

FLORIDA BUILDING COMMISSION
Plenary Session
Hilton Ft. Lauderdale Beach Resort
505 N. Ft. Lauderdale Beach Blvd
Ft. Lauderdale, Florida 33304
August 22-23, 2013
Day One
August 22, 2013
3:00 PM

COMMISSIONERS PRESENT:

Dick Browdy, Chairman
James Batts
Donald Brown
Bob Boyer
Oscar L. Calleja
Nanette (Nan) Dean
Kevin M. Flanagan
Charles L. Frank
Herminio Gonzalez
Dale Greiner

Jeffrey Gross
Jon Hamrick
Rafael Palacios
Bradley W. Schiffer
James Schock
Drew Smith
Jeff Stone
Brian Swope
Tim Tolbert

COMMISSIONERS NOT PRESENT:

Hamid Bahadori
John Scherer

Beth Meyer

OTHERS PRESENT:

Jim Richmond
Mo Madani
Jim Hammers

Chris Burgwald
April Hammonds
Marlita Peters

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:

Chairman Browdy welcomed the Commission, staff and the public to Fort Lauderdale and day one of the August 22 - 23, 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 August meeting is to consider and decide on TACs' recommendations regarding proposed "Glitch" amendments to the 2013 Florida Building Code, and to conduct rule development on the Florida Building Code and Product Approval. Today's meeting will be dedicated to deciding on proposed "Glitch" modifications and rule development for the Florida Building Code and tomorrow's meeting will focus on our regular procedural issues, repeal of the Thermal Efficiency Standards Rule, and revisions to the Product Approval Rule.

Members of the public are requested to sign the attendance sheet on the speaker's table in the center of the room. Chairman Browdy stated if anyone wished to address the Commission on any issues before the Commission they should sign-in on the appropriate sheet(s). He then stated the Commission would provide an opportunity for public comment on each of the Commission's substantive discussion topics. He further stated if one wanted to comment on a specific substantive Commission agenda item, to please come to the speaker's table at the appropriate time. He concluded by stating public input was welcome and should be offered before there was 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.

The Chairman noted that there was buff colored "Public Comment Forms" on the speakers' table to be used for providing written comments, and all written comments would be included in the Facilitator's Summary Report. Please give your completed forms to Jeff Blair at the conclusion of the meeting.

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.

Florida Building Commission Appointments:

Chairman Browdy advised that the Governor has made the following new appointments to the Commission:

James Batts has been appointed to represent the Swimming Pool Industry, and replaces Ken Gregory, who resigned from the Commission due to a job change. James is from St. Augustine and is the owner of the Batts Company. His term runs from August 8, 2013 to November 5, 2016. Welcome to James, and thanks to Ken for his service. He will be recognized presently.

Florida Building Commission Appointments (cont.):

Donald Brown has been appointed to represent the Insurance Industry, and fills a vacant position on insurance. Donald is from DeFuniak Springs and is the former president of First National Insurance Agency. His term runs from August 8, 2013 to November 21, 2015. Welcome to Donald.

The Governor has also reappointed the following Commissioners:

Drew Smith has been reappointed to represent the Green Building Industry. Drew is from Parrish and is president of Two Trails, Inc. We are pleased that Drew has been reappointed for an additional term running from August 8, 2013 to November 5, 2016.

Tim Tolbert has been reappointed to represent Code Officials. Tim is from Navarre and is the building official for the Santa Rosa County School District. We are pleased that Tim has been reappointed for an additional term running from August 8, 2013 to January 15, 2015.

Chairman Browdy announced that he would make TAC appointments during Chairman's issues in the second day session.

Roll Call:

Chairman Browdy performed roll call, a quorum was met.

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

Jeff Blair welcomed participants to the August Plenary Session and introduced the agenda as follows:

- To Consider Regular Procedural Issues: Agenda Approval and Approval of the June 11, 2013 Facilitator's Summary Report and Meeting Minutes, and July 18, 2013 Teleconference Meeting Minutes.
- To Conduct Rule Development Workshop on Rule 61G20-1.001, Florida Building Code Adopted.
- To Consider/Approve Glitch Modifications for the 2013 Code.
- To Consider/Decide on Chairman'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 Applications for Accreditor and Course Approval.
- To Consider/Decide on Legal Issues: Petitions for Declaratory Statements.
- To Certify Equivalence, 2013 Florida Building Code to 2012 International Energy Conservation Code and ASHRAE.
- To Consider TAC Recommendations Regarding Commission Funded Research.
- To Consider Repeal of Rule 61G20-5, Thermal Efficiency Standards.

Jeff Blair welcomed participants to the April Plenary Session and introduced the agenda as follows (cont.):

- To Conduct a Rule Development Workshop on Rules 61G20-3.001, 61G20-3.002 and 61G20-3.007 Relating to Product Approval.
- 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: Hurricane Research Advisory Committee.
- To Receive Public Comment.
- To Discuss Commissioner Comments and Issues.
- To Review Committee Assignments and Issues for the Next Meeting—October 17 - 18, 2013 in Kissimmee, Florida.

Chairman Browdy requested a Motion to approve the August 22-23, 2013 agenda as presented.

Commissioner Greiner entered Motion to approve the agenda as presented, Commissioner Palacios seconded, the Motion carried unanimously.

Rule Development Workshop, Rule 61G20-1.001(1), Florida Building Code-Glitch Modifications to the 2013 Code:

Chairman Browdy provided a detailed overview of the workshop to be completed in today's meeting. He also advised participants regarding the requirement that proposed changes should only be approved if they meet the statutory requirements for "Glitch" Amendments pursuant to Section 553.73 (8) Florida Building Code. The Chair noted that once the rule development workshop was opened and public comment concluded, the Commission would vote to adopt the package of adopted Glitch modifications, and to proceed with rule adoption for Rule 61G20-1.001(1), Florida Building Code.

Chairman Browdy stated that he would be opening and closing the workshop and Jeff Blair would facilitate the Commission discussion and public comment portion of the workshop.

Jeff Blair provided an overview of the Glitch Amendment Review process and provided an outline of the procedures. Mr. Blair asked if there were any questions from the Commissioners or the public.

Commissioner Stone advised he had been on travel and did not submit his request for modifications to be pulled from the consent agenda prior to today's meeting. Commissioner Stone requested four modifications be pulled from the Structural consent agenda.

Mr. Blair advised Commissioner Stone that he can pull the modifications when the Structural TAC was addressed on the agenda.

Rule Development Workshop, Rule 61G20-1.001(1), Florida Building Code-Glitch Modifications to the 2013 Code (cont.):

Mr. Blair asked that Mo Madani discuss the materials for today's meeting.

Mr. Madani provided two charts, one for the Glitch code changes that were submitted throughout the triennial process and the Glitch code changes recommended by the TAC Committees.

Mr. Madani provided detail of the reports, including the tracking chart, detail report and the comments report and how they function together.

Mr. Blair began the TAC Modifications as listed below:

Accessibility TAC – Mr. Blair stated there were fourteen recommendations on Glitch amendments, they were all recommended for approval as submitted, it was a single consent agenda with no public comments submitted and no items were pulled from the consent agenda.

Mr. Blair requested any public comment or any Commissioner requesting to pull an amendment from the agenda. Mr. Blair advised there would only be a need for a single Motion to approve the TAC recommendations that the amendments meet Glitch criteria and that they should be approved as submitted.

Commissioner Gross entered Motion to approve the TAC recommendations that the amendments meet Glitch criteria and that they should be approved as submitted. Commissioner Gonzalez seconded the Motion, the Motion passed unanimously.

Chairman Browdy requested a Motion to accept the consent agenda proposed by the Accessibility TAC recommendations of the Glitch modifications as submitted. Commissioner Gross entered Motion to accept, seconded by Commissioner Gonzalez, Motion passed unanimously.

Code Administration TAC – Mr. Blair stated there were six TAC recommendations that the amendments meet Glitch criteria and that they should be approved as submitted creating a single consent agenda. There were no modifications pulled from the consent agenda. He stated there were two additional comments with a number of issues that will need to be considered individually. Mr. Blair asked if there were any other comments on the consent agenda. He asked if any Commissioner needed any modifications pulled.

Chairman Browdy requested a Motion to accept the recommendation of the TAC and approve the consent agenda as submitted. Commissioner Gonzalez entered the Motion to accept, seconded by Commissioner Boyer, Motion passed unanimously.

Mr. Blair then addressed the comments AC1 – AC8 where the TAC is recommending approval as meeting the Glitch as submitted by staff. He asked if there was any comment. Mo Madani advised he was requesting to pull AC5 from the consent agenda.

Rule Development Workshop, Rule 61G20-1.001(1), Florida Building Code-Glitch Modifications to the 2013 Code (cont.):

Chairman Browdy requested a Motion to approve the consent agenda of TACs recommendation as meeting the Glitch criteria as modified removing AC5.

Commissioner Boyer entered Motion to approve the consent agenda of TACs recommendation as meeting the Glitch criteria as modified removing AC5, Commissioner Schiffer seconded, the Motion passed unanimously.

Mo Madani explained the removal of AC5, which is addressed by the TAC, dealing with site plans and having site plans in the code. The TAC decided the section should be retained in the code. He further stated that since the TAC requested that this section be retained there should be an addition of 107.2.5.2 based on HB 269. This is to keep consistency with the law.

Mr. Blair clarified that Mr. Madani is requesting that the Commission approve AC5 with the additional language.

Commissioner Greiner entered Motion that AC5 is a Glitch, seconded by Commissioner Flanagan, Motion passed unanimously.

Commissioner Schiffer requested clarification from Jim Richmond on the referencing site plan.

Jim Richmond clarified the information from the legislative language. He explained the changes were made to ensure compliance.

Commissioner Greiner moved to approve the fix, seconded by Commissioner Schiffer, motion passed unanimously.

Electrical TAC – Mr. Blair stated there were no Glitch modifications or comments, therefore no action needed from the Commission.

Energy TAC – Mr. Blair advised that there were twenty-five Glitch Amendments submitted, with two consent agendas, one with twenty four amendments recommended for approval as submitted and one recommended approval as modified. There were no requests for modifications to be pulled from the consent, and there was one comment that contained E1 through E6 and then E7 that will be taken up after the consent agendas.

Mr. Blair asked for any public comment. He then asked if any Commissioner needed to pull any modifications from the consent agenda. There being no comment or request to pull from the agenda, Mr. Blair asked for a Motion to approve the consent agenda as modified to approve the single modification as recommended by the TAC that it meets the Glitch process and it is approved as amended by the TAC.

