature, seconded, vote was unanimous with Chairman.

Corry Village Building, 286 Village Circle, Gainesville TAC granted for unreasonable and economic hardship.

Commission Action: Motion to grant waiver seconded, unreasonable and economic hardship, vote was unanimous with Chairman.

Nancy Dance Studio, Inc., 1521 Penman Road, Jacksonville Beach TAC granted for unreasonable and economic hardship.

Commission Action: Motion to grant waiver seconded, unreasonable and economic hardship, vote was fifteen to one.

Off the Wall Trampoline Fun Center, 4959 Coconut Creek Parkway, Coconut Creek deferred by TAC.

Commission Action: Motion to defer, seconded vote was unanimous with Chairman.

Product and Entity Approval:

Commissioner Stone presented the Committee's recommendations for entities and product approvals on the consent agenda for approval, and Jeff Blair presented the recommendations for product approvals with comments and/or discussion.

Applications for Product and Entity Approval

Accreditor and Course Approval:

Commissioner Dean presented the POC recommendations for Accreditor and Course Approvals listed on the attached link. [Applications for Course and Accreditor Approval](#)

593.0 The Commission voted unanimously, 16 – 0 in favor, to approve advanced course

594.0 The Commission voted unanimously, 16 – 0 in favor, to approve advanced course

584.0 The Commission voted unanimously, 16 – 0 in favor, to approve advanced course

567.0 The Commission voted unanimously, 16 – 0 in favor, to approve advanced course

564.0 The Commission voted unanimously, 16 – 0 in favor, to approve advanced course

575.0 The Commission voted unanimously, 16 – 0 in favor, to approve advanced course

588.0 The Commission voted unanimously, 16 – 0 in favor, to approve advanced course

583.0 The Commission voted unanimously, 16 – 0 in favor, to approve advanced course

572.0 The Commission voted unanimously, 16 – 0 in favor, to approve advanced course

570.0 The Commission voted unanimously, 16 – 0 in favor, to approve advanced course

421.3 The Commission voted unanimously, 16 – 0 in favor, to approve the
administratively approved updated advanced courses on a consent agenda:

317.1 The Commission voted unanimously, 16 – 0 in favor, to defer action on self-affirmed advanced course.

Petitions for Declaratory Statements:

Chairman Browdy stated that April Hammonds will serve as the Commission's Counsel. Chairman Browdy advised that once legal counsel has reviewed the petition, he will as for public comment prior to consideration of the statement. Chairman Browdy asked that anyone from the public that wished to speak will need to be signed in on sign up sheet.

DS2013-028 by Encoders, Inc.

There was no public comment. The Commission voted 16 – 0 in favor, to approve.

DS2013-029 by Innovative Insulation, Inc.

There was no public comment. The Commission voted 16 – 0 in favor, to approve.

Petitions for Declaratory Statements (cont):

[DS2013-031 by Broward County Board of Rules and Appeals](#)

Public comments were heard and discussed. The Commission voted 11 – 5 in favor, to defer action on the petition and refer the petition for review by a joint meeting of the Fire and the Code Administration TACs. April Hammonds, Legal Counsel inquired as to if Petitioner would be willing to waive the 90 day statutory requirement to allow this process to take place. Petitioner was present and advised he would agree to waiver.

[DS 2013-032 by Allen Gezelman](#) **WITHDRAWN BY PETITIONER**

[DS2013-036 by Jack Glenn of the FHBA](#)

There was no public comment. The Commission voted 16 – 0 in favor, to approve the answer to question one. Petitioner withdrew the two follow-up questions.

Committee Reports and Recommendations:

Chairman Browdy requested TAC and POC Chairmen confine their reports to a brief summary of any key recommendations, emphasizing any issues requiring an action from the Commission. The Chairman 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/POCs are recommending, and the subsequent action requested of the Commission. The Chairman explained that the complete reports/minutes will be linked to the committees' subsequent agendas for approval by the respective committees.

[Accessibility Technical Advisory Committee](#)

Commissioner Gross presented the TAC's report and any recommendations.

