



FLORIDA BUILDING COMMISSION

"STRONGER CODES THROUGH SCIENCE AND CONSENSUS"

Florida Department of
Business
Professional
Regulation

FACILITATOR'S SUMMARY REPORT OF THE JUNE 8, 2016 FLORIDA BUILDING COMMISSION MEETING GAINESVILLE, FLORIDA

PROCESS DESIGN, CONSENSUS-BUILDING AND FACILITATION BY



CONSENSUS CENTER

REPORT BY JEFF A. BLAIR
FCRC CONSENSUS CENTER
FLORIDA STATE UNIVERSITY



jblair@fsu.edu
[http:// consensus.fsu.edu](http://consensus.fsu.edu)

*This document is available in alternate formats upon request to DBPR, Codes & Standards,
2601 Blair Stone Road, Tallahassee, FL 32399, (850) 487-1824.*

FLORIDA BUILDING COMMISSION

JUNE 8, 2016 FACILITATOR’S MEETING SUMMARY REPORT

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FLORIDA BUILDING COMMISSION
JUNE 8, 2016 FACILITATOR'S SUMMARY REPORT



FLORIDA BUILDING COMMISSION

"STRONGER CODES THROUGH SCIENCE AND CONSENSUS"

OVERVIEW OF COMMISSION'S KEY ACTIONS AND DECISIONS

WEDNESDAY, JUNE 8, 2016

WELCOME AND INTRODUCTIONS

Chairman Browdy welcomed the Commission, DBPR staff and the public to Gainesville and the June 8, 2016 plenary session of the Florida Building Commission. The Chair noted that the primary focus for the June meeting, in addition to considering regular procedural issues including product and entity approvals, applications for accreditor and course approvals, petitions for declaratory statements, accessibility waivers, and recommendations from the Commission's various committees, was for the purpose of: conducting rule development workshops for the Product Approval Rule and the Building Code Rule; to approved the updated Workplan for the 2017 Code Update Process; and, to approve the Draft Commission Fiscal Year 2015 - 2016 Annual Report..

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

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

I. PLENARY SESSION SUMMARY AND OVERVIEW

At the June 8, 2016 meeting conducted in Gainesville the Commission considered and decided on Chair's issues and recommendations, product and entity approvals, applications for accreditor and course approvals, petitions for declaratory statements, accessibility waivers, recommendations from the Commission's various committees. Specific actions included voting unanimously: to adopt the approved rule text for revisions to Rule 61G20-1.001, Florida Building Code, to authorize the Department of Business & Professional Regulation to publish a Notice of Proposed Rule for Rule 61G20-1.001, to proceed with the adoption of Rule 61G20-1.001 and, to delegate authority to Jim Richmond to sign rulemaking documents on behalf of the Chairman of the Florida Building Commission; to adopt the approved rule text for revisions to Rule 61G20-3.008, Product Approval (Entities), to authorize the Department of Business & Professional Regulation to publish a Notice of Proposed Rule for Rule 61G20-3.008, to proceed with the adoption of Rule 61G20-3.008, conducting a rule adoption hearing only if requested and, to delegate authority to Jim Richmond to sign rulemaking documents on behalf of the Chairman of the Florida Building Commission; to approve the Energy Code Compliance Software update for the 5th Edition (2014) Florida Building Code, Energy Conservation, specifically EnergyGauge USA 5.1 for demonstrating compliance with residential building energy requirements; to approve the amended Workplan for the 2017 Code Update Process—6th Edition Florida Building Code (2017); to convene the Calder Sloan Swimming Pool Electrical Safety Task Force after July 1, 2017, and to charge the Task Force with reviewing the issues identified from the public comment provided during the May 24, 2016 concurrent Swimming Pool TAC and Electrical TAC teleconference meeting; to convene an Energy Rating Index Workgroup, and to charge the Workgroup with developing consensus recommendations to the Commission pursuant to Section 34 of HB 535 regarding onsite renewable power generation; and, to adopt the FY 2015-2016 Commission Annual Report.

(Attachment 1—Meeting Evaluation Results)

II. COMMISSION ATTENDANCE

The following Commissioners attended the Wednesday, June 8, 2016 meeting:

Dick Browdy (Chair), Hamid Bahadori, Bob Boyer, Donald Brown, Kelly Smith Burk, Oscar Calleja, Jay Carlson, David Compton, Nan Dean, Kevin Flanagan, Charles Frank, Shane Gerwig, David Gilson, Richard Goff, Jeff Gross, Robert Hamberger, Brad Schiffer, Frederick Schilling, Jeff Stone, and Brian Swope.

(20 of 26 seated Commissioners attended).

Absent Commissioners:

Steve Bassett, James Batts, Brian Langille, Darrell Phillips, Jim Schock, and Drew Smith.

DBPR STAFF PRESENT

Jim Hammers, April Hammonds, Chris Howell, Mo Madani, Marlita Peters, and Jim Richmond.

MEETING FACILITATION

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



CONSENSUS CENTER

PROJECT WEBPAGE

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

III. AGENDA REVIEW AND APPROVAL

The Commission voted unanimously, 20 - 0 in favor, to approve the agenda for the June 8, 2016 meeting as posted/presented. Following are the key agenda items approved for consideration:

- To Consider Regular Procedural Issues: Agenda Approval and Approval of the April 12, 2016 Facilitator's Summary Report and Meeting Minutes, and the May 16, 2016 Teleconference Meeting Minutes.
- To Consider/Decide on Chair's Discussion Issues/Recommendations.
- To Consider/Decide on Accessibility Waiver Applications.
- To Consider/Decide on Applications for Products & Product Approval Entities Approval.
- To Consider/Decide on Applications for Accreditor and Course Approval.
- To Consider/Decide on Legal Issues: Petitions for Declaratory Statements.
- To Hold a Rules Workshop on Rules.
- To Review and approve changes for Energy Gauge USA for compliance with FBC, Energy Conservation, 5th Edition (2014).
- To Review and approve amended work plan for adoption of Florida Building Code 6th Edition (2017).
- To Consider/Decide on Technical Advisory Committees (TACs): Code Administration, Electrical, Energy, Fire, Mechanical, Plumbing, Special Occupancy, Structural, and Swimming Pool. TACs.
- To Consider/Decide on Program Oversight Committees (POCs): Education and Product Approval POC Reports/Recommendations.
- To Review and Approve Draft FY 2015-2016 Commission Annual Report.
- To Receive Public Comment.
- To Discuss Commissioner Comments and Issues.
- To Review Committee Assignments and Issues for the Next Meeting—August 15-17, 2016 in Ft. Lauderdale, Florida.

