

**FLORIDA BUILDING COMMISSION  
EMBASSY SUITES  
950 SOUTH OCEAN DRIVE  
DEERFIELD BEACH, FLORIDA 33441**

**Plenary Session  
August 8, 2017  
8:30 AM**

**MINUTES**

**COMMISSIONERS PRESENT:**

Dick Browdy, Chairman  
Hamid Bahadori  
James Batts  
Steve Bassett  
Donald Brown  
Bob Boyer  
Kelley Smith Burk  
Oscar Calleja  
Jay Carlson  
David Compton  
Charles Frank  
Kevin Flanagan

Shane Gerwig  
David Gilson  
Richard Goff  
Jeff Gross  
Robert Hamberger  
Brian Langille  
Bradley W. Schiffer  
Frederick Schilling  
James Schock  
Drew Smith  
Jeff Stone  
Brian Swope

**COMMISSIONERS NOT PRESENT:**

Nan Dean

Diana Worrall

**OTHERS PRESENT:**

Thomas Campbell  
Mo Madani  
Chris Burgwald

Justin Vogel  
Jim Hammers

**MEETING FACILITATION:**

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

**Welcome:**

**Time: 8:30 am**

Chairman Browdy welcomed Commissioners, staff, and members of the public to Deerfield Beach and the August 8, 2017 plenary session of the Florida Building Commission. He stated that in addition to considering regular procedural issues including product and entity approvals, applications for accreditor and course approvals, petitions for declaratory statements, accessibility waivers, and recommendations from our various committees and workgroups, the primary focus of the August meeting is to conduct rule workshops on Rules 61G20-2.001, Commission Organization and Operations, and 61G20-2.002, Statewide Amendments to the Florida Building Code, and to decide on funding of research projects for FY 2017-18.

Chairman Browdy stated that members of the public are requested to sign the attendance sheet on the speaker's table in the center of the room. In addition, we have a sign-up sheet for general public comment. He advised as always, we will provide an opportunity for public comment on each of the Commission's substantive discussion topics (actions that are not procedural or ministerial in content). Chairman Browdy stated that if they want to comment on a specific substantive Commission agenda item, please come to the speaker's table when the issue is up for consideration so we know you want to speak. He said that public input is welcome, but should be offered before there is a formal motion on the floor. Chairman Browdy asked that all please remember to keep all electronic devices turned off or in a silent mode and thanked them for their cooperation.

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

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

**Roll Call:**

Chairman Browdy asked that Jeff Blair perform roll call, a quorum was met with 23 members present.

**Agenda Review and Approval:**

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

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

A motion was entered by Commissioner Schilling to approve the agenda as posted. The motion was seconded by Commissioner Schiffer. The motion passed unanimously 23 to 0 in favor.

**Approval of the June 13, 2017 and June 27, 2017 Facilitator's Summary Report and Meeting Minutes:**

Chairman Browdy requested a motion for approval of the June 13, 2017 and June 27, 2017 Facilitator's Summary Report and Meeting Minutes.

Commissioner Schilling entered a motion to approve the June 13, 2017 and June 27, 2017 Facilitator's Summary Report and Meeting Minutes as presented. The motion was seconded by Commissioner Schiffer. The motion passed unanimously with a vote of 23 to 0 in favor.

Commissioner Hamberger joined the meeting @ 8:37 a.m. placing the quorum at 24.

**Chairman's Discussion Issues and Recommendations:**

**Commission Re-Appointment:**

Chairman Browdy stated he was pleased to report that Diana Worrall has been reappointed to the Commission by the Governor for a term beginning June 22, 2017 and ending February 7, 2021. He said Diana is the Commission's Persons with Disabilities representative.

**TAC/POC Appointments:**

**Energy TAC:**

Chairman Browdy stated he was appointing Jonathan Parks to the Energy TAC to replace Larry Maxwell who is rolling off of the TAC. He said he wanted to thank Larry for his many years of service on the TAC, and thanks to Jonathan for agreeing to serve on the TAC.

**Chairman's Discussion Issues and Recommendations (cont.):**

**TAC/POC Appointments:**

**Roofing TAC:**

Chairman Browdy stated he was appointing George Ebersold to the Roofing TAC to replace Billy Cone who is rolling off of the TAC. He said he wanted to thank Billy for his many years of service on the TAC, and thanks to George for agreeing to serve on the TAC.

**Commission Milestones:**

Chairman Browdy reminded everyone that the updated Commission Milestones documents are linked to the Agenda.