The Commission voted unanimously, 16 – 0 in favor, to accept the TAC's report

Committee Reports and Recommendations (cont.):

[Building Code System Uniform Implementation Evaluation Workgroup](#)

Jeff Blair, Facilitator, presented the Workgroup's report and any recommendations

The Commission voted unanimously, 16 – 0 in favor, to accept the Workgroup's final report

[Code Administration Technical Advisory Committee](#)

Commissioner Boyer presented the TAC's report and any recommendations.

The Commission voted unanimously, 16 – 0 in favor, to accept the TAC's report.

[Education Program Oversight Committee](#)

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

The Commission voted unanimously, 16 – 0 in favor, to accept the POC's report.

[Energy Technical Advisory Committee](#)

Commissioner Greiner presented the TAC's report and any recommendations.

The Commission voted unanimously, 16 – 0 in favor, to accept the TAC's report

[Mechanical Technical Advisory Committee](#)

Commissioner Palacios presented the TAC's report and any recommendations.

The Commission voted unanimously, 16 – 0 in favor, to accept the TAC's report.

Committee Reports and Recommendations (cont.):

Product Approval Program Oversight Committee

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

The Commission voted unanimously, 16 – 0 in favor, to accept the POC's report.

Roofing Technical Advisory Committee

Commissioner Swope presented the TAC's report and any recommendations.

The Commission voted unanimously, 16 – 0 in favor, to accept the TAC's report.

Commission's 2102-2013 Annual Report:

Chairman Browdy reminded Commissioners that from this year going forward the Commission's Annual Report will be submitted at the end of June to correspond with the fiscal year and to provide sufficient time for legislative issues to be vetted through the Department's review process. The Chair explained that at the April meeting the Commission approved the Summary of Issues and Recommendations for inclusion in the Commission 2012-2013 Annual Report. At the June meeting the Commission will consider approving the Draft Commission 2012-2013 Annual Report, and the plan as always, with the Commission's support and approval, is for the Chairman to review and approve the final draft of the Annual Report, ensure completeness and accuracy, and approve the Report for submittal to the Legislature and Governor.

Jeff Blair reviewed the Report with Commissioners, and following questions and answers, and an opportunity for public comment and Commission discussion.

The Commission voted unanimously, 16 – 0 in favor, to adopt the Commission's 2012 – 2013 Annual Report as posted/presented, including incorporating any Commission actions taken during the June meeting, and to charge the Chair with reviewing and approving the Final Report prior to submittal to the Legislature and Governor.

2012-2013 Annual Report

General Public Comment:

Chairman Browdy addressed the public and provided opportunity for comments.

There were no public comments.

Commission Member Comments 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.

Commissioner Gross reported that AIA, FES, and BOAF submitted a white paper on paperless permitting submittals. Jeff reported that although there is support for this initiative in concept, there is inconsistency in implementation across the various jurisdictions, with some jurisdictions working on implementation and others not. Jeff requested that this issue be discussed by the Commission at a future meeting.

Chairman Browdy requested that staff to add to the agenda schedule after the completion of the Glitch process.

Commissioner Stone expressed the perspective that Florida is not well represented at the I-Codes process and the Commission should encourage building departments to allow staff to participate in the process.

Commissioner Boyer stated the ICC is implementing a CDP Access system allowing members' to participate and vote on-line for code modifications. Bob requested that the Chair send another letter on behalf of the Commission encouraging building departments to allow their staff to participate in code development initiatives.

Next Commission Meeting Overview and Issues:

The August 22 - 23, 2013 Commission meeting in Boca Raton, Florida will initiate the new Thursday-Friday meeting format, and will focus on routine Commission procedural matters including Chair's issues and recommendations, updates of the Workplan, product and entity approvals, applications for accreditor and course approvals, petitions for declaratory statements, accessibility waivers, and recommendations from the Commission's various committees. In addition, the Commission will consider and decide on TACs' recommendations regarding proposed Glitch amendments to the 2013 Code Update.

Adjournment:

The Chairman thanked Commission members and the public for their attendance and participation, and adjourned the meeting at 11:11 AM on Tuesday, June 11, 2013 following a unanimous vote of 16 – 0 in favor of adjournment.