Amendments to the Posted Agenda:

None.

(Attachment 4—June 8, 2016 Commission Agenda)

IV. APRIL 12, 2016 FACILITATOR'S SUMMARY REPORT AND MEETING MINUTES, AND MAY 16, 2016 TELECONFERENCE MEETING MINUTES

MOTION—The Commission voted unanimously, 20 - 0 in favor, to approve the April 12, 2016 Facilitator's Summary Report and Meeting Minutes, and the May 16, 2016 teleconference meeting minutes as presented/posted.

Amendments: There were no amendments offered.

V. CHAIR'S DISCUSSION ISSUES AND RECOMMENDATIONS

Appointments/Reappointments

Chairman Browdy reported that Kelley Smith Burk was appointed to the Commission on May 5, 2016 to represent Florida Department of Agriculture and Consumer Services' Energy Office. Kelley Smith Burk, of Tallahassee, is the Office of Energy director for the Florida Department of Agriculture and Consumer Services. Kelley fills a vacant seat and is appointed for a term beginning May 5, 2016, and ending October 31, 2018. The Chair welcomed Kelley to the Commission and noted that she is the first person to serve in the new Commission position that became effective July 1, 2014.

Commission Resignation

The Chair noted that Beth Meyer resigned from the Commission for family reasons. The Chair expressed that the Commission will miss Beth and appreciates her outstanding service to the citizens of Florida in her role as the Persons With Disabilities Representative to the Commission.

TAC Appointments

The Chair announced the following TAC appointments:

Energy TAC. The Chair appointed Kelley Smith Burk to the Energy TAC to replace Ron Bailey who is rolling off of the Commission, noting that her appointment will become effective on July 1, 2016. The Chair thanked Ron for serving on the TAC, and appreciated Kelley for agreeing to serve as a member of the TAC.

VI. CONSIDERATION OF ACCESSIBILITY WAIVER APPLICATIONS

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

Commission Actions Regarding Accessibility Waiver Applications:

a. The Magell Inn #148 - 1410 Magellan Drive Sarasota, 34243

MOTION—The Commission voted unanimously, 20 - 0 in favor, to defer action on the application for additional information including a written cost estimate.

b. Kaioen Coffee #150 - 254 North Division Street Oviedo, 32765

MOTION—The Commission voted unanimously, 20 - 0 in favor, to deny the waiver request.

- c. **Vystar ATM - 767 S. Nova Road - Tomoka Plaza #156 - 767 S. Nova Road Ormond Beach, 32174**

MOTION—The Commission voted unanimously, 20 – 0 in favor, to deny the waiver request.

- d. **City of Miami Police Department Marine Patrol #158 - 1001 MacArthur Causeway Miami, 33132**

The application was withdrawn by the applicant.

- e. **McHardy Renovation #134 - 432 MLK Blvd Stuart, 34994**

MOTION—The Commission voted unanimously, 20 - 0 in favor, to defer the application for additional information (i.e., project cost and compliance (elevator) cost estimates).

- f. **The Marlin Hotel #126 - 1200 Collins Avenue Miami Beach, 33139**

MOTION—The Commission voted unanimously, 20 - 0 in favor, to grant the waiver from vertical accessibility as unreasonable based on economic hardship and on the historic nature of the building..

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

MOTION—The Commission voted unanimously, 20 - 0 in favor, to deny the waiver request.

VII. CONSIDERATION OF APPLICATIONS FOR PRODUCT AND ENTITY APPROVAL

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

Commission Actions on the Consent Agendas for Approval:

MOTION—The Commission voted unanimously, 20 - 0 in favor, to approve the consent agenda of product approval entities as posted/presented.

MOTION—The Commission voted unanimously, 20 - 0 in favor, to approve the consent agenda of products recommended for approval to the 2014 Code as amended*.

* Product FL 16543-R2 was withdrawn from the consent agenda at the request of the applicant.

Commission Actions Regarding Product Approval Applications With Comments:

There were no product applications with comments.

Commission Actions Regarding DBPR Applications:

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

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

(See BCIS Website for Linked Committee Report)

VIII. CONSIDER APPLICATIONS FOR ACCREDITOR AND COURSE APPROVAL

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

Commission Actions:

MOTION—The Commission voted unanimously, 20 – 0 in favor, to approve advanced accredited course number 792.0.

MOTION—The Commission voted unanimously, 20 – 0 in favor, to approve advanced accredited course number 791.0.

MOTION—The Commission voted unanimously, 20 – 0 in favor, to approve administratively approved self-affirmed course with one change course number 525.1.

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

IX. LEGAL REPORT

April Hammonds reported that one of the Commission's declaratory statements was appealed to the District Court of Appeals and that the appeal was dismissed.

CONSIDERATION OF PETITIONS FOR DECLARATORY STATEMENTS

Petitions For Declaratory Statements

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

a. DS 2016 - 033 by Alfonso Fernandez-Fraga, P.E. of Initial Engineering, P.A.

Motion—The Commission voted unanimously, 20 - 0 in favor, to approve the Energy TAC's recommendation on the Petition (to approve staff's analysis of Option 2 as presented/posted).

b. DS 2016-032 by David Gilson, Building Development Inspector IV, of City of Tarpon Springs Florida

Motion—The Commission voted unanimously, 19* - 0 in favor, to approve the Plumbing TAC's recommendation on the Petition (to approve staff's analysis of Option 2 for Q1 as amended; and of Option 2 for Q2 as presented/posted).

* Commissioner Gilson abstained from the vote since he was the Petitioner.

X. RULE DEVELOPMENT WORKSHOPS RULE 61G20-1.001, F.A.C., FLORIDA BUILDING CODE, AND RULE 61G20-3.008, F.A.C., PRODUCT APPROVAL

Rule 61G20-1.001, Florida Building Code

Chairman Browdy indicated that the rule development workshop regarding Rule 61G20-1.001, Florida Building Code, was to implement the changes in the Florida Building Code, 5th Edition (2014) pursuant to the changes made to ch. 553, F.S. within ch. 2016-129 L.O.F. (HB 535), and the creation of s. 399.031 F.S. within 2016-211, Laws of Florida (SB 1602). The Chair indicated that the Commission would implement the statutorily required Code changes to the Florida Building Code pursuant to the statutory criteria allowing adoption without Code development processes, using Chapter 120 rulemaking procedures pursuant to Section 553.73 (8) Florida Building Code (e.) Changes to or inconsistencies with federal or state law. This was the seventh and final rule development workshop on the rule. The Chair noted that the workshop provides an opportunity for public comment before the Commission proceeds with rulemaking on the Florida Building Code Rule.