**New TAC:**

Chairman Browdy stated that the Commission has received a request to create a Residential TAC. He stated the Commission staff is currently evaluating the options that are available to answer this request. Chairman Browdy stated the purpose of the request was to create a Residential TAC to review any proposed modifications or recommendations to the Florida Building Code Residential. He said the TAC would review all code modifications that modify the Florida Building Code Residential in accordance with our Rules section 553.73(3)9(c) and 553.74(5). Chairman Browdy stated in addition code modifications that would be proposed to the Residential Code would also be reviewed by the TAC. He stated he would keep the Commission posted on this issue.

**Executive Director Announcements and Discussions:**

**BCIS Modernization:**

Mr. Campbell provided information on the BCIS Modernization; he said the budget amendment shifting funds for the modernization has been submitted but has not yet been approved. Budget amendments, for technology projects, need to be approved by the Governor's Office and the Agency for State Technology. Mr. Campbell also advised that the staff is waiting to hear whether it has been approved. He further if it is approved, ISF, the vendor who maintains the BCIS, will start modernizing the system a module at a time.

**Implementation of Legislative Assignments:**

Mr. Campbell stated that the electronic registry required by 17-139, Laws of Florida, (HB 727) is pending construction. He stated this was sent for bid and ISF, the vendor who maintains the BCIS, was awarded the project. Mr. Campbell stated the purchase order is still pending approval. He said that the registry will hopefully start in October. He further stated that implementation for 17-029, Laws of Florida, (HB 741) is well underway that will reduce the surcharge to 1% from 1.5%. He said that all jurisdictions have been notified by e-mail through the system of the reduction in the surcharge rate and that a mailer will be going out to the jurisdictions in the near future. Mr. Campbell advised that the BCIS will be updated soon to reflect the reduction so that payments made for Q1 will be made at the 1% rate. He also said that the implementation will be complete by our next meeting in October. Mr. Campbell said that the next major steps for the implementation of 17-149, Laws of Florida, (HB 1021) are the rule workshops scheduled for today.

**Proposed Rule 61G20-1.005:**

Mr. Campbell stated that at the last meeting we discussed developing rule 61G20-1.005 to incorporate legislative changes into the current version of the building code while rule 61G20-1.001 is occupied with the 6<sup>th</sup> Edition, Florida Building Code (2017). He said after further discussion with staff and legal it has been determined that a new rule really isn't necessary. Mr. Campbell advised that the legislative changes have been posted to the BCIS and are available for enforcement and all necessary changes have been incorporated into the 6th Edition, Florida Building Code (2017) which is set to be effective December 31, 2017.

**Proposed Commission Meeting Dates (2018):**

Mr. Campbell proposed the following dates for Commission Meetings for February, April and June of 2018 and advised that the locations are yet to be determined.

February 12-13, 2018 (Lightning Task Force on Feb 12)  
April 9-10, 2018 (Lightning Task Force on April 9 if necessary)  
June 12, 2018

Chairman Browdy asked for a motion to approve the meeting dates for the February 2018, April 2018 and June 2018 Commission meetings.

A motion was entered by Commissioner Schilling. The motion was seconded by Commissioner Schiffer. The motion passed unanimously with a vote of 24 to 0.

**Accessibility Waivers:**

Chairman Browdy advised that the Commission will now consider this month's requests for accessibility waivers. Justin Vogel will serve as legal counsel and present the Accessibility Advisory Council's recommendations.

**1200 Ocean Drive Change of Use #210 - 1200 Ocean Drive Miami Beach 33139** - The Council recommended to deny based on documentation requested was not received.

Mr. Vogel presented the waiver.

Commissioner Schilling entered a motion to accept the recommendation of the Council deny based on documentation requested was not received. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 24 to 0.

**Pointe Parc Apartments #254 - 7524 Southside Blvd, Jacksonville 32256** – The Council recommended granting to the extent necessary pursuant to 553.509(c).

Mr. Vogel presented the waiver.

Commissioner Schiffer entered a motion to accept the recommendation of the Council to grant to the extent necessary pursuant to 553.509(c). Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 24 to 0.

**Seagull Hotel #260 - 100 21 Street, Miami Beach 33139** - The Council recommended granting based on economic hardship.

Mr. Vogel presented the waiver.

Commissioner Schilling entered a motion to accept the recommendation of the Council to grant based on economic hardship. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 24 to 0.