Commissioner Boyer moved to approve the consent agenda as meeting the Glitch and as modified by the TAC, Commissioner Gonzalez seconded the Motion, the Motion passed unanimously.

Mr. Blair requested a Motion to approve the consent agenda with twenty-four amendments recommended for approval as submitted by the TAC.

Commissioner Schiffer moved to approve the consent agenda as meeting the Glitch and as submitted by the TAC, Commissioner Gonzalez seconded the Motion, the Motion passed unanimously.

Mr. Blair introduced the comments EN1, EN2, EN3, EN4, EN5, and EN 6 recommended for approval.

Mo Madani requested that EN4 be pulled from the consent agenda. Commissioner Calleja requested that EN1 also be pulled from the consent agenda.

Jim Richmond advised that when staff pulls from consent, the Chairman will request that this be pulled by someone on Commission, Commissioner Greiner requested that EN4 be pulled from the consent agenda.

A Motion was requested for the TAC recommendation on the Glitch and the fix to approve on EN2, EN3, EN5 and EN6.

Commissioner Greiner entered a Motion to approve the TAC recommendation on the Glitch and the fix for EN2, EN3, EN5 and EN6, Commissioner Calleja seconded the Motion, the Motion passed unanimously.

Mr. Blair stated the TAC entered a recommendation on the Glitch and the fix to approve EN7. He then requested a Motion.

Commissioner Greiner entered a Motion to approve the TAC recommendation on the Glitch and the fix for EN7, Commissioner Calleja seconded the Motion, the Motion passed unanimously.

Mr. Blair stated EN1 and EN4 could now be discussed. He stated the Commission will start with EN1 and turned the floor to Commissioner Calleja.

Commissioner Calleja discussed EN1 stating this language striking 101.4.7 the exceptions and replacing them with section 4.7.1 specifically was recommendation of legal counsel, which he felt was the reason for striking the language and that was the result of HB 269 which had the similar wording as the code. The last sentence to the end "*Notwithstanding this section, existing heating and cooling equipment in residential application need not meet the minimum equipment efficiencies including system sizing and duct sealing.*" He stated the staff interpreted the last sentence as saying the whole paragraph should be removed, and he totally disagreed. He further stated it does not make logical sense, if the whole paragraph should have been removed, he felt that all language would have

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Rule Development Workshop, Rule 61G20-1.001(1), Florida Building Code-Glitch Modifications to the 2013 Code (cont.):

Energy TAC (cont.):

read with strike through. Commissioner Calleja provided example of using equipment that is using replacement with parts from different brands and equipment. He felt this was incorrect and the interpretation would not be correct. He stated if this is taken out of the code now, we will not be able to put it back in. He felt the solution is to leave the paragraph as is in the code originally and add sentence at the end to read “existing equipment not to be replaced need not comply with this paragraph” and that would make the law and the code parallel there would be not conflict for the officials. He feels the interpretation was not well constructed.

Chairman Browdy asked for any comments from staff and legal counsel.

Mo Madani spoke on the statements of Commissioner Calleja advising what was specific in the language and the law was very clear and specific to residential.

Commissioner Calleja advised they should include the entire paragraph when interpreting the law. He explained his issue with the “*notwithstanding*” language.

Jeff Blair requested any public comment.

Jack Glenn stated he was in support of Mr. Madani. He read the staff analysis from the legislative committee where the bill was heard. He felt the language Mr. Madani is striking is the intent of legislative. He further stated the intent of the legislative was to strike the language.

Mr. Blair asked for any further comment, there being none, he turned the floor back to the Commission, acknowledging Commissioner Palacios first.

Commission Palacios stated that he is a member of the Energy TAC, they did see the staff recommendation, and however, it was not discussed during the TAC call. He further stated after Commissioner Calleja’s comments, he has to agree with Commissioners Calleja’s recommendation.

Mr. Blair requested legal counsel give a response regarding the intention relative to the Code.

Jim Richmond stated what the office has done was to strike the language replacing it with the exact language of the adopted language in the statute. He quoted the language and advised that it was exact as the statute created and amended by HB 269 subsequently signed by the Governor and now in effect. Jim further stated the Legislature is not going to go in and adopt and explicitly instruct us to amend the code in most circumstances that is not the way the rules work. We take the information and within the parameters of authority, we adopt rules to implement the statute. Jim stated what Mr. Madani has made a good effort to impose the legislative intent. He stated additionally some statutes are read in different ways, he is deferring the interpretations of language to the staff attorney.

**Rule Development Workshop, Rule 61G20-1.001(1), Florida Building Code-Glitch
Modifications to the 2013 Code (cont.):**

Energy TAC (cont.):

Commissioner Calleja addressed what he felt should be the precise language that should be considered.

Chairman Browdy requested a response from Legal Counsel at this time to Commissioner Calleja's remarks and recommendations.

April Hammonds, Esq. stated that she had met with Mr. Madani before the TAC meeting to ensure that it met the legal requirements that were required under HB 269. Ms. Hammonds advised that there are still portions of R101.4.7 Building Systems and Components as being retained, it states new products shall meet the minimum efficiencies allowed by this code, etc. the rest of the language is being stricken. She added the language is verbatim out of the statute, she quoted what the statute intended for that and advised this is in order to comply with the statute with what was HB 269 which is now or will be statute. Ms. Hammonds further stated the code is required to reflect which is statutorily required.

Chairman Browdy acknowledged Commissioner Greiner.

Commissioner Greiner stated that the staff was following the legislative language.

Commissioner Calleja stated that the issue is when it goes into the field, building officials are being told all requirements are out and they can mix and match products and they do not need to submit sizing calculations. He stated the next code needs to be made compliant.

Commissioner Greiner stated that this was not true, 553.912 state exactly what is required in the residential code and they would need use this section.

Jeff Blair stated a new Motion is needed on the floor relative to the fact this is a glitch.

Commissioner Greiner entered a Motion that this is a glitch; Commissioner Gonzalez seconded the Motion, Motion carried unanimously.

Chairman Browdy then requested a Motion on the fix.

Commissioner Greiner entered a Motion that the fix is correct as submitted by staff and TAC recommendation, seconded by Commissioner Schock, there was further discussion from the Commissioners and staff regarding the interpretation of the language. The Motion failed eight in favor and 11 opposed.

**Rule Development Workshop, Rule 61G20-1.001(1), Florida Building Code-Glitch
Modifications to the 2013 Code (cont.):**

Energy TAC (cont.):

Chairman Browdy asked for another Motion.

April Hammonds, Esq. addressed the Commission for the record, stated neither the TAC nor the Staff was responsible for the language. She advised that the legislature is the responsible entity and if they feel that this is a contrary indication as to what the Commission wanted, they the legislature may not know the difference between the terms existing and replacement, I don't know. However, it was passed by the legislature and the Commission is required to have the code reflect it, and now we will have a code that conflicts with a new statute.

Discussion followed the legal statement to add the language back as it was.

Jeff Blair stated that the reality is that the Legislature has given the Commission direction on this matter and it's not a choice issue. If you do not think the requirement is correct, unfortunately in this case it does not matter since the Commission has been instructed by the Legislature to implement the requirements. If your concern is with the Code language and not the legislative intent, then that could be discussed if the exact language is not already prescribed in statute. With legislative direction even if you do not agree with the requirements, this is the one exception where the Commission does not have a choice on whether to approve.

Commission Calleja stated it is the language and the interpretation given is incorrect. He stated leave the language in the code and in the next legislative session the language can be fixed. Taking it out of the code we could risk having to add it back and how long that would take.

Chairman Browdy stated there can be another glitch next year. He requested to know the results of not acting on the results of this glitch.

Commissioner Brown stated with the regards to the exceptions, he requested clarification of the language being stricken as being a part of the legislation changes.

Mo Madani, stated no, the language was being removed due to the new language provided by the Legislature, thus the change in the code and compliance. He said that the new language does not have a requirement for sizing calculations or requirement that the existing ducts have to be inspected. Mo said because of the legislation these statements are being removed and the exact language of the statute is being added to the code. Leaving both creates a conflict.

April Hammonds, Esq. clarified that the language. She stated the statute is provided as it reads now in EN1 it is listed there in 553.912 that is exactly how the statute reads. The statute does not provide specifics that are contained within the code and it does not mandate it. What it does say is: *"Notwithstanding this section, existing heating and cooling equipment in residential application need not meet the minimum equipment efficiencies including system sizing and duct sealing."* she

**Rule Development Workshop, Rule 61G20-1.001(1), Florida Building Code-Glitch
Modifications to the 2013 Code (cont.):**

Energy TAC (cont.):

stated that is the exact statutory language. This language was provided for the TAC and the Commission. Ms. Hammonds stated with due respect when we start talking about interpretations of statutes, this is the legal interpretation.

Commissioner Calleja stated there were two words of the intent of the legislature. He further commented on the section being removed, and felt that it should remain. He gave examples between replacement and one as the existing.

Ms. Hammonds advised as legal counsel for the Commission; this is the proper interpretation and the restitution of the statute. She further stated whether they agree with the legislation, she stated the Commission is mandated to follow.

Commissioner Brown requested to have a Motion to reconsider the previous Motion, Commissioner Greiner seconded the Motion. 12 votes in favor and 7 opposed, Motion passed.

Commissioner Greiner entered a Motion to approve staff change to EN1 meeting intent of legislature adding a disclaimer. Commissioner Gross seconded the Motion.

Commissioner Greiner added comment regarding the conflicting language in this section; he stated he understood the concern and confusion. He feels this issue can be addressed with a declaratory statement and get this issue resolved with respect to code language.

Commissioner Greiner modified his Motion to also include language of addressing the code verbiage to include declaratory statement. Also to add issue in report to the Legislature. Commissioner Schock seconded the modification. Thirteen voted in favor and six opposed, Motion failed.

Commissioner Dean entered Motion to leave all language add legislative language and complete declaratory statement to clarify the issues. Commission Stone seconded. Seventeen voted in favor and two opposed, the Motion passed.

Chairman Browdy requested that Mr. Madani to explain EN-4/

Mr. Madani stated EN-4 was a proposal that was generated by staff to remove the requirements for local jurisdiction to submit copies of energy code reports to the departments. This is consistent with commercial buildings; this requirement was removed from the commercial and should be the same for residential.

Commissioner Greiner entered a Motion that this is a glitch and was seconded by Commissioner Gonzalez, the Motion passed unanimously.