The process used during the meeting was as follows:

Each section of HB 535 and SB 1602 requiring Commission action was introduced in turn, the TAC's recommendations provided, public comment taken, and then action taken by the Commission.

Following are the actions taken by the Commission:

HB 535

Section 10: Include in the Code the definition for the term “temporary pool.”

Commission Action: approved the Swimming Pool TAC's recommendations (19-0 in favor).

[*TAC Recommendation:* Approve code fix per Comment #1 of the Florida Swimming Pool Association (FSPA)]

Section 11: Provide in the Code that “temporary pools” and “portable pools” may not be regulated as public pools.

Commission Action: approved the Swimming Pool TAC's recommendations (19-0 in favor).

[*TAC Recommendation:* Approve code fix per Comment #1 of the Florida Swimming Pool Association (FSPA)]

Section 14: Provides new swimming pool alarm type to be allowed in the Code as a method for demonstrating safety features in residential swimming pools.

Commission Action: approved the Swimming Pool TAC's recommendations (20-0 in favor).

[*TAC Recommendation:* Approve code fix per Comment #1]

Section 17 (15): Provides clarification for when mechanical equipment on a rooftop (during reroofing) must be installed in accordance with the FBC.

Commission Action: approved the Code Administration TAC's recommendations (20-0 in favor).

[*TAC Recommendation:* Approve code fix per DBPR staff recommendation]

Section 17 (19): Provides for provisions in the Code relating to service access elevators and elevator lobbies in certain buildings.

Commission Action: approved the Special Occupancy TAC's recommendations (18-2 in favor).

[*TAC Recommendation:* Approve code fix per DBPR staff recommendation as amended by Comment #1]

Section 19: Provides in the Code phased-permitting for construction documents.

Commission Action: approved the Code Administration TAC's recommendations (20-0 in favor).

[*TAC Recommendation:* Approve code fix per DBPR staff recommendation]

Section 23 (c): Provides in the Code that roof covering replacement or repair work associated with the prevention of degradation of the residence does not trigger the requirements to upgrade opening protections for the residence.

Commission Action: approved the Code Administration TAC's recommendations (20-0 in favor).

[*TAC Recommendation:* Approve code fix per DBPR staff recommendation]

Section 23 (4): Provides in the Code an indefinite extension of an exception to the requirements that mechanical equipment comply with the wind design requirements of the FBC.

Commission Action: approved the Structural TAC's and Mechanical TAC's recommendations (19-0 in favor).

[*TAC Recommendation:* Approve code fix per DBPR staff recommendation as amended by the TACs]

Section 24: Provides in the Code exemptions for certain applications from certain smoke alarm requirements.

Commission Action: approved the Fire TAC's recommendations (20-0 in favor).

[*TAC Recommendation:* Approve code fix per DBPR staff recommendation]

Section 25: Provides in the Code revisions of the standards for air infiltration testing and mechanical ventilation of residences and delays the effective date of the blower door testing until July 1, 2017.

Commission Action: approved the Energy TAC's and Mechanical TAC's recommendations (20-0 in favor).

[*TAC Recommendation:* Approve code fix per DBPR staff recommendation]

Section 26: Provides in the Code specifications for the type of individuals from whom local enforcement agencies must accept duct and air infiltration tests.

Commission Action: approved the Energy TAC's recommendations (20-0 in favor).

[*TAC Recommendation:* Approve code fix per DBPR staff recommendation as amended by public comment approved during the meeting]

Section 32: Provides in the Code the definition of the term "Fire separation distance."

Commission Action: approved the Fire TAC's recommendations (20-0 in favor).

[*TAC Recommendation:* Approve code fix per DBPR staff recommendation]

Section 33: Provides in the Code requirements for opening and roof overhang projections for zero lot-line dwellings.

Commission Action: approved the Fire TAC's recommendations (20-0 in favor).

[*TAC Recommendation:* Approve code fix per DBPR staff recommendation]

Section 34*: Provides in the Code provisions for an alternative means (REI) of demonstrating compliance with the energy provisions of the FBC.

Commission Action: approved the Energy TAC's recommendations (20-0 in favor).

[*TAC Recommendation:* Approve code fix per DBPR staff recommendation as amended by public comment provided during the meeting]

Section 35: Provides in the Code exceptions to the shower lining requirements of the FBC.

Commission Action: approved the Plumbing TAC's recommendations (19-0 in favor).

[TAC Recommendation: Approve code fix per DBPR staff recommendation]

Section 36: Provides in the Code minimum fire separation distances for non-fire resistant rated exterior walls.

Commission Action: approved the Fire TAC's recommendations (19-0 in favor).

[TAC Recommendation: Approve code fix per DBPR staff recommendation]

Section 37: Provides in the Code requirements that a restaurant, cafeteria, or similar dining facility have sprinklers only under specific circumstances.

Commission Action: approved the Fire TAC's recommendations (20-0 in favor).

[TAC Recommendation: Approve code fix per DBPR staff recommendation as amended by the TAC]

Section 39: Provides in the Code requirements for local enforcement agencies to post their building permit applications on their website and to specify the format in which completed application must be submitted.

Commission Action: approved the Code Administration TAC's recommendations (20-0 in favor).

[TAC Recommendation: Approve code fix per DBPR staff recommendation]

* Action did not include the provisions of Section 34 regarding onsite renewable power generation.

SB 1602

Section 1: Provides in the Code clearance requirements for elevators inside a private residence.

Commission Action: approved the Fire TAC's and Special Occupancy TAC's recommendations (20-0 in favor).

[TAC Recommendation: Approve code fix per DBPR staff recommendation]

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

Commission Actions:

MOTION—The Commission voted unanimously, 20 – 0 in favor, to adopt the approved rule text for revisions to Rule 61G20-1.001, Florida Building Code, to authorize the Department of Business & Professional Regulation to publish a Notice of Proposed Rule for Rule 61G20-1.001, to proceed with the adoption of Rule 61G20-1.001 and, to delegate authority to Jim Richmond to sign rulemaking documents on behalf of the Chairman of the Florida Building Commission.