**Delta Zeta Sorority Alpha Sigma Chapter FSU House Renovation #246 - 749 West Jefferson Street, Tallahassee 32304** – The Council recommended granting based on economic hardship.

Mr. Vogel presented the waiver.

Commissioner Schilling entered a motion to accept the recommendation of the Council to grant based on economic hardship. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 24 to 0.

**Accessibility Waivers (cont.):**

**Cabana Beach Club #178 - 619 Ponte Vedra Beach Boulevard, Ponte Vedra Beach 32082 -**  
The Council's recommendation was to grant based on economic hardship.

Mr. Vogel presented the waiver.

Commissioner Schilling entered a motion to accept the recommendation of the Council to grant based on economic hardship. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 24 to 0.

**1895 Historical Downtown Stuart Home #259 - 311 SW 3rd Street, Stuart 34994 -**.The Council's recommendation was to grant based on the historic nature not including accessible parking, door opening pressure and restrooms.

Mr. Vogel presented the waiver.

Commissioner Schilling entered a motion to accept the recommendation of the Council to grant based on economic hardship to grant based on the historic nature not including accessible parking, door opening pressure and restrooms. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 24 to 0.

**UPS Beacon Lakes #109 - no street address (Miami-Dade Folio No. 30-3935-000-0027), Miami 33182 -**.

Mr. Vogel presented the waiver.

Robert Fine, Esq. representing UPS provided details of the waiver request and addressed the Commission's questions and concerns.

There was lengthy discussion among the Commissioners and Mr. Fine regarding this request.

Commissioner Carlson entered a motion to grant with a contractual clause of adaptability and contingency to spell out future tenant contractual agreement included for accessibility to be added. Commissioner Smith seconded the motion. The motion failed with 10 members in favor and 14 against.

Commissioner Schock entered a motion to grant adding the UPS building is to be built with the adaptability infrastructure for any future occupancy. Commissioner Bahadori seconded the motion. The motion passed unanimously with a vote of 20 in favor and 4 against.

**Consideration of Accessibility Waiver Applications (cont.):**

**Centerra Townhomes #258 - 18000 SW 107 Avenue, Miami 33157** - The Council's recommendation was to deny based on new construction.

Mr. Vogel presented the waiver.

Robert Fine, Esq. representing Centerra Townhomes provided detail of the waiver request and addressed the Commission's questions and concerns.

Commissioner Schiffer entered a motion to approve with a stipulation that all doorways that are 29 inches wide be increased to 32 inches wide. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 24 to 0.

**1536 Jefferson Avenue #262 - 1536 Jefferson Avenue, Miami Beach 33139** – The Council's recommendation was to grant based on the historic nature of the building.

Mr. Vogel presented the waiver.

Robert Fine, Esq. representing 1536 Jefferson Avenue stated they endorse the Council's recommendation and he was available for questions.

Commissioner Schilling entered a motion to accept the recommendation of the Council to grant based on the historic nature of the building. Commissioner Smith seconded the motion. The motion passed with a vote of 22 to 0 with 2 Commissioners out of the room during the vote.

**Abbey Hotel #257 - 300 21 Street, Miami Beach 33139** - The Council's recommendation was to grant based on the historic nature of the building.

Mr. Vogel presented the waiver.

Robert Fine, Esq. representing 300 21 Street stated they endorse the Council's recommendation and he was available for questions.

Commissioner Schilling entered a motion to accept the recommendation of the Council to grant based on the historic nature of the building. Commissioner Smith seconded the motion. The motion passed with a vote of 23 to 0 with 1 Commissioner out of the room during the vote.



**Consideration of Accessibility Waiver Applications (cont.):**

**Guest Floor Renovation #255 - 1131 Collins Avenue, Miami Beach 33139** - The Council's recommendation was to grant based on the historic nature of the building and technical infeasibility.

Mr. Vogel presented the waiver.

Commissioner Schilling entered a motion to accept the recommendation of the Council to grant based on the historic nature of the building and technical infeasibility. Commissioner Smith seconded the motion. The motion passed with a vote of 23 to 0 with 1 Commissioner out of the room during the vote.

**Product and Entity Approval:**

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

**Product and Entity Approval:**

Commissioner Stone entered a motion to approve the 34 product approval entities as posted. Commissioner Compton seconded the motion. The motion passed with a vote of 20 to 0 with 4 Commissioners out of the room during the vote.

Commissioner Stone entered a motion to approve the 84 products for the 2014 code on the consent agenda list. Commissioner Compton seconded the motion. The motion passed with a vote of 19 to 0 with 5 Commissioners out of the room during the vote.