Rule Development Workshop, Rule 61G20-1.001(1), Florida Building Code-Glitch Modifications to the 2013 Code (cont.):

Energy TAC (cont.):

Commissioner Greiner entered a Motion to accept TAC and staff recommendations, Commissioner Tolbert seconded the Motion and it passed unanimously.

Fire TAC - Mr. Blair stated there were no glitch modifications pulled. He stated there was one comment with five components submitted by staff to be taken up separately. There are two consent agendas, as submitted and a NAR. Mr. Blair stated the first action is on the TAC as submitted and meeting glitch.

Commissioner Greiner moved that to approve the consent agenda as submitted and it meets glitch criteria. Commissioner Stone seconded and the Motion passed unanimously.

Commission Greiner moved that the modification NAR does not meet glitch criteria per TAC recommendation, Commissioner Schiffer seconded the Motion, the Motion passed unanimously.

Mr. Madani stated the comments were withdrawn by staff.

Mechanical TAC – Mr. Blair advised there were no glitch modifications submitted. He stated there is one comment submitted by staff and was approved by the TAC as recommended. There was no public comment.

Commissioner Calleja entered Motion to approve MC1 as a glitch and meets the technical requirements, Commissioner Gonzalez seconded the Motion. The Motion passed unanimously.

Plumbing TAC – Mr. Blair advised that the Plumbing TAC had nineteen glitch amendments submitted. There were three as modified, five as submitted, five NAR and six withdrawn. There was a request that two modifications be pulled P6228 (plus Appendix F comment) NAR and P6231 to be considered one of the withdrawn modifications.

Commissioner Gross entered a Motion to approve the consent agenda recommended for approval that it meets glitch as modified; a second was entered by Commissioner Tolbert. The Motion passed unanimously.

Commissioner Gonzalez entered a Motion to approve the consent agenda as submitted meeting glitch and technical requirements as proposed; a second was entered by Commissioner Boyer. The Motion passed unanimously.

Commissioner Gonzalez entered a Motion to approve the consent agenda for no affirmative recommendation as revised with the removal of modification 6228 for individual consideration, Commission Dean seconded the Motion. The Motion passed unanimously.

Rule Development Workshop, Rule 61G20-1.001(1), Florida Building Code-Glitch Modifications to the 2013 Code (cont.):

Plumbing TAC (cont.)

Modification 6228 was presented and Jack Glenn stated he submitted a glitch change to re-insert appendix F of the code and under the advice of the Attorney the Commission had no authority to adopt the appendix thus it was denied. He stated subsequent to the meeting he had stated this incorrectly. Following the meeting research revealed that under the landscaping statute there is specific language referencing appendix F in the plumbing code. By deleting this appendix there is no guideline for landscaping designers or irrigation systems designers left in the code as prescribed by law. He further stated he resubmitted for reconsideration of adding back appendix "F" as guideline for landscaping designers or irrigation systems designers.

Commission Boyer entered Motion to accept as a glitch and fix by adding back the appendix "F", Commissioner Gonzalez seconded the Motion. The Motion passed unanimously.

Jack Glenn stated 6231 was a recommendation previously made to the TAC that was a companion to make a change to appendix "F" by clarifying common practices. He further stated this is a modification of the base code. Jack stated he originally pulled the modification due to prior denial of appendix "F":

Commissioner Boyer entered Motion to accept 6231 meets glitch criteria, Commissioner Gonzalez seconded. The Motion passed unanimously.

Commissioner Boyer entered Motion to accept the fix to the amendment to 6231 appendix "F", Commissioner Gonzalez seconded the Motion. The Motion passed unanimously.

Mr. Blair advised there were two additional issues to be discussed on the Plumbing TAC, P1 and FG1.

Mo Madani advised P1 submitted by staff to be make the residential code consistent with the Plumbing code. The requirement for maintaining backflow preventer should be removed to avoid conflict.

Commissioner Schock entered Motion to accept as glitch, a seconded was entered by Commissioner Brown. The Motion passed unanimously.

Commissioner Brown questioned how often would a backflow preventer be inspected. Mr. Madani stated that it is within local jurisdiction, but usually each year. The Commission does not get involved with this.

Rule Development Workshop, Rule 61G20-1.001(1), Florida Building Code-Glitch Modifications to the 2013 Code (cont.):

Plumbing TAC (cont.)

Commissioner Brown entered a Motion to approve the fix, Commissioner Boyer seconded the Motion. The Motion passed unanimously.

Mr. Blair stated FG1 the TAC recommended that this meet glitch and the technical fix.

Commissioner Schock entered a Motion that FG1 meets glitch criteria and to accept TAC recommendation for the technical fix, Commissioner Boyer seconded the Motion. The Motion passed unanimously.

Roofing TAC - Mr. Blair stated the Roofing TAC had ten glitch amendments, seven on the consent agenda as submitted, two as NAR and there was one withdrawn. He stated there were none pulled and there were no comments.

Commissioner Tolbert entered a Motion on the seven consent agenda items meet glitch and TAC recommendation, Commissioner Gross seconded the Motion. The Motion passed unanimously.

Commissioner Tolbert entered a Motion on the two consent agenda items with no affirmative recommendation and do not meet glitch criteria accepting TAC recommendation, Commissioner Gross seconded the Motion. The Motion passed unanimously.

Special Occupancy TAC – Mr. Blair advised there were five glitch amendments for this TAC. He further stated there were four on the consent agenda as submitted and one with no affirmative recommendation. This modification was pulled for further discussion.

Commissioner Gross entered a Motion to approve the TAC recommendations for the four modifications as meeting glitch and to approve fix, Commissioner Boyer seconded the Motion. The Motion passed unanimously.

Mr. Blair advised 6252 went through the TAC with a no affirmative recommendation, however was pulled for further discussion. Mr. Blair asked if there were any comments from the public.

Rule Development Workshop, Rule 61G20-1.001(1), Florida Building Code-Glitch Modifications to the 2013 Code (cont.):

Special Occupancy TAC (cont.):

Jim Ayotte, Executive Director, Florida Manufactured Housing Association, Inc., he stated he brought a one page summary that he wanted to pass out to the Commission for review. He stated he came before the Commission to ask for reconsideration of a favorable recommendation of sections 428.3.2.1 and 428.3.2.2. Mr. Ayotte stated we probably as an organization may not have approached the process the best way they could have and he would explain further. He stated while on the face of these amendments may not appear to be your typical glitch, once the Commission hears the facts, that the Commission will agree that these are simple clarifications that are necessary to cure the accidental gutting of the fifteen years of the modular plan inspections processes.

Mr. Ayotte provided background on the inception of the modular inspection program, third party inspection agencies have provided continual observation in inspections of the modular manufacturing process until they have determined that the implementation of the manufacturer's quality control program capabilities in conjunction with the application of approved building codes and plans result in a building that meets or exceeds the Florida Building Code. He stated only then and thereafter the third party inspector is required to inspect each module produced at least at one point in the manufacturing process and they must inspect a minimum of 75% of the subsystems, electric, plumbing, structural, mechanical, and internal. Mr. Ayotte stated the third party agency has the discretion to increase or decrease the number of inspections they perform, based on the manufacture's compliance.

Mr. Ayotte stated that everyone including The Florida Building Commission and the Third Party inspectors have agreed the processes have worked well over the years. Complaints have been low and the manufactured buildings have had little problems. Mr. Ayotte said during the last amendment cycle this would be the 2010 cycle, this Commission in its effort to improve and streamline building code language, deleted a few words in the first sentence in section 428.3.2.1 and 428.3.2.2 the removal of these words were done with little fan fair, they were not substantive changes, they were just a few words. He stated there was never any discussion at the TAC or the Florida Building Commission with the Florida Building Commission Staff anyone in the industry that there were problems with the interim session process, nothing was discussed to warrant change to the entire inspection process. Thus the changes went through and life went on.

Mr. Ayotte stated about eleven months ago, he started receiving calls from his modular manufactures, panic calls wanting to know what was going on, they were stating there was a new third party inspection protocol in place that every building built in manufacturing facility be inspected continuously from start to finish. Mr. Ayotte said if you think about this from an industry perspective look at it from a site perspective. This would be like asking a local building code observation for every new home built, stay there the entire time while the home is being built, checking everything going on from start to finish. He stated this does not make sense it is not cost effective, it does not work. He said this was the process that was being imposed on us.

Rule Development Workshop, Rule 61G20-1.001(1), Florida Building Code-Glitch Modifications to the 2013 Code (cont.):

Special Occupancy TAC (cont.):

Mr. Ayotte said that when the words were deleted it does not appear this Commission was trying to make a policy statement, he felt the Commission was looking at it and said they wanted to streamline and improve the process. He said that it was not that the third party inspections on modular inspections process are not working so let's vote on it here; he said that was not the case. Mr. Ayotte stated the change was not publicly noticed, the only time they heard that there was a different interpretation was in March of 2012 when the program auditor was doing a series of workshops with some third party auditors, at that point, he suggested there was a different way to look at this issue. He stated he received a call in late August, the new requirements went into effect, the revised interpretation was in with new checklist, and our third party inspectors began to be cited.

Mr. Ayotte stated that at time he attempted to resolve the issue and they worked with program staff. He stated they were unsuccessful, forcing the industry to file a petition with the Division of Administrative Hearings stating the Department did not adopt the new policy through proper rule making. The petition resulted in a negotiated stipulation with settlement in abeyance, while there was an attempt to work through the glitch process, bringing us to today.

Mr. Ayotte admitted they may not have processed their glitch request correctly, but he feels that this is certainly a glitch. He stated the staff has been extremely helpful, worked with the staff on language and the staff recommended that we consider a different language. Mr. Ayotte stated the language on the handout is language that was developed with staff and the staff approves the language, it was their thought to come up with this language, so they do not disagree with the fix. He further stated the staff does not disagree with the fix. Mr. Ayotte stated they went to the TAC with these changes and thought since they worked with staff on the language this glitch would go through but that did not happen. He stated he is here today stating there is a problem which is an interpretation problem, did the Building Commission intend by removing language to change the policy. This does not appear to be the case, it was never discussed. He had two requests, one that the Commission would re-determine this is glitch looking back at previous Codes. When you look at what the 2010 Building Code said, it has some words. It said, subsequent to plan approval, and it said, among all the corrections of the agency. He further stated it was predicated on that, and so when a part of that sentence was taken away it opened up a whole different meaning which is what we are living with now. Mr. Ayotte stated he was here today to ask the Commission to look through new eyes. He stated there is a glitch, and to secondly go forward and approve the recommended amendment which has been worked on with staff, which has been recommended by staff as well.