Rule 61G20-3.008, Product Approval (Entities)

Chairman Browdy indicated that the rule development workshop regarding Rule 61G20-3.008, Product Approval (Entities), was to implement the changes in the Florida Building Code, 5th Edition (2014) pursuant to the changes made to ch. 553, F.S. within ch. 2016-129 L.O.F. (HB 535). Specifically, to add Underwriters Laboratories, LLC, and Intertek Testing Services NA, Inc. to the approved list of evaluation entities. The Chair indicated that the Commission would implement the statutorily required Code changes to the Florida Building Code pursuant to the statutory criteria allowing adoption without Code development processes, using Chapter 120 rulemaking procedures pursuant to Section 553.73 (8)

Florida Building Code (e.) Changes to or inconsistencies with federal or state law. The Chair noted that the workshop provides an opportunity for public comment before the Commission proceeds with rulemaking on the Product Approval Rule.

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

Commission Actions:

MOTION—The Commission voted unanimously, 20 – 0 in favor, to adopt the approved rule text for revisions to Rule 61G20-3.008, Product Approval (Entities) as recommended by the Product Approval POC, to authorize the Department of Business & Professional Regulation to publish a Notice of Proposed Rule for Rule 61G20-3.008, to proceed with the adoption of Rule 61G20-3.008, conducting a rule adoption hearing only if requested and, to delegate authority to Jim Richmond to sign rulemaking documents on behalf of the Chairman of the Florida Building Commission.

XI. APPROVAL OF CHANGES TO ENERGY CODE COMPLIANCE SOFTWARE FOR THE 5TH EDITION (2014) FLORIDA BUILDING CODE, ENERGY CONSERVATION

Chairman Browdy noted that at the June 19, 2015 meeting the Commission voted to approve Energy Code Compliance Software for the 5th Edition (2014) Florida Building Code, Energy Conservation, specifically EnergyGauge Summit 5.1 for demonstrating compliance with commercial building energy requirements and EnergyGauge USA 4.0.01 for demonstrating compliance with residential building energy requirements. At the August 18, 2015 meeting the Commission voted to approve REScheck for demonstrating compliance with residential building energy requirements. At the December 15, 2015 meeting the Commission voted to approve COMcheck for demonstrating compliance with commercial building energy requirements. In addition, at the February 10, 2016 meeting the Commission approved updates to approved Energy Code Compliance Software for the 5th Edition (2014) Florida Building Code, Energy Conservation, specifically EnergyGauge USA 5.0.03 for demonstrating compliance with residential building energy requirements, and EnergyGauge Summit 5.20 for demonstrating compliance with commercial building energy requirements.

The Chair explained that the Commission was being asked to approve updates to approved Energy Code Compliance Software for the 5th Edition (2014) Florida Building Code, Energy Conservation, specifically EnergyGauge USA 5.1 for demonstrating compliance with residential building energy requirements.

The Chair reported that the Energy TAC reviewed the EnergyGauge USA 5.1 for demonstrating compliance with residential building energy requirements and is recommending approval.

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

Commission Actions:

MOTION—The Commission voted unanimously, 20 – 0 in favor, to approve the Energy Code Compliance Software update for the 5th Edition (2014) Florida Building Code, Energy Conservation, specifically EnergyGauge USA 5.1 for demonstrating compliance with residential building energy requirements.

XII. APPROVAL OF CHANGES TO AMENDED WORKPLAN FOR THE CODE UPDATE PROCESS FOR THE 6TH EDITION FLORIDA BUILDING CODE (2017)

Chairman Browdy noted that the Workplan was revised to reflect a proposed change in the date for the rule development workshop for the Commission to consider the TACs' recommendations regarding proposed Code modifications. Mo Madani reviewed the changes with the Commission

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

Commission Actions:

MOTION—The Commission voted unanimously, 20 – 0 in favor, to approve the amended Workplan for the 2017 Code Update Process—6th Edition Florida Building Code (2017).

(Attachment 5—Updated Code Development Workplan)

XIII. APPROVAL OF COMMISSION'S FISCAL YEAR 2015 - 2016 ANNUAL REPORT

Chairman Browdy explained that the Commission received and approved a Summary of Issues and Recommendations for Inclusion in the Annual Report at the April 2016 meeting. At the June 2016 meeting the Commission would consider approving the Draft Commission 2015-2016 Annual Report, and the plan as always, with the Commission's support and approval, was for the Chair 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 Draft FY 2015 - 2016 Annual Report with the Commission, and following questions and answers, public comment, and discussion, the Commission took the following action:

Commission Actions:

MOTION—The Commission voted unanimously, 20 – 0 in favor, to adopt the Commission's Fiscal Year 2015 – 2016 Annual Report, including any Commission actions taken during the June 8, 2016 meeting, and to charge the Chair with reviewing and approving the Final Report prior to submittal to the Legislature and Governor.

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

XIV. COMMITTEE REPORTS AND RECOMMENDATIONS

Chairman Browdy requested TAC and POC chairs to confine their reports to a brief summary of any key recommendations, emphasizing any issues requiring an action from the Commission. The Chair requested if the TAC/POC requires Commission action, to frame the needed action in the form of a proposed motion. This will ensure that the Commission understands exactly what the TAC/POC's are recommending, and the subsequent action requested of the Commission. Acceptance of a committee report does not approve any recommendations contained within the report. Committee reports are linked to the following URL (linked to Commission's June 8, 2016 Agenda): http://www.floridabuilding.org/fbc/commission/FBC_0616/index.htm.

Code Administration TAC

Commissioner Carlson presented the TAC's reports and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 19 – 0 in favor, to accept the TAC's reports as presented/posted (April 12, 2016 and June 2, 2016).

(See Agenda for Linked Committee Report)

Education POC

Commissioner Dean reported that the Education POC did not achieve a quorum and as a result there was no meeting report*.

*The Commission voted unanimously, 20 – 0 in favor, to accept Commissioner Dean's verbal report indicating that the Education POC did not have a quorum and was unable to meet as scheduled.

Electrical TAC

Commissioner Flanagan presented the TAC's reports and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 19 – 0 in favor, to accept the TAC's reports as presented/posted (April 29, 2016 and May 24, 2016).

MOTION—The Commission voted unanimously, 19 – 0 in favor, to convene the Calder Sloan Swimming Pool Electrical Safety Task Force after July 1, 2017, and to charge the Task Force with reviewing the issues identified from the public comment provided during the May 24, 2016 concurrent Swimming Pool TAC and Electrical TAC teleconference meeting.

(See Agenda for Linked Committee Report)

Energy TAC

Commissioner Calleja presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 20 – 0 in favor, to accept the TAC's reports as presented/posted (May 26, 2016, June 3, 2016, and June 7, 2016).

MOTION—The Commission voted unanimously, 20 – 0 in favor, to convene an Energy Rating Index Workgroup, and to charge the Workgroup with developing consensus recommendations to the Commission pursuant to Section 34 of HB 535 regarding onsite renewable power generation.