Chairman Browdy asked that the legal staff speak to Mr. Ayotte's comments as well as the Chairman of the TAC for Special Occupancy.

Rule Development Workshop, Rule 61G20-1.001(1), Florida Building Code-Glitch Modifications to the 2013 Code (cont.):

Special Occupancy TAC (cont.):

Jim Richmond stated as the Administrator of Manufactured Buildings his response should be listed as a public comment. The program would take exception to some of the Characterizations made especially that any actions taken by the program were based on changes recently. He stated the actions were based on actions by the Commission in 2000 and 2001 which was the adoption of this language you are viewing today unaltered. He then quoted the language and explained there seems to be difficulty in interpretation and application of this language and applying it today in some segments of the industry is designing and building of runoff homes, there is not a situation where you have the Model T assembly lines anymore. This may have caused some difficulty in the field. There are some buildings are subject to these inspections from start to finish including subsystems and that was in fact in place since the 2001 code was adopted. He stated that was an additional triggering mechanism where an agency, if a new agency was selected that the language was deleted, but had no impact on the facts and circumstances laid out. Jim stated we have in good faith worked with Mr. Ayotte in terms of some language that really was adjusted in the event a change was adopted, however, he did not believe that we have represented, endorsed or recommended this change. He stated that if a change is to be adopted, this is enforceable language for the program. Jim stated that we have maintained at all times whether or not this is a glitch is a policy consideration to be undertaken, discussed and ultimately decided by the Commission.

April Hammonds stated as legal counsel, advised that she had spoken with Mr. Ayotte prior to the meeting and she stated that whether or not this is a glitch is within purview of this Commission. She stated that they agreed to the language as Mr. Richmond stated, she felt Mr. Ayotte went a little far to say that we would recommend but we did agree that if the Commission found that this was a glitch this would be livable language, there would be no dispute from staff. Ms. Hammonds addressed the issue of notice clarifying that the 2013 Code has gone through its triennial update and this glitch process is for the 2013 Building Code and notice was given on both the 2013 triennial code cycle and notice was given this glitch cycle. Anything prior to that time is prior to my term and I cannot speak for those dates.

Commissioner Brown asked Legal at the beginning of the meeting, there was an articulation of the requirements that must be met in order for an issue to be determined to be a glitch. He asked which exceptions would apply in this case.

Ms. Hammonds deferred to Mr. Ayotte and Mr. Eastman, however she feels from reading their handout, it is an unintended result from the integration of previously adopted Florida specific amendments with the model code.

Rule Development Workshop, Rule 61G20-1.001(1), Florida Building Code-Glitch Modifications to the 2013 Code (cont.):

Special Occupancy TAC (cont.):

Commissioner Hamrick stated as the Chairman of the Special Occupancy TAC, we did take this issue up and it was discussed at length and we did have a presentation from the proponent, it was an unanimously by the TAC that this issue did not fit any of the glitch criteria. He said this is purely a code change and should go through the code change cycle. His other concern is that the proponents represent The Florida Housing Association and they are only one of the many other providers of manufactured buildings. Representing public education we are probably one of the larger users of the manufactured buildings and it could cause some conflict with other types of programs with their fix. He stated if this goes through a full code change would allow all interested parties would know what is going on and would have opportunity to participate. In the glitch there is less involvement from the public.

Chairman Browdy requested to know if the decision of the TAC was NAR.

Commissioner Hamrick stated yes, the unanimous decision was NAR and does not meet the glitch criteria.

April Hammonds stated she believed Mr. Eastman or Mr. Ayotte would like to respond to Commissioner Brown's question of which glitch criteria was being used for this issue.

Commission Brown re-stated his question directed to Mr. Eastman stating there was specific exceptions that describe the criteria in order for an issue to be a glitch, can you articulate which exception would apply in this case, which would qualify it as a glitch?

Dave Eastman, Esq. General Counsel for The Florida Manufactured Housing. Mr. Eastman stated the 2007 Code changes which were implemented in the spring of this year did delete some language from the code. He further stated that it said that the inspection of the first building built after subsequent to the plan approval or upon the retention of the inspection agency shall be inspected from start to finish. He continued stating the second part to this was removed and that is the hiring of the inspection agency. He said with that taken out there seems to be an interpretation that the plan approval is a different than what it has been interpreted in the last 10 to 15 years, even before the Community Affairs was working in this area. Mr. Eastman said the plan approval in this instance is plan approval by a third party design plan approval agency which reviews all of the building that are going to be done and sets forth the frame work for every part of the construction. He said the way this has been interpreted by the auditor this year, beginning in March and April was that the plan approval was the submission of the finished plans to the agency for an Insignia and that is a completely different view of how plan approval is to be approached. He said the key here is, we are not trying to interfere whatsoever with school construction, classroom instruction. We are trying to maintain the status quo of how inspections are done in factories today. Mr. Eastman stated if they need to go through rule making, they would be glad to do so. He said that this is new policy interpretation by an auditor that has jumped inspections in manufacturing facilities to 100% of every building that plan has been submitted to the agency. He further stated this is conflicting with the 2007 code during implementing this year.

Rule Development Workshop, Rule 61G20-1.001(1), Florida Building Code-Glitch Modifications to the 2013 Code (cont.):

Special Occupancy TAC (cont.):

Jeff Blair then clarified the intent asking if his answer is unintended results in the integration of previously adopted Florida specific amendments for the model code. Jeff requested to know if this is the criteria being used to request the glitch.

Mr. Eastman responded stating that it would either be the criteria as Jeff read out or perhaps that it conflicts with the updated code, it was the change from 2007 implemented in 2013.

Chairman Browdy advised Mr. Eastman that the request has to only meet one of the criteria not all to be consider for a glitch.

Jeff Blair asked which glitch criteria is being followed for this modification request.

Mr. Eastman stated that it conflicts with the updated code.

Commissioner Greiner stated that this would be a problem, while this fix might fix the proponents problem, he is not sure of other problems it may cause. He feels that TAC reviewed and is advising us that this is not a good idea. He also stated the TAC did not see it as a glitch and with the back up from the TAC he is concerned that the Commission could end up writing code from the floor, which is a bad idea due to the effect it could have on the other side. Commissioner Greiner stated he would go with a declaratory statement or code change in the next cycle.

Commissioner Hamrick stated when this first came up; he conducted researched statutory changes in the last code and this code. He further stated there were none at this time on this section. Commissioner Hamrick stated the language is the same in 2013 as was in 2010.

Commissioner Hamrick entered a Motion to uphold the TAC recommendation of NAR and does not meet glitch criteria, Commissioner Greiner seconded the Motion. Chairman Browdy asked for any further comment from the public.

Mr. Ayotte stated that he did not intend to indicate that the staff recommended this or approved this as a glitch, they simply agreed with us on the language and worked with them. He further stated he wanted to clarify his prior statement and gain clarification. Mr. Ayotte stated they are looking forward to rule making and gain clarification on language and gain a clear process. He stated they felt the glitch process would be the best option, however, the timing was at a bad time. Mr. Ayotte thanked the Commission and Staff for their assistance and indulgence during this process.

Jeff Blair read the prior Motion and asked for any further comments from the Commission.

Commissioner Greiner stated that there is an auditor that is interpreting a Florida Building Code.

Rule Development Workshop, Rule 61G20-1.001(1), Florida Building Code-Glitch Modifications to the 2013 Code (cont.):

Special Occupancy TAC (cont.):

April Hammonds took exception to Commissioner Greiner's statement she stated that is an issue up for dispute. She further stated that the Division of Administrative Hearings under the program is determining if there has been an interpretation and that is a disputed issue at this point or whether it was a recitation. Ms. Hammonds further clarified there was rule making held again in October this past year for triennial cycle.

Commissioner Palacios requested to know if this issue is something they could request in a declaratory statement.

Chairman Browdy advised yes and requested if there were any more comments.

Commission Gross questioned if the Manufactured Building Product Oversight Committee was involved in this as he has not heard anything on this.

Jim Richmond stated the Manufactured Buildings element of that program oversight committee has essentially been removed; there was a substantial legislative re-write some years back that more clearly defined the authorities of the Department and the authorities of the Commission. He further stated the authorities of the Commission are somewhat restricted as to specifying in the Building Code the inspection requirements for Manufactured Buildings.

Chairman Browdy read the motion as entered by Commissioner Hamrick and requested a vote. The Motion passed unanimously.

Structural TAC – Jeff Blair stated there was one hundred four glitch modifications, twelve as amended, eighty six as submitted and six withdrawn. There will be two consent agendas to consider. He stated there was a request to pull off of the as submitted 6120. Jeff stated that Commissioner Stone requested to pull 6209 and 6131 off of the as modified agenda and off of the as submitted agenda 6268 and 6120.

Mr. Blair asked for any comment on the revised as submitted consent agenda with removal of two modifications 6268 and 6120. Jeff asked for a Motion to approve the revised as submitted consent agenda with removal of two modifications 6268 and 6120.

Commissioner Schock entered Motion to approve the revised as submitted consent agenda with removal of two modifications 6268 and 6120, Commissioner Boyer seconded the Motion. The Motion passed unanimously.

Mr. Blair asked for any comment on the revised as modified consent agenda with removal of two modifications 6209 and 6131. Jeff asked for a Motion to approve the revised as submitted consent agenda with removal of two modifications 6209 and 6131.

Rule Development Workshop, Rule 61G20-1.001(1), Florida Building Code-Glitch Modifications to the 2013 Code (cont.):

Special Occupancy TAC (cont.):

Commissioner Boyer entered Motion to approve the revised as modified consent agenda with removal of two modifications 6209 and 6131, Commissioner Schock seconded the Motion. The Motion passed unanimously.

Structural TAC (cont.):

Mr. Blair stated on the as submitted agenda mod 6120 was open for discussion from the public.

Paul Coats, American Wood Council, stated there was a mistake here, first of all they are in favor of the glitch modification, however, they would suggest a modification to the glitch change. He stated in the first part it is repeating the glitch changes by Eric Stafford and now at the bottom is that Mr. Stafford modified the exception and he is suggesting that the entire exception needs to be deleted.

Commissioner Stone entered a Motion on mod 6120 to approve as meeting glitch criteria, Commissioner Boyer seconded the Motion. The Motion passed unanimously.

Commissioner Stone entered a Motion on 6120 to approve on the fix as modified, Commissioner Boyer seconded the Motion. The Motion passed unanimously.

Mr. Blair on the as submitted agenda modification 6268 was open for discussion from the public. There was none; however there was discussion within the Commission and staff.

Commissioner Stone entered Motion on 6268 to approve as meeting glitch criteria and the fix accepted, Commissioner Boyer seconded the Motion. The Motion passed unanimously.

Mr. Blair introduced 6209 and asked that Commissioner Stone speak on the rationale for pulling.

Commissioner Stone stated the issue is with the language as it stands. He felt that modification of an ASCE standard is not appropriate and should not be done. He also stated that this does not meet glitch criteria. Commissioner Stone provided detailed information on this issue. He stated he opposes proposal.

Joe Belcher, International Hurricane Protections Association stated that he disagreed.

There was further discussion from Commissioner Stone.

Chairman Browdy clarified that mod 6209 does not meet glitch per Commission Stone as stated.

Commissioner Stone advised yes.

Mo Madani provided clarification stating to the fact that this is specific to ASTM E 1996, the reason for the change is due to ASCE-7- 2010 changes which changed how we calculate loads from allowable stress design to strength design, and it is strictly correlation. He then spoke to the residential code change, and

Rule Development Workshop, Rule 61G20-1.001(1), Florida Building Code-Glitch Modifications to the 2013 Code (cont.):

Structural TAC (cont.):

this is to make sure we are consistent with the building volume. If approval is not reached, it will not be consistent with the building volume.

There was further discussion on mod 6209 with background on prior changes.

Dwight Wilkes stated his concern was as Mr. Madani said. This was submitted by Eric Stafford and the proposal and rational of the modification was listed, Mr. Wilkes read and explained. He stated that if this is not approved there can be a conflict between the building and residential.

Commissioner Schock asked of Commissioner Stone if there was a stated conflict.

Commissioner Stone stated it was determined to be a conflict.

Commissioner Greiner entered a Motion that mod 6209 does meet glitch criteria, the Motion seconded by Commissioner Hamrick. The Motion passed eighteen to one.

Commissioner Greiner entered a Motion that mod 6209 be accepted as modified by the TAC, the Motion seconded by Commissioner Hamrick. The Motion passed eighteen to one.

Mr. Blair introduced 6131 and asked that Commissioner Stone speak on changes.

Commissioner Stone stated he felt that this requested change is in the wrong part of the code.

Joe Hatzel, representing Hatzel, stated they were making the two codes consistent and pulling this out would cause a conflict in the code.

Mo Madani provided back ground on mod 6131 and the purpose of the change.

Mr. Blair requested a Motion on the proposed modification.

Commissioner Tolbert entered Motion that mod 6131 meets glitch criteria and agrees with TAC recommended fix, Commissioner Flanagan seconded the Motion. The Motion passed unanimously.

Jeff Blair stated there were two comments that needed to be discussed. He stated they are S1 and S2 and they are recommended for approval as submitted.

Commissioner Flanagan entered a Motion that S1 meets glitch criteria and the fix as recommended by TAC, Commissioner Schock seconded the Motion. The Motion passed unanimously.

Rule Development Workshop, Rule 61G20-1.001(1), Florida Building Code-Glitch Modifications to the 2013 Code (cont.):

Structural TAC (cont.):

Jeff Blair asked for any public comment on S2.

Dwight Wilkes gave full background and then recommended R612.6.1 in favor of glitch and the TAC recommendation.

Commissioner Flanagan entered a Motion that S2 meets glitch criteria and to approve TAC technical recommendation, Commissioner Stone seconded the Motion. The Motion passed unanimously.

Swimming Pool TAC – Jeff Blair stated there was a total of eight modifications, one as approved and seven as submitted with no modifications being pulled. In addition there was one comment.

Commissioner Palacios asked Chairman Browdy to address staff to clarify a structural TAC question regarding wind velocity zones.

Commissioner Palacios asked staff to explain the difference between the wind speed requirement, for mechanical equipment and what the structure is built for, that is backed up, or do we have different requirements still.

Mo Madani, stated there were two things on the wind factors, for rooftop equipment, for the non-high velocity hurricane zones and outside of Miami-Dade and Broward counties, that factor is gone. For the high-velocity hurricane zone of Miami-Dade and Broward, those factors are still in place and have not been removed.

Mr. Blair restated there was a total of eight modifications, one as approved and seven as submitted with no modifications being pulled. In addition there was one comment.

Mr. Blair requested a Motion to approve consent agenda as glitch with the TAC recommendations as modified.

Commissioner Batts entered a Motion to approve the consent agenda as glitch with the TAC recommendations as modified, Commissioner Greiner seconded Motion. The Motion passed unanimously.

Mr. Blair requested a Motion for the consent agenda of the modifications meeting glitch criteria as submitted by the TAC.

Commissioner Batts entered a Motion to approve the consent agenda as glitch with the TAC recommendations as submitted, Commissioner Greiner seconded Motion. The Motion passed unanimously.

Rule Development Workshop, Rule 61G20-1.001(1), Florida Building Code-Glitch Modifications to the 2013 Code (cont.):

Swimming Pool TAC (cont.)

Jeff Blair stated there were some comments to be addressed he began with SW1 and SW2. Mr. Blair stated they could be taken on a consent agenda together as they were both recommended for approval with technical corrections as submitted by the two proponents. Mr. Blair asked if there was any public comment, there being none. He advised if you support the TAC's recommendation you would vote to approve SW1 and SW2 with technical corrections.

Chairman Browdy requested to know if they would be voting on both SW1 and SW2.

Mr. Blair advised yes.

Commissioner Brown entered Motion to approve SW1 and SW2 as meeting glitch criteria with technical corrections, Commissioner Schock seconded the Motion. The Motion passed unanimously.

Mr. Blair addressed SW3 indicating that the TAC voted that it did not meet glitch criteria. He then asked if Mr. Vincent was present to speak on this.

Bob Vincent, with the Florida Department of Health, he stated he had some paper on this issue.

Mr. Blair advised staff would pass out the information allowing him to address the issue. He further stated that S3 and S4 are to be considered separately and questioned if that was correct.

Mr. Vincent stated yes they are separate.

Mr. Vincent stated he would like to give the Commission an update as to the Department of Health rule is being revised for public pools, they are striking out the construction criteria that would be left in the Florida Building Code. He stated there has been a delay with the Joint Administrative Procedures Committee of the legislature, the department sent a 28 page rule and they sent us back 38 pages comments.

Mr. Vincent stated since the April 29, 2102 change that was an immediate implementation of the new language with the Governor's signature HB 1263, we have been working with the FSPA and UPSA organizations, with the building officials as well BOAF and of course worked with this Commission the past thirty glitches that were inconsistent between the two rules, at the February 4th meeting.

Mr. Vincent advised that the Department of Health has held seminars with over one hundred building officials, and they actually visited the fifty building officials by the two regional engineers in the thirteen county health department engineers. He stated this is a road we must travel to both issue consistent construction and operation permits with you issuing construction permits and my department issuing operation permits. He said to remember there are 37,000 public pools in the State of Florida. Mr. Vincent said there are a lot of pot holes in this road unfortunately, and there is one big delay and this is what we have before you, SW 3. He stated what they asked for the TAC to look at and they did vote in favor of it, but there was a six to three vote, so it did not make the super majority to pass as a glitch.

**Rule Development Workshop, Rule 61G20-1.001(1), Florida Building Code-Glitch
Modifications to the 2013 Code (cont.):**

Swimming Pool TAC (cont.)

Mr. Vincent stated the department believes this is a glitch and would like for the Commission to look at it and consider it as one of the ways to fix how information is provided to the permit holder, the construction permit holder. He further said that if the Commission could put a statement in the Building Code and just to let them know this is not even a code change. Mr. Vincent said this does not require anyone to do anything; it just notifies them that it is important that they get an operation permit from the Department of Health.

Mr. Vincent advised this is just like Chapter 30 for elevators, it says the same thing essentially, we took that language and took out the word elevator and put swimming pool in. He said that they feel this is a type E glitch, statutory inconsistency and appreciate you helping us with one more way to get the information out to the public.

Jeff Blair asked if there was anyone else from the public that wished to make a comment on this particular modification.

Brian Kelly, Florida Swimming Pool Association, stated they agree with Mr. Vincent's idea that this is a glitch and they would like to see this also so that the identification goes directly in the way it is notified that the pool construction permit holder has to notified the Department of Health also.

Jeff Blair asked if industry and the agency are in agreement and speaking hand-in hand together on the issues. Yes. He asked for any additional public comments? Commissioner Brown.

Commissioner Brown questioned that the TAC voted six to three in favor of it not being a glitch.

Mr. Blair stated it was in favor of being a glitch, however, it did not achieve the 75% so the result is that it did not meet the Commission's high threshold level required for approval, with the small group number it is hard to meet this threshold.

Commissioner Greiner stated he is on that TAC and he cannot remember why they did not think this was a glitch. He is concerned that it is very important since the legislature changed a whole bunch of things that DOH does and combined all of this stuff with the Building Code, there is a lot of working together that needs to happen to make this work for them and for us and not put the building officials in the middle.

Chairman Browdy stated there is a delicate handoff that takes place between the end of the construction and the operational permit. He stated that is the focal point of this piece.

Commissioner Greiner said that is correct what he said.

Commission Greiner entered a Motion that this is a glitch and the fix is approved and Commissioner Stone seconded the Motion. The Motion passed unanimously.

Rule Development Workshop, Rule 61G20-1.001(1), Florida Building Code-Glitch Modifications to the 2013 Code (cont.):

Swimming Pool TAC (cont.)

Jeff Blair now asked Mr. Vincent to address SW 4.

Mr. Vincent stated he was not sure if this is a glitch that conflicts with the updated code, or equivalency of standards or inconsistency of state law, but is one of the three. He stated what this does is strike out the resurfacing requirements that are in the Building Code. He further stated they had this in the DOH Pool Code, he said it is routine maintenance and not a modification or new construction. He stated public pools have to be refinished every fifteen years and so they routinely ask that the contractor alert them to which things in the nine item list has to be brought up to current code, which includes ladders, steps or markings, or where the levelness of the lift of the gutter.

Mr. Vincent stated they feel like it being in the Building Code, it would appear to be a modification, when its truly defined not a modification and they think the Statute says the Building Code will deal with new construction and modifications but not this routine maintenance. He said they are requesting that it be struck from the Building Code, there is about eight sections to be taken out, showing on his hand out. He said that it could be done with a declaratory statement, but it feels it is cleaner as a glitch between the two and cleaner taking it out of the Building Code.

Jeff Blair asked for any further public comment.

Brian Kelly with the Florida Swimming Pool Association stated he would agree the language should be stricken. He also said as far as the equipment used that can be clarified in the new language.