(See Agenda for Linked Committee Report)

Fire TAC

Commissioner Bahadori presented the TAC's reports and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 20 – 0 in favor, to accept the TAC's reports as presented/posted (June 1, 2016 and June 2, 2016).

(See Agenda for Linked Committee Report)

Mechanical TAC

Commissioner Calleja presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 20 – 0 in favor, to accept the TAC's reports as presented/posted (April 13, 2016, June 2, 2016, and June 3, 2016).

(See Agenda for Linked Committee Report)

Plumbing TAC

Commissioner Schilling presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 20 – 0 in favor, to accept the TAC's reports as presented/posted (April 13, 2016, May 26, 2016, and June 2, 2016).

(See Agenda for Linked Committee Report)

Product Approval POC

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

Commission Action:

MOTION—The Commission voted unanimously, 20 – 0 in favor, to accept the POC's report as presented/posted (May 26, 2016).

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

Special Occupancy TAC

Mo Madani presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 20 – 0 in favor, to accept the TAC's report as presented/posted (June 1, 2016).

(See Agenda for Linked Committee Report)

Structural TAC

Commissioner Compton presented the TAC's reports and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 20 – 0 in favor, to accept the TAC's reports as presented/posted (April 14, 2016 and June 2, 2016).

(See Agenda for Linked Committee Report)

Swimming Pool TAC

Mo Madani presented the TAC's reports and recommendations*.

Commission Action:

MOTION—The Commission voted unanimously, 20 – 0 in favor, to accept the TAC's reports as presented/posted (April 29, 2016, May 24, 2016, and June 1, 2016).

* The Swimming Pool TAC and Electrical TAC both voted unanimously to recommend the Commission convene the Calder Sloan Swimming Pool Electrical Safety Task Force after July 1, 2017, and to charge the Task Force with reviewing the issues identified from the public comment provided during the May

24, 2016 concurrent Swimming Pool TAC and Electrical TAC teleconference meeting. This recommendation was approved by the Commission as part of the Electrical TAC's report and recommendations.

(See Agenda for Linked Committee Report)

OTHER COMMISSION ACTIONS

There were no additional Commission actions.

XV. GENERAL PUBLIC COMMENT

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

Public Comments:

- Jim Richmond, DBPR: informed the Commission that although the office of Codes and Standards has already moved to the new location, the mailing address will remain the same until July 1, 2016. The new mailing address will be 2601 Blairstone Road, Tallahassee, Florida 32399 effective July 1, 2016. The Commission and public will be notified of the address change.
- Arlene Stuart, AZT Consulting: thanked the Commission for their work.

XVI. COMMISSION MEMBER COMMENT AND ISSUES

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

Commission Member Comments:

- Dick Browdy (Chair): reminded Commissioners that the fiscal year ends June 30, 2016, and Commissioners should submit their travel reports immediately to avoid delays in processing.
- Mo Madani (DBPR): the TAC's will meet during the week of July 18, 2016 to provide recommendations regarding public comments on the TAC's recommendations for Code modifications for the 6th Edition Florida Building Code (2017). The schedule will be finalized once the deadline for comments has passed, and the public will be notified of the meeting schedule.
- Kevin Flanagan: requested clarification regarding the date for the August Commission meeting.
- DBPR staff: indicated that the Commission will meet in Ft. Lauderdale August 15 – 17 or 18 depending on how many committees/workgroups need to meet.

XVII. NEXT COMMISSION MEETING OVERVIEW AND ISSUES

The August 15 - 17, 2016 meeting in Ft. Lauderdale will focus on the Commission's regular procedural and substantive issues, needed rule development initiatives, and the Commission's review of proposed Code modifications for the 2017 Code Update.

(Attachment 5—Commission Meeting Schedule)

STAFF ASSIGNMENTS FROM THE JUNE 8, 2016 MEETING

There were no specific assignments requested of staff.

ADJOURNMENT

The Chair thanked Commission members, staff and the public for their attendance and participation, and adjourned the meeting at 11:11 A.M. on Wednesday, June 8, 2016.

ATTACHMENT 1
FLORIDA BUILDING COMMISSION MEETING EVALUATION RESULTS

JUNE 8, 2016—GAINESVILLE, FLORIDA

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

Number of Respondents: 16 of 20 Commissioners present completed meeting evaluations.

1. OVERALL MEETING ASSESSMENT.

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

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

- 9.8 ___ Chair's Issues and Recommendations.
- 9.5 ___ Applications for Accessibility Waiver Applications Approvals.
- 9.8 ___ Applications for Products and Product Approval Entities Approvals.
- 9.8 ___ Applications for Accreditor and Course Approvals.
- 9.8 ___ Petitions for Requests for Declaratory Statements—Legal Report.
- 9.8 ___ Rule Development Workshops: Rules 61G20-1.001, FBC, and 61G20-3.008, Product Approval.
- 9.7 ___ Energy Gauge USA Software Updates for Compliance With FBC 2014 Energy Code Approval.
- 9.8 ___ Florida Building Code 6th Edition (2017) Amended Workplan Approval.
- 9.8 ___ FY 2015-2016 Commission Annual Report Approval.
- 9.8 ___ TAC, POC, Committee, and/or Workgroup Reports and Recommendations.

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

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

4. MEMBERS LEVEL OF SATISFACTION WITH THE MEETING.

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

5. HOW WELL THE NEXT STEPS WERE COMMUNICATED.

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

6. WHAT MEMBERS LIKED BEST ABOUT THE MEETING.

- Chair Browdy maintains control of the meeting.
- Good meeting. On schedule and to the point.
- Good meeting.
- Adjournment.

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

- It would be really helpful to have the most current information on the computers instead of just on the screens.
- Provide link for Accessibility waiver applications. They were not provided on computer for review.
- Unable to view applications on the laptop.
- Audio is less than desired; there were times I could not understand what my colleagues were saying.
- Provide drinking water for the Commissioners.

8. OTHER GENERAL COMMENTS.

None were offered.

COMMENTS ON SPECIFIC AGENDA ITEMS

None were offered.

PUBLIC-MEETING EVALUATION AND COMMENT RESULTS

None were offered.