Mr. Blair asked if there was any further public comment. He then asked if there were any comments from the Commission, regarding an action.

Commissioner Batts stated he agreed with Mr. Vincent.

Mr. Blair stated Okay thank you.

Chairman Browdy stated newly appointed Commissioner Batts; you made it in at the right time.

Commissioner Batts entered a Motion that this does meet glitch criteria and the technical fix should be as proposed. Commissioner Greiner seconded the Motion.

Chairman Browdy asked if there was any further discussion on this.

Commissioner Schock pointed out that it appears the TAC voted unanimously that this did not meet glitch criteria.

Rule Development Workshop, Rule 61G20-1.001(1), Florida Building Code-Glitch Modifications to the 2013 Code (cont.):

Commissioner Greiner advised he could respond to that stating he was on the TAC, while it may not have met criteria, there has to be some kind of coexistence with DOH and FBC. He further stated that if we don't make that happen then all we are going to have is conflict and this will make it extremely difficult not only for DOH but difficult for the contractors and then the Building Official is sitting in the middle, which is a difficult position to be in.

Commissioner Flanagan stated that he understood that the TAC had voted against the glitch, but had his question answered by Commissioner Greiner.

Commissioner Brown stated he was struggling with the same conflict that the TAC voted this is not a glitch and the Commission just voted that it is what specifically is the criteria. Mr. Blair articulated that it is two or three of the exceptions that make it a glitch and that seems like adequate justification for him to declare that it is glitch. He further stated that the inconsistency between this action and the TAC could be explained.

Mr. Blair advised the TAC's role is to make a recommendation; it is the Commissions role to make the decision.

Commissioner Greiner stated he made a very bad presentation that day and he felt he voted the wrong way, and this would not have been unanimous. He stated he is on that TAC. He said as he recalled that the TAC looked at this as it was in DOH and it was in the Code and they did not care if it was regurgitated and the bottom line is that it needs to be in one but not both.

Commissioner Flanagan agreed.

Mr. Blair stated that we do have an open Motion on this item and a second.

Commissioner Palacios stated he did understand a conflict in the public pools and commercial, what happens in the residential pools.

Chairman Browdy stated that DOH does not spend time on residential pools.

Commissioner Greiner stated it is only in 454.1 not in residential at all.

Commissioner Palacios stated he understood.

Chairman Browdy asked for a vote of the Motion, the Motion carried unanimously. proceed with rule adoption for Rule 61G20-1.001 (1) the Florida Building Code. Chairman Browdy asked if there was a Motion.

**Rule Development Workshop, Rule 61G20-1.001(1), Florida Building Code-Glitch
Modifications to the 2013 Code (cont.):**

Swimming Pool TAC (cont.)

Commissioner Greiner so moved, Commissioner Smith seconded the Motion. The Motion passed unanimously.

Chairman Browdy stated if there was no further discussion from the Commissioners, he would ask for a Motion to adopt the approved glitch modifications, the supplement and the approved comments and proceed with adoption for Rule 61G20-1.001 (1) The Florida Building Code. The Motion would read as follows: To adopt the approved glitch modifications, the supplement, and approved comments and to Chairman Browdy stated now that the Commission has adopted the glitch modifications, the supplements and the approved comments it is necessary to review the work plan schedule for the 2013 code updates and make decisions regarding dates for the next steps of the code adoption process, including the effective date for the 2013 code.

Chairman Browdy said he did not want to have that review at this time, but asked the Commission to review that as they would be discussing this tomorrow and take formal action on the code development work plan team. He said the Commission has done a considerable amount of work, it is important for us to look at that work as we progress in our work plans to create realistic dates for the implementation of the Building Code, so that it can be enforced effectively and timely.

Chairman Browdy requested that the Commission take a look at that in preparation for our work plan discussions for tomorrow.

Chairman Browdy stated the meeting would recess until 8:30 am, Friday, tomorrow morning, August 23rd. He stated the meeting was adjourned. Correction, this meeting is recessed, not adjourned. The recess time was 5:32 PM.

FLORIDA BUILDING COMMISSION
Plenary Session
Hilton Ft. Lauderdale Beach Resort
505 N. Ft. Lauderdale Beach Blvd
Ft. Lauderdale, Florida 33304
August 22-23, 2013
Day Two
August 23, 2013
8:30 AM

COMMISSIONERS PRESENT:

Dick Browdy, Chairman	Jeffrey Gross
James Batts	Jon Hamrick
Donald Brown	Rafael Palacios
Bob Boyer	John Scherer
Oscar L. Calleja	Bradley W. Schiffer
Nanette (Nan) Dean	James Schock
Kevin M. Flanagan	Drew Smith
Charles L. Frank	Jeff Stone
Herminio Gonzalez	Brian Swope
Dale Greiner	Tim Tolbert

COMMISSIONERS NOT PRESENT:

Hamid Bahadori	Beth Meyer
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OTHERS PRESENT:

Jim Richmond	Chris Burgwald
Mo Madani	April Hammonds
Jim Hammers	Marlita Peters

MEETING FACILITATION:

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

Welcome:

Time: 8:30 am

Chairman Browdy welcomed the Commission, DBPR staff and the public to Fort Lauderdale and day two of the August 22 - 23, 2013 plenary session of the Florida Building Commission. The Chairman noted that day two would focus on 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. In addition, the Commission would conduct rule development workshops to implement statutory changes to the Product Approval System and to repeal Rule 61G20-5, Thermal Efficiency Standards.

Members of the public are requested to sign the attendance sheet on the speaker's table in the center of the room. Chairman Browdy stated if anyone wished to address the Commission on any issues before the Commission they should sign-in on the appropriate sheet(s). He then stated the Commission would provide an opportunity for public comment on each of the Commission's substantive discussion topics. He further stated if one wanted to comment on a specific substantive Commission agenda item, to please come to the speaker's table at the appropriate time. He concluded by stating public input was welcome and should be offered before there was 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.

The Chairman noted that there was buff colored "Public Comment Forms" on the speakers' table to be used for providing written comments, and all written comments would be included in the Facilitator's Summary Report. Please give your completed forms to Jeff Blair at the conclusion of the meeting.

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.

Roll Call:

Chairman Browdy performed roll call, a quorum was met with 20 members present.

Chairman Browdy requested a Motion to approve the June 11, 2013, Facilitator's Summary Report and Meeting Minutes, and July 18, 2013 Teleconference Meeting Minutes as presented.

Commissioner Flanagan entered a Motion to approve the June 11, 2013, Facilitator's Summary Report and Meeting Minutes, and July 18, 2013 Teleconference Meeting Minutes as presented. Commissioner Schiffer seconded the Motion. The Motion passed unanimously.

Florida Building Commission Appointments:

The Chairman reported that the Governor made the following new appointments to the Commission: James Batts was appointed to represent the Swimming Pool Industry, and succeeds Ken Gregory who resigned from the Commission due to a job change. James is from St. Augustine and is the owner of The Batts Company. His term runs from August 8, 2013 to November 5, 2016. Chairman Browdy welcomed James, and thanked Ken for his service.

Donald Brown was appointed to represent the Insurance Industry, and fills a vacant position. Donald is from DeFuniak Springs and is the former president of First National Insurance Agency. His term runs from August 8, 2013 to November 21, 2015. Chairman Browdy welcomed Donald.

The Chairman noted that the Governor also reappointed the following Commissioners: Drew Smith was reappointed to represent the Green Building Industry. Drew is from Parrish and is president of Two Trails, Inc. Chairman Browdy expressed that the Commission is pleased that Drew has been reappointed for an additional term running from August 8, 2013 to November 5, 2016.

Tim Tolbert was reappointed to represent Code Officials. Tim is from Navarre and is the building official for the Santa Rosa County School District. Chairman Browdy expressed that the Commission is pleased that Tim has been reappointed for an additional term running from August 8, 2013 to January 15, 2015.

TAC Appointments:

Chairman Browdy made the following TAC appointments for August 23, 2013:

Brian Swope was appointed to succeed Tim Tolbert as the Roofing TAC Chairman, and Tim Tolbert was appointed as Swimming Pool TAC Chairman succeeding retiring Commissioner Ken Gregory.

Commission Alumnus Appreciation:

Chairman Browdy expressed that on behalf of the Commission it was his honor to offer for the Commission's consideration a Resolution of Commendation for the following Commissioners in appreciation for their outstanding service to the State of Florida. Chairman Browdy read the resolutions.

Jon Hamrick: Jon represents Public Education and served from July 2004 until August 27, 2013. Jon chairs the Special Occupancy TAC and serves on the Education POC. On behalf of the Commission the Chairman Browdy thanked Jon for his 9 years of outstanding service to the citizens of Florida.

Chairman Browdy entered a Motion to adopt the Resolution of Appreciation for Commissioner Hamrick. Commission Gonzalez seconded the Motion. The Motion passed unanimously.

Commissioner Hamrick thanked the Commission for the Resolution and recognition.

Commission Alumnus Appreciation (cont.:)

Ken Gregory: Ken represented Swimming Pool Contractors and served from November 2008 until June 24, 2013. Ken chaired the Swimming Pool TAC and served on the Plumbing TAC. On behalf of the Commission the Chairman Browdy thanked Ken for his 4 -1/2 years of outstanding service to the citizens of Florida.

Chairman Browdy entered a Motion to adopt the Resolution of Appreciation for Commissioner Gregory. Commission Smith seconded the Motion. The Motion passed unanimously.

Workplan/Timeline:

The Chairman noted that on Day One of the August Plenary Session the Commission completed the review of the Glitch modifications and moved to proceed with rule adoption for the Code, and subsequently needed to discuss issues and options regarding the timelines and schedule for the development of the 2013 Code Update, including the effective date. Staff explained the current constraints with the schedule including the statutory requirement to coordinate with the updated version of the Florida Fire Prevention Code, which is being developed with an effective date of midnight December 31, 2014.

Chairman Browdy requested that Mo Madani and Jim Richmond speak on the work plan and timeline.

Mo Madani provided details of past work that has been completed as well as what is needed going forward and how to proceed with rule making. Mr. Madani explained the timeline and the next item to be completed along with the date of production. He explained the importance of lining up with the Fire Code.

Jim Richmond spoke on the Fire Code and their dates compared to the Florida Building Commission Code. He advised that if there is not even a draft there can be no action when it does not exist. He stated we are required to wait until the Florida Fire Prevention Code is available and disseminated to the public.