ATTACHMENT 2
KEY TO COMMON ACRONYMS

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

ATTACHMENT 3

FLORIDA BUILDING COMMISSION HISTORY AND OVERVIEW

HISTORY

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

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

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

OVERVIEW

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

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

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

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

ATTACHMENT 4
JUNE 8, 2016 MEETING AGENDA

FLORIDA BUILDING COMMISSION
PLENARY SESSION
JUNE 8, 2016
HILTON UNIVERSITY OF FLORIDA CONFERENCE CENTER
1714 SW 34TH STREET
GAINESVILLE, FLORIDA

MEETING OBJECTIVES

- To Approve Regular Procedural Topics (Agenda and Minutes)
- To Consider/Decide on Chair's Discussion Issues/Recommendations.
- To Consider/Decide on Accessibility Waiver Applications.
- To Consider/Decide on Approvals and Revocations of Products and Product Approval Entities.
- To Consider/Decide on Petitions for Declaratory Statement.
- To Consider Applications for Accreditor and Course Approval.
- To Hold a Rules Workshop on Rules
- To Review and approve changes for Energy Gauge USA for compliance with FBC, Energy Conservation, 5th Edition (2014).
- To Review and approve amended work plan for adoption of Florida Building Code 6th Edition (2017).
- To Review and approve Draft Report to Legislature.
- To Receive/Decide on Reports and Recommendations from Committees.
- To Hear Public Comment.
- To Identify Needed Next Steps, Assignments, and Agenda Items For Next Meeting.

Meetings are held by teleconference and webinar unless otherwise indicated

April 29	10:00 a.m.	Swimming Pools Technical Advisory Committee concurrently with Electrical Technical Advisory Committee
May 24	10:00 a.m.	Swimming Pools Technical Advisory Committee concurrently with Electrical Technical Advisory Committee
May 26	10:00 a.m.	Product Approval POC
May 26	1:00 p.m.	Energy Technical Advisory Committee
May 26	3:00 p.m.	Plumbing Technical Advisory Committee
May 27	10:00 a.m.	Education POC
May 27	2:00 p.m.	Accessibility Advisory Council
June 1	10:00 a.m.	Swimming Pool Technical Advisory Committee
June 1	1:00 pm	Fire Technical Advisory Committee concurrently with Special Occupancy Technical Advisory Committee
June 2	9:00 a.m.	Structural Technical Advisory Committee concurrently with Mechanical Technical Advisory Committee
June 2	1:00 p.m.	Code Administration Technical Advisory Committee

June 2	3:00 p.m.	Plumbing Technical Advisory Committee
June 3	9:00 a.m.	Fire Technical Advisory Committee
June 3	1:00 p.m.	Energy Technical Advisory Committee concurrently with the Mechanical Technical Advisory Committee
June 7	10:00 a.m.	Energy Technical Advisory Committee**

**On-site and in-conjunction with the June Commission in Gainesville

MEETING AGENDA—JUNE 8, 2016		
<i>All Agenda Times—Including Adjournment—Are Approximate and Subject to Change</i>		
8:30 a.m.	1.)	Welcome and Opening, Roll Call
	2.)	Review and Approval of Meeting Agenda
	3.)	Review and Approval of Previous Meeting Minutes Minutes: April 12, 2016 Conference Call –May 16, 2016 Facilitator’s Summary Report: April 12, 2016
	4.)	Chair’s Discussion Issues:
	5.)	Accessibility Waiver Applications
		<ol style="list-style-type: none"> 1. The Magell Inn #148 - 1410 Magellan Drive Sarasota, 34243 2. Kaioen Coffee #150 - 254 North Division Street Oviedo, 32765 3. Vystar ATM - 767 S. Nova Road - Tomoka Plaza #156 - 767 S. Nova Road Ormond Beach, 32174 4. City of Miami Police Department Marine Patrol #158 - 1001 MacArthur Causeway Miami, 33132 5. McHardy Renovation #134 - 432 MLK Blvd Stuart, 34994 6. The Marlin Hotel #126 - 1200 Collins Avenue Miami Beach, 33139 7. Young Life Southwind Dorm #130 - 18115 SE 95th Street Ocklawaha, 32179
	6.)	Applications for <u>Product</u> and <u>Entity</u> Approval
	7.)	Applications for Accreditor and Course Approval
	8.)	Petitions for Declaratory Statement <u>Legal</u> Report
		<ol style="list-style-type: none"> 1. DS 2016 - 033 by Alfonso Fernandez-Fraga, P.E. of Initial Engineering, P.A. 2. DS 2016-032 by David Gilson, Building Development Inspector IV, of City of Tarpon Springs Florida
	9.)	Rule Development Workshop <ol style="list-style-type: none"> 1. 61G20-1.001 2. 61G20-3.008
	10.)	Review and approve changes for Energy Gauge USA for compliance with FBC, Energy Conservation, 5th Edition (2014).
	11.)	Review and approve amended work plan for adoption of Florida Building Code 6th Edition (2017).

	12.)	Review and approve Draft Report to Legislature.
	13.)	Committee Reports:
		<p>a.) Code Administration Technical Advisory Committee; April 12, 2016, June 2, 2016</p> <p>b.) Education Program Oversight Committee; May 27, 2016</p> <p>c.) Electrical Technical Advisory Committee; April 29, 2016, May 24, 2016</p> <p>d.) Energy Technical Advisory Committee; May 26, 2016, June 3, 2016, June 7, 2016</p> <p>e.) Fire Technical Advisory Committee; June 1, 2016, June 3, 2016</p> <p>f.) Mechanical Technical Advisory Committee; April 13, 2016, June 2, 2016, June 3, 2016</p> <p>g.) Plumbing Technical Advisory Committee; April 13, 2016, May 26, 2016, June 2, 2016</p> <p>h.) Product Approval Program Oversight Committee; May 26, 2016</p> <p>i.) Special Occupancy Technical Advisory Committee; June 1, 2016</p> <p>j.) Structural Technical Advisory Committee; April 14, 2016, June 2, 2016</p> <p>k.) Swimming Pool Technical Advisory Committee; April 29, 2016, May 24, 2016, June 1, 2016.</p>
	14.)	Public Comment
	15.)	Commissioner Comment
	16.)	<i>Adjourn</i>

ATTACHMENT 5
COMMISSION'S UPDATED MEETING SCHEDULE AND CODE UPDATE WORKPLAN

(UPDATED JUNE 8, 2016)

COMMISSION MEETING SCHEDULE

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

FY 2016-2017	LOCATION
August 15-17, 2016	Fort Lauderdale (Embassy Suites)
October 11, 2016	TBD
December 13, 2016	TBD
February 7, 2017	TBD
April 4, 2017	TBD
June 13, 2017	TBD

COMMISSION'S UPDATED CODE UPDATE WORKPLAN

6TH EDITION (2017) FBC CODE UPDATE DEVELOPMENT TASKS

Hold Glitch Correction Phase after the Effective Date of the 6th Edition (2017) FBC, if needed - Rulemaking via Integrated Code – Adopted Unanimously by the Commission August 18, 2015

6TH EDITION (2017) UPDATE TO THE FLORIDA BUILDING CODE	
TASK	SCHEDULE
<i>Primary Code Development Phase:</i>	
2014 NEC published and available to the public;	08/2013
2015 International Codes published and available to the public;	05/2014
Commission selects 2015 I Codes and 2014 NEC as foundation for 6 th Edition (2017) FBC (<i>April 2015 Commission meeting</i>)	04/14/2015
Staff evaluates Florida amendments resulting from direction of the Legislature and Commission initiatives to propose for inclusion in the 6 th Edition (2017) FBC and publish “ Preliminary Supplement ”. Amendments are compiled in 2015 I – Codes format.	3/2015 – 6/2015
2015 I Codes plus the Preliminary Supplement – posted online	6/30/2015
Period for public to propose modifications to the 2015 I Codes and the Preliminary Supplement	7/1/2015 – 1/3/2016
Proposed amendments reviewed by staff and posted to the Commission website	1/13/2016
1 st 45 day comment period ends (<i>By law -45 day min before TAC review</i>)	2/25/2016
Staff post on Commission website proposed code changes (Tracking Charts and Detail Reports)	3/21/2016
TACs consider proposed modifications including comments from the 1 st 45 day comment period and adopt recommendations TACs meetings - 4-day on-site meetings in conjunction with the April 2016 Commission meeting	4/1-15/2016
TACs recommendations posted to the website	5/6/2016
2 nd 45 day comment period ends (<i>by law – 45 day min before Commission review</i>)	6/21/2016
Staff post on Commission website proposed code changes with comments (Tracking Chats and Details Reports)	6/30/2016
TACs consider public comments on their actions and prepare public comment for consideration by the Commission. <i>TACs meetings – 4-day meetings [2-day on-site (Gainesville) and 2 – day via conference/webinar]</i>	7/18-21/2016
Staff post on Commission website TACs consideration of public comments	8/1/2016
Commission considers TAC recommendations at Rule development Workshops - Commission – 2-day meeting	8/18-19/2016
Draft 6 th Edition (2017) FBC (Florida Supplement plus I Codes) posted online Provide Supplements to ICC for integration into the 2015 I-Code	9/19/2016
Rule development Workshops	12/13/2016

Integrated Draft 6 th Edition (2017) FBC – Posted online	4/21/2017
<i>Final Rule Hearing</i> on 6 th Edition (2017) FBC/Commission approves final version of Code 6 th Edition (2017) Florida Fire Prevention Code available in final format	6/8/2017
Rule Submitted to Secretary of State and Supplement/Integrated posted online – subject to addressing all JAPC’s concerns	TBD
Printed Code available - subject to negotiation with ICC	TBD
2017FBC (6th edition) effective date (6 – months after publication)	12/31/2017
<i>Glitch Correction Phase: after effective date, if needed</i>	
Period to propose glitch modifications to draft 6 th Edition (2017) FBC	TBD
Post Tracking/Detail reports online	TBD
TACs consider proposed glitch modifications and develop public comment via conference call/Webinars	TBD
Commission considers proposed glitch mods and TAC comments (Rule Development Workshop) Commission – 2-day meeting	TBD
Draft Supplement to the 6 th Edition (2017) FBC posted online	TBD
<i>Final Rule Hearing</i> on adoption of the Supplement to the 6 th Edition (2017) FBC/Commission	TBD
Rule Submitted to Secretary of State and Supplement posted online – subject to addressing all JAPC’s concerns	TBD
Final supplement available for download	TBD
Supplement to 2017 FBC (6th edition) effective date	TBD
553.73(7)(e) A rule updating the Florida Building Code in accordance with this subsection shall take effect <u>no sooner than 6 months</u> after publication of the updated code. Any amendment to the Florida Building Code which is adopted upon a finding by the commission that the amendment is necessary to protect the public from immediate threat of harm takes effect immediately.	

ATTACHMENT 6
EXECUTIVE SUMMARY FY 2015-2016 ANNUAL REPORT

I. EXECUTIVE SUMMARY AND RECOMMENDATIONS

OVERVIEW. The primary focus of the Florida Building Commission during the reporting period of July 1, 2015 – June 30, 2016 (fiscal year 2015 – 2016) was initiating the development of the *Florida Building Code Sixth Edition (2017)*. The Commission’s Technical Advisory Committees (TACs) met in April of 2016 and reviewed and developed recommendations on 532 proposed Code modifications to the adopted Code. The TACs will review public comments on the TAC’s recommendations on July 18-21, 2016, and the Commission is scheduled to conduct a rule development workshop on the TAC’s recommendations regarding proposed code amendments December 13, 2016, and to conduct a final rule adoption hearing on June 8, 2017. The Florida Building Code 6th Edition’s adopted effective date is December 31, 2017.

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

In addition, the Commission is conducting rulemaking for the Building Code and Product Approval rules to implement the legislative assignments from the 2016 Florida Legislature contained in HB 535 and SB 1602, and at the June 8, 2016 meeting adopted rule language to implement the Legislative assignments.

Entering its eighteenth year, the Commission is focused primarily on the maintenance of existing processes and programs, while continuing to work with stakeholders to enhance the effectiveness of the Florida Building Code System by continuously monitoring, evaluating and refining the System.

PROCESS. During the reporting period the Commission continued their focus on consensus-building efforts regarding the implementation of Commission policy, with extensive input from building construction industry stakeholders and interests affected by Commission policy. Chairman Richard Browdy encouraged and led the Commission’s consensus-building efforts supported by DBPR.

RESEARCH—SCIENCE BASED HURRICANE AND CODE PROTECTIONS. The Florida Building Commission has continuously assessed building systems and component failures identified after major storms since its inception in 1998, and in response has funded research to strengthen the Code’s effectiveness against wind and water intrusion based on these assessments. Assessments subsequent to the implementation of the Florida Building Code indicate that the research based design wind speeds required by the Code’s enhancements were adequate, and buildings built to the new Florida Building Code did not experience nearly as severe damage as older buildings.

The Code establishes minimum requirements to protect newly constructed buildings from wind, rain, flood and storm surge based on well-researched and continually-evolving engineering standards for

buildings and the products that go into their construction. In addition to conducting research, developing state of the art hurricane resistance standards and integrating those standards in the Code at each revision cycle, the Commission seeks to be up-to-date with current national engineering and product standards within the Code. As with each subsequent version, the *5th Edition Florida Building Code (2014)* maintains this commitment, and the *Florida Building Code Sixth Edition (2017)* will maintain the commitment.