April Hammonds, Esq. stated she agreed with Mr. Richmond. She added that any reference document within the code must be available for review by JAPC. She stated at a minimum we need the exact language that would be published already by the Fire Prevention Code even if it was prior to the ninety day adoption after the notice of the language was submitted. Ms. Hammonds advised if there is no language for the Fire Code, JAPC will not allow an adoption of this code, it would be a legal impossibility. This is under Chapter 120.

Workplan/Timeline (cont.):

Further discussion was held on the dates with Staff and Commission Members. There was further discussion also to change the name of the code as it would show a year behind.

Chairman Browdy asked for public comment.

Jack Glenn advised stated he felt there is an issue with the correlation of the Fire Code. Mr. Glenn provided detail of the issues he has seen and what he feels will be issues.

There was further discussion within the Commission.

Jack Glenn asked if there would be a glitch for 2014.

Chairman Browdy advised yes. He then requested any further comments from the public and then asked if there were further comments from the Commission.

Commissioner Schock stated the preface should include Fifth Edition for the 2013 Code.

There was further discussion among the Commission on changing the name of the Edition and clarifying the date changes for alignment and correlation with the Fire Code.

Commissioner Greiner entered Motion to make effective date of the 2013 Florida Building Code to midnight December 31, 2014, and name the Code Florida Building Code Fifth Edition. The Motion was seconded by Commissioner Flanagan.

There was further discussion on changing the name or adding Fifth Edition to the cover among Staff and the Commissioners.

This language was from an amended first Motion by Commissioner Greiner. The Commission voted thirteen to seven in favor to make the change. The Motion failed not achieving the required 75% or greater in favor threshold requirement.

There was in depth discussion of legal issues and compliance issues of changing the date in the title of the new Code.

Commissioner Smith entered a Motion to reconsider, Commissioner Gross seconded the Motion. The vote was eighteen to two, the Motion was passed.

Discussion was held within the Commission regarding lining up with the Fire Code.

Commissioner Hamrick moved to adopt the code implementation date to December 31, 2014 and change the name to Florida Building Code Fifth Edition (2014) and change all references in the code to reflect 2014. Commission Boyer seconded the Motion.

There was a non-binding straw poll was taken. The straw poll was a vote of nineteen to one in favor.

April Hammonds provided legal information relating to JAPC and how this would be viewed from their prospective.

Jim Richmond provided history on the code years and titles.

There were further issues discussed with the Commission.

Chairman Browdy asked for a vote on Motion to adopt the code implementation date to December 31, 2014 and change the name to Florida Building Code Fifth Edition (2014) and change all references in the code to reflect 2014. The vote was seventeen to three, the Motion passes.

Break @ 10:05am meeting reconvened at 10:15 am.

Accessibility Waivers:

Chairman Browdy called the meeting to order. He stated the Commission will now consider this month's requests for accessibility waivers. April Hammonds will serve as legal counsel and present the Accessibility Advisory Council's recommendations for your consideration.

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.

[5th Street Marina, 341 NW South River Drive, Miami](#) – TAC recommended denial; this matter has been previously deferred twice.

Commission Action: Motion to deny, seconded vote was 17 to 0, the Motion passed.

[Off the Wall Trampoline Fun Center, 4939 Coconut Creek Parkway Coconut Creek](#) - TAC granted waiver based on disproportionate cost and economic hardship.

Commission Action: Motion to approve, based on disproportionate cost and economic hardship, seconded vote was 17to 0, the Motion passed.

[Blocks Pizza Deli, 1997 Washington Avenue, Miami Beach](#) - TAC recommended granting conditionally if a.) Grab bars installed and b.) Automatic door opener is installed.

Commission Action: Motion to grant conditionally if a.) Grab bars installed and b.) Automatic door opener is installed, seconded, vote was 20-0, and the Motion passed.

Accessibility Waivers:

[Playa De Oro, 751 Meridian Avenue, Miami Beach](#) – TAC recommended granting based on disproportionate cost.

Commission Action: Motion to approve based on disproportionate cost,, seconded, Motion passed 20-0.

[1233 Collins Hotel, 1233 Collins Avenue, Miami Beach](#)– TAC recommended granting based on disproportionate cost.

Commission Action: Motion to approve based on disproportionate cost, seconded, Motion passed 20-0.

[Amnesty Permit for Existing Two Story Offices, 7194 S. W. 47th Street, Miami](#) – TAC recommended granting conditionally, on condition a lift be installed within one year of issuance of the Certificate of Completion/Occupancy date.

Commission Action: Motion to grant conditionally, on condition a lift be installed within one year of issuance of the Certificate of Completion/Occupancy date, seconded Motion passed 15-5.

[Kappa Delta Sorority House, 555 West Jefferson Street, Tallahassee](#) - TAC recommended denial

Commission Action: Motion to deny, seconded vote was 20-0, the Motion passed.

[Johnny D's Beach Bar and Grill, 1005 N. Oceanshore Boulevard, Flagler Beach](#) - TAC recommended granting based on disproportionate cost.

Commission Action: Motion to approve based on disproportionate cost, seconded, Motion passed 20-0.

[Freshaveli, 20 N. E. 41 Street #3, Miami](#) - TAC recommended denial

Commission Action: Motion to deny, seconded vote was 20-0, the Motion passed.

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. The complete results of Commission decisions regarding applications for product and entity approval are included in the report listed below.

[Product and Entity Approval](#)

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, 19 – 0 in favor, to deny approval of advanced course #603.0.

MOTION—The Commission voted unanimously, 19 – 0 in favor, to approve advanced course #604.0.

MOTION—The Commission voted unanimously, 19 – 0 in favor, to conditionally approve advanced course #605.0

MOTION—The Commission voted unanimously, 19 – 0 in favor, to conditionally approve advanced course #599.0.

MOTION—The Commission voted unanimously, 19 – 0 in favor, to conditionally approve advanced course #597.0.

MOTION—The Commission voted unanimously, 19 – 0 in favor, to conditionally approve advanced course #598.0.

MOTION—The Commission voted unanimously, 19 – 0 in favor, to conditionally approve advanced course #600.0.

MOTION—The Commission voted unanimously, 20 – 0 in favor, to approve advanced course #608.0.

MOTION—The Commission voted unanimously, 20 – 0 in favor, to approve advanced course #607.0.

MOTION—The Commission voted unanimously, 19 – 0 in favor, to approve advanced course #609.0.

MOTION—The Commission voted unanimously, 10 – 0 in favor, to conditionally approve advanced course #586.0.

MOTION—The Commission voted unanimously, 19 – 0 in favor, to conditionally approve advanced course #587.0.

MOTION—The Commission voted unanimously, 19 – 0 in favor, to conditionally approve advanced course #589.0.

MOTION—The Commission voted unanimously, 19 – 0 in favor, to conditionally approve advanced course #590.0.

MOTION—The Commission voted unanimously, 20 – 0 in favor, to conditionally approve self-affirmed advanced course #317.1.

Legal Issues:

Petitions For Declaratory Statements

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

[DS 2013-031 by Broward County Board of Rules and Appeals](#)

MOTION—The Commission voted unanimously, 20-0 in favor, to adopt the Code Administration and Fire TACs' recommendation on the petition for Question 1.

MOTION—The Commission voted, 12-8 in favor, to adopt the Code Administration and Fire TACs' recommendation on the petition for Question 2.

[DS 2013-046 by Sal Delfino of Peterson Aluminum Corp.](#)

MOTION—The Commission voted unanimously, 20-0 in favor, to adopt the Product Approval POC's recommendation to defer action on the petition until the October 2013 meeting.

[DS 2013-048 by James Stolz](#)

MOTION—The Commission voted unanimously, 20-0 in favor, to adopt the Code Administration and Fire TACs' recommendation on the petition to enter an order for denial of the declaratory statement.

[DS 2013-053 by Jared Cejka of Pella Windows & Doors](#)

MOTION— The Commission voted unanimously, 20-0 in favor, to adopt the Structural TAC's recommendation on the petition.

Certification of Equivalence, 2013 Florida Building Code to 2012 International Energy Conservation Code and ASHRAE:

The Chairman reported that at the July 18, 2013 Teleconference Meeting the Commission voted to certify to the Department of Energy (DOE) that the 2010 Florida Building Code, Energy Conservation meets or exceeds the residential provisions of the 2009 Edition of the International Energy Conservation Code. At the August 2013 meeting the Commission considered certifying to the DOE that the approved (proposed) residential building provisions of the 2013 *Florida Building Code, Energy Conservation*, will meet or exceed the 2012 edition of the *International Energy Conservation Code* for low-rise residential buildings; and the approved (proposed) 2013 *Florida Building Code, Energy Conservation*, meet or exceed the 2010 edition of the *Energy Standard for Buildings, Except Low-Rise Residential Buildings*, American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE)/ Illuminating Engineering Society of North America (IESNA) Standard 90.1-2010 for commercial, and the 2012 *International Energy Conservation Code*, for buildings other than low-rise residential buildings. Mo Madani reviewed the relevant

documentation and answered members' questions. Following questions and answers, public comment and discussion the Commission took the following action:

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Certification of Equivalence, 2013 Florida Building Code to 2012 International Energy Conservation Code and ASHRAE (cont.):

Commission Actions: Motion—The Commission voted unanimously, 20 - 0 in favor, to approve the attached letters, with authority for staff to make needed edits including the name of the Code, and to certify to the Department of Energy (DOE) that the approved residential building provisions of the 2013 *Florida Building Code, Energy Conservation*, will meet or exceed the 2012 edition of the *International Energy Conservation Code* for low-rise residential buildings; and the approved 2013 *Florida Building Code, Energy Conservation*, meet or exceed the 2010 edition of the *Energy Standard for Buildings, Except Low-Rise Residential Buildings*, American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE)/ Illuminating Engineering Society of North America (IESNA) Standard 90.1-2010 for commercial, and the 2012 *International Energy Conservation Code*, for buildings other than low-rise residential buildings.