The Commission has been funding hurricane resistance research based on legislatively approved spending authority since the formation of the Commission's Hurricane Research Advisory Committee in January of 2005. The Commission currently funds research projects pertaining to hurricane resistance and other Code related topical areas to ensure the development of code amendments that make Florida's structures, and the products that comprise them, more resistant.

During the reporting period—based on recommendations from the Commission's technical advisory committees (TACs)—the Commission approved the funding of research projects for fiscal year 2015-2016 as recommended by the TAC chairs on the basis that the approved projects met the three criteria for funding: 1.) definition of research and/or technical enrichment, 2.) urgency/immediacy, and needed for the 2017 FBC and/or legislative directive, and 3.) funding available (full or partial); and are approved for funding based on the TAC chairs' recommendations, and staff administering and overseeing the research, and negotiating scoping and contracting as appropriate.

As a result of evaluating proposed research projects in the context of the key evaluation criteria, the Commission sponsored important research projects on the following topics: evaluating the economic impact of the delayed code provisions; estimating the cost impact of the 2015 International Building Codes changes; evaluating an approved method for achieving 1 hr. fire resistance rating under side of projections; continuation of the investigation of corrosion of fasteners for both roofing and screen enclosures; documenting field cases of attics sealed with spray foam insulation; and, a swimming pool electrocution study.

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

In response to 2016 legislation the Commission has initiated rulemaking to amend Rule 61G20-1.001 (Florida Building Code) to implement the Code changes prescribed in HB 535 and SB 1602, and at the June 8, 2016 meeting adopted code language to implement the Legislative assignments. In addition, the Commission voted to convene an Energy Rating Index Workgroup, and to charge the Workgroup with

developing consensus recommendations to the Commission pursuant to Section 34 of HB 535 regarding onsite renewable power generation.

The Code update process includes integration of the Florida Energy and Conservation Code (FECC) and the International Energy Conservation Code (IECC) maintaining the efficiencies of the FECC. The Commission is in the process of conducting rule development to maintain the requirement for local governments to submit forms submitted to certify compliance with the Energy Code through adoption of a separate rule from the Building Code Rule, ensuring that important energy data continues to be available for research purposes.

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

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

PRODUCT APPROVAL. The product approval system is an internet-based system operated and administered by the Department of Business and Professional Regulation. During the reporting period the Commission voted to move the Product Approval application submittal completion deadline back by one week to the current preliminary review deadline date for the product approval application cycle, providing additional time for applicants to resolve any issues with their product approval applications. Since January 1, 2014 DBPR staff has been administering the Product Approval System, and stakeholders report a high level of satisfaction with DBPR staff's administration of the System.

The Product Approval system efficiently processes hundreds of applications monthly. The Commission's Product Approval Program Oversight Committee (POC) convenes prior to every Commission meeting to review product and entity applications, address petitions for declaratory statements and consider enhancements to the product approval system. Since the system went into effect in October 2003, the Commission has approved 24,482 product applications and 109,313 products for statewide use within limitations established by the approvals. In addition, the Commission has approved 121 entities, 4,199 product applications and 17,611 products for statewide use to the 2014 Code.

The Commission is in the process of amending Rule 61G20-3.008 (Product Approval Entities), to conform with an amendment to Section 553.842, F.S., by adding Underwriters Laboratories, LLC, and Intertek Testing Services NA, Inc. to the approved list of evaluation entities, and at the June 8, 2016 meeting adopted rule language to implement the Legislative assignment.

EDUCATION. Education is one of the cornerstones of the Building Code System, and the effectiveness of the Building Code depends on the knowledge of professionals who design and construct buildings. The Commission continues to work with the Department of Business and Professional Regulation and representatives of the licensing boards to establish a cooperative system for approving building code courses and integrating building code continuing education into licensing requirements. In collaboration with the System Administrator and stakeholders, the Commission is working to ensure the accountability and efficacy of the Education System. During the reporting period the Commission continued to efficiently review and approve course and accreditor applications.

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

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

In response to the Commission’s direction the Swimming Pool TAC and Electrical TAC agreed that the initial Phase I scope of the project was to determine whether to recommend a proposed code amendment that would require low voltage lighting in residential swimming pools for new construction. Once the Swimming Pool TAC and the Electrical TAC concluded their evaluation of low voltage lighting they would then evaluate additional project relevant topics in Phase II of the project: specifically bonding, grounding, retrofitting of existing pools, and education. The TACs met for the second time on October 14, 2015 and developed a consensus package of recommendations for both phases of the project (Phase I and Phase II). At their October 15, 2015 meeting the Commission voted unanimously to adopt the Swimming Pool TAC’s and Electrical TAC’s swimming pool safety consensus package of recommendations focused on the prevention of electrocution in swimming pools. The Code amendments were proposed for inclusion in the *Florida Building Code, 6th Edition (2017)* and currently under evaluation by the relevant TACs.

Subsequent to the first two phases of the project, in a concurrent meeting conducted during the TACs’ review of proposed Code amendments for the 2017 Code Update Process the Swimming Pool and the Electrical TACs discussed the Calder Sloan Swimming Pool Electrical-Safety Task Force that was established within the Florida Building Commission by the 2016 Florida Legislature and decided that the two TACs should meet concurrently to further evaluate the issue. The TACs expressed the desire to

consider any potential Code modifications based on the best available science and data, and will make recommendations to the Commission accordingly.

As the next step in the process the Commission convened a concurrent meeting of the Swimming Pool TAC and Electrical TAC on May 24, 2016 to discuss recommendations to the Commission regarding how best to proceed with the evaluation of pool electrical safety. In response, the TACs' voted unanimously to recommend the Commission convene the Calder Sloan Swimming Pool Electrical Safety Task Force after July 1, 2017, and to charge the Task Force with reviewing the issues identified during public comment provided during the May 24, 2016 teleconference meeting. The Commission approved the recommendation at the June 8, 2016 meeting, and the Task Force will convene after July 1, 2016.

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

RECOMMENDATIONS. Monitoring the building code system and determining refinements that will make it function better is a primary responsibility of the Commission, and consequently the Commission is continually effecting refinements to the building code system by administrative rule amendment(s) where the statutes provide authority. However, the building code system is established in law, requiring that some refinements must be implemented through changes to law. The Commission's recommendations for 2017 legislative actions designed to improve the system's effectiveness are summarized below:

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