Commission Funded Research:

Chairman Browdy explained that the Commission has been funding hurricane resistance research since the formation of the Commission's Hurricane Research Advisory Committee in January of 2005, based on spending authority approved by the Florida Legislature. At the June meeting the Commission discussed whether to continue funding only hurricane resistance research, or whether to expand the funding of research into other Code related topical areas, and subsequently voted to evaluate expanding research projects considered for Commission funding based on recommendations from the Commission's TACs and POCs. The TACs and POCs met during August to discuss research needs and developed recommendations for the Commission's consideration. Subsequently the TAC chairs met on August 22, 2013 to develop recommendations to the Commission. Mo Madani reviewed the TAC Chairman's Meeting Summary Report, noting that the TAC chairs voted unanimously to recommend the Commission expand the funding of research projects to topics beyond the scope of hurricane resistance research; to approve the Research Workplan/Schedule; and to evaluate the 9 TAC research projects recommended for consideration in terms of project scoping, securing cost estimate proposals, and evaluating and prioritizing proposed projects in the context of clearly defined research project evaluation criteria. Clearly defined research selection criteria will be developed for evaluating and prioritizing proposed projects going forward. Following questions and answers, public comment and discussion the Commission took the following action:

Motion—The Commission voted unanimously, 20 - 0 in favor, to expand the funding of research projects to topics beyond the scope of hurricane resistance research; to approve the Research Workplan/Schedule; and to evaluate the 9 TAC research projects recommended for consideration in terms of project scoping, securing cost estimate proposals, and evaluating and prioritizing proposed projects in the context of clearly defined research project evaluation criteria. Clearly defined research selection criteria will be developed for evaluating and prioritizing proposed projects going forward.

Repeal of Rule 61G20-5, Thermal Efficiency Standards:

Thermal Efficiency Code, to change how the Florida Energy Code is adopted. The Commission will now adopt the Florida Building Code–Energy Conservation as a volume of the Code consistent with other Code sections and based on the International Building Code. Previously the Commission adopted the Florida Energy Efficiency Code for Building Construction within the Florida Building Code and essentially as a separate rule. As a result of the new requirements, Rule 61G20-5 is no longer needed since the Energy Code will be adopted as part of the Building Code Rule. Staff explained the rationale for repealing the rule 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 repeal Rule 61G20-5, Thermal Efficiency Standards.

Rule Development Workshop, Product Approval, Rules 61G20-3.001, 61G20-3.002 and 61G20-3.007:

Chairman Browdy noted that the rule development workshop regarding Product Approval Rules 61G20-3.001 (Scope), 3.002 (Definitions), and 3.007 (Product Approval by the Commission), was to adopt changes to the Product Approval System necessary to implement 2013 statutory changes to Section 553.842, F.S., Product Evaluation and Approval, requiring the Commission to initiate rulemaking to create a new category of products for Statewide Product Approval titled: “impact protective systems” (.001 Scope, and .002 Definitions). In addition, products submitted for approval by a product evaluation entity (Method 3) will be approved by DBPR using the 10-business day expedited approval process (.007, Product Approval by the Commission). Commissioner Stone reviewed the Product Approval POC’s recommendations regarding proposed draft rule language, noting that the POC recommended the Commission adopt the proposed rule text regarding Product Approval Rules 61G20-3.001 (Scope) and 3.007 (Product Approval by the Commission) as provided by staff and posted; and to defer action on the proposed definition of “impact protective systems” in the proposed Rule 61G20-3.002 (Definitions) to allow time for the Structural TAC to provide recommendations to the Product Approval POC prior to Commission action on the rule text.

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

Rule Development Workshop, Product Approval, Rules 61G20-3.001, 61G20-3.002 and 61G20-3.007 (cont.):

Commission Actions:

Motion - The Commission voted unanimously, 20 - 0 in favor, to proceed with rule adoption for Product Rules 61G20-3.001 (Scope), and 3.007 (Product Approval by the Commission), and to conduct a rule adoption hearing only if requested.

Motion—The Commission voted unanimously, 20 - 0 in favor, to proceed with rule adoption for Product Rule 3.002 (Definitions) by conducting an additional rule development workshop subsequent to Structural TAC and Product Approval POC review and recommendations to the Commission.

Florida Building Commission Logo:

Chairman Browdy explained the Commission has been using the existing logo for many years, and now DBPR has proposed two new logo designs for use on the Commission's webpage to be consistent with DBPR's template. Following questions and answers, public comment and discussion the Commission voted unanimously, 20 - 0 in favor, to approve the new Commission logo marked as SLogo. Following is the logo approved by the Commission:



Committee Reports and Recommendations:

[Accessibility Technical Advisory Committee](#) ([Acc TAC Glitch 061713](#))

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

Motion entered by Commissioner Gross and seconded by Commissioner Dean, the Commission voted unanimously, 20 – 0 in favor, to accept the TAC's report as presented/posted. (June 17, 2013)

Motion entered by Commissioner Gross and seconded by Commissioner Dean, the Commission voted unanimously, 20 – 0 in favor, to accept the TAC's report as revised removing the reference to the Electrical TAC. (August 1, 2013)

[Code Administration Technical Advisory Committee](#) ([Code Admin Glitch 061313](#))

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

Motion entered by Commissioner Gonzalez and seconded by Commissioner Scherer, the Commission voted unanimously, 20 – 0 in favor, to accept the TAC's report as presented/posted. (June 13, 2013 and August 1, 2013)

[Education Program Oversight Committee](#)

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

Motion entered by Commissioner Dean and seconded by Commissioner Scherer, the Commission voted unanimously, 20 – 0 in favor, to accept the POC's report as presented/posted. (August 15, 2013)

Motion entered by Commissioner Dean and seconded by Commissioner Smith the Commission voted unanimously, 20 – 0 in favor, to approve the POC's proposed language changes to paragraphs (e), (g), (h), and (i), contained in Rule 61G20-6.002, F.A.C, as submitted.

[Electrical Technical Advisory Committee](#)

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

Motion entered by Commissioner Scherer and seconded by Commissioner Greiner, the Commission voted unanimously, 20 – 0 in favor, to accept the TAC's report as presented/posted. (August 2, 2013)

Committee Reports and Recommendations (cont.):

[Energy Technical Advisory Committee](#) ([Energy Glitch 061413](#))

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

Motion entered by Commissioner Greiner and seconded by Commissioner Smith, the Commission voted unanimously, 20 – 0 in favor, to accept the TAC's reports as presented/posted. (June 14, 2013 and August 6, 2013)

[Fire Technical Advisory Committee](#) ([Fire TAC Glitch 061313](#))

Commissioner Schiffer, for Commissioner Bahadori, presented the TAC's report and any recommendations.

Motion entered by Commissioner Schiffer and seconded by Commissioner Schock, the Commission voted unanimously, 20 – 0 in favor, to accept the TAC's reports as presented/posted. (June 13, 2013 and August 1, 2013)

[Hurricane Research Advisory Committee](#)

Mo Madani presented the TAC's report and any recommendations on behalf of Chairman Browdy.

Motion entered by Commissioner Boyer and seconded by Commission Flanagan the Commission voted unanimously, 20 – 0 in favor, to accept the HRAC's report as presented/posted. (June 25, 2013)

Motion entered by Commissioner Boyer and seconded by Commission Flanagan the Commission voted unanimously, 20 – 0 in favor, to approve HRAC's recommendations regarding accepting the research reports submitted by UF.

[Mechanical Technical Advisory Committee](#)

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

Motion entered by Commissioner Palacios and seconded by Commissioner Calleja, the Commission voted unanimously, 19 – 0 in favor, to accept the TAC's report as presented/posted. (August 2, 2013)

Committee Reports and Recommendations (cont.):

[Plumbing Technical Advisory Committee](#) ([Plumbing Glitch 061413](#))

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

Motion entered by Commissioner Boyer and seconded by Commissioner Stone, the Commission voted unanimously, 18 – 0 in favor, to accept the TAC's reports as presented/posted. (June 14, 2013 and August 1, 2013)

[Product Approval Program Oversight Committee](#)

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

Motion entered by Commissioner Stone and seconded by Commissioner Flanagan, the Commission voted unanimously, 18 – 0 in favor, to accept the POC's report as presented/posted. (August 6, 2013)

[Roofing Technical Advisory Committee](#) ([Roofing TAC Glitch 061413](#)) ([Report 08-22-13](#))

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

Motion entered by Commissioner Tolbert and seconded by Commissioner Dean, the Commission voted unanimously, 18 – 0 in favor, to accept the TAC's reports as presented/posted. (June 13, 2013 and August 22, 2013)

Motion entered by Commissioner Tolbert and seconded by Commissioner Dean, the Commission voted unanimously, 18 – 0 in favor, to approve a project to work with an independent third party expert to evaluate the issue of corrosion of exterior building system fasteners in the form of a survey/assessment research project. The focus should be to clearly define the problem, analyze relevant issues and to develop recommendations for actions going forward.

[Special Occupancy Technical Advisory Committee](#) ([Special OCC Glitch 081314](#))

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

Motion entered by Commissioner Hamrick and seconded by Commissioner Flanagan, the Commission voted unanimously, 18 – 0 in favor, to accept the TAC's reports as presented/posted. (June 13, 2013 and August 6, 2013)

Committee Reports and Recommendations (cont.):

[Structural Technical Advisory Committee](#) ([Structural TAC Glitch 061213](#))

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

Motion entered by Commissioner Schock and seconded by Commissioner Smith, the Commission voted unanimously, 18 – 0 in favor, to accept the TAC's reports as presented/posted. (June 12, 2013 and August 5, 2013)

[Swimming Pool Technical Advisory Committee](#) ([Swimming Pool TAC Glitch 061713](#))

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

Motion entered by Commissioner Greiner and seconded by Commissioner Flanagan, the Commission voted unanimously, 18 – 0 in favor, to accept the TAC's reports as presented/posted. (June 17, 2013 and August 5, 2013)

Other Commission Action:

There were no additional Commission Actions.

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.

Ray Manucy (representing himself): indicated that the requirements of the Code, especially pressure ratings for products, are not getting to all of the levels required for enforcement. He noted that plans examiners and inspectors need to be provided with the requirements to properly enforce the Code. He noted that education was key to correct this issue.

Dwight Wilkes (representing himself): noted he felt that there should be 2 hours of continuing education on product approval required for building department licensees by DBPR.

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.

Jeff Gross welcomed the Commission to Fort Lauderdale and South Florida. Noted that the ICC is meeting in South Florida in November of 2013, and Commissioners and participants should try to attend if possible. Jeff thanked Jim Richmond for attending the e-permit meeting in South Florida, and noted progress is being made on the issue.

Commission Member Comment and Issues (cont.):

Jim Schock agreed with Dwight Wilkes regarding product approval and noted that a single-page checklist would be helpful to inspectors to ensure proper enforcement of product approval requirements in the field.

Dick Browdy thanked the TACs for their hard work on providing Code and Glitch Code recommendations. Thanked Jon Hamrick for his extraordinary service as a Commissioner, TAC chair and member, and POC member over the years.

Adjournment:

Chairman Browdy thanked Commission members and the public for their attendance and participation, and adjourned the meeting at 12:18 PM on Friday, August 23, 2013 following a unanimous vote of 18 –0 in favor of adjournment.