Commissioner Stone entered a motion to approve the 29 products for the 2017 code on the consent agenda list. Commissioner Compton seconded the motion. The motion passed with a vote of 19 to 0 with 5 Commissioners out of the room during the vote.

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

**Product Approval Applications with Comments under 2014 Code Evaluation:**

**3915-R23** – Commissioner Stone entered a motion for conditional approval of 3915-R23. Commissioner Compton seconded the motion. The motion passed with a vote of 20 to 0 with 4 Commissioners out of the room during the vote.

**Product Approval Applications with Comments under 2014 Code Evaluation (cont):**

**18320-R1** – Commissioner Stone entered a motion for conditional approval of 18320-R1. Commissioner Compton seconded the motion. The motion passed with a vote of 23 to 0 with 1 Commissioner out of the room during the vote.

**21892** – Commissioner Stone entered a motion for conditional approval of 21892. Commissioner Compton seconded the motion. The motion passed with a vote of 23 to 0 with 1 Commissioner out of the room during the vote.

**22227-R1** – Commissioner Stone entered a motion for conditional approval of 22227-R1. Commissioner Compton seconded the motion. The motion passed with a vote of 20 to 0 with 4 Commissioners out of the room during the vote.

**22334** – Commissioner Stone entered a motion for approval of 22334. Commissioner Compton seconded the motion. The motion passed with a vote of 20 to 0 with 4 Commissioners out of the room during the vote.

**22404** – Commissioner Stone entered a motion for approval of 22404. Commissioner Compton seconded the motion. The motion passed with a vote of 21 to 0 with 3 Commissioners out of the room during the vote.

**22551** – Commissioner Stone entered a motion for conditional approval of 22551. Commissioner Compton seconded the motion. The motion passed with a vote of 20 to 0 with 4 Commissioners out of the room during the vote.

**22560** – Commissioner Stone entered a motion for conditional approval of 22560. Commissioner Compton seconded the motion. The motion passed with a vote of 20 to 0 with 4 Commissioners out of the room during the vote.

**Product Approval Applications with Comments under 2017 Code Evaluation:**

**15551-R3** – Commissioner Stone entered a motion for conditional approval of 15551-R3. Commissioner Compton seconded the motion. The motion passed with a vote of 19 to 0 with 5 Commissioners out of the room during the vote.

**16315-R2** – Commissioner Stone entered a motion for approval of 16315-R2. Commissioner Compton seconded the motion. The motion passed with a vote of 19 to 0 with 5 Commissioners out of the room during the vote.

**DBPR Applications:** Mr. Madani addressed the DBPR applications and current actions.

**Applications For Accreditor And Course Approval:**

Chairman Browdy advised Commissioner Flanagan would present the Education Program Administrators recommendations regarding applications for accreditor and course approval for the Chairperson Commissioner Dean.

Commissioner Flanagan entered a motion to approve advanced accredited course 830.0, 831.0, 832.0, 834.0 and 836.0. Commissioner Brown seconded the motion. The motion passed with a vote of 20 to 0 with 4 Commissioners out of the room during the vote

Commissioner Flanagan entered a motion to approve the administratively approved self-affirmed course 646.1 with change. Commissioner Brown seconded the motion. The motion passed with a vote of 20 to 0 with 4 Commissioners out of the room during the vote.

**Legal Report:**

Chairman Browdy stated that prior to the declaratory statements; Justin Vogel, Esq. will be providing information any legal matter(s) and the Annual Regulatory Plan.

Mr. Vogel advised that the Regulatory Plan is a list of the statutory provisions impacting the Commission's duties or authorities, and indicating whether rulemaking is required in order to implement the provisions, and if so indicating whether a notice of development and/or notice of proposed rulemaking has been published, and the corresponding schedule.

Chairman Browdy asked for a motion to approve the 2017-2018 Annual Regulatory Plan as presented, and to authorize publication of the Plan by DBPR.

Commissioner Schiffer entered a motion to approve the 2017-2018 Annual Regulatory Plan as presented, and to authorize publication of the Plan by DBPR. Commissioner Schilling seconded the motion. The motion passed with a vote of 20 to 0 with 4 Commissioners out of the room during the vote.

**Petitions for Declaratory Statements:**

**DS 2017-030 by Angelo Rivera of Faour Glass Technologies:**

Mr. Vogel read the petition with response. He advised this was reviewed by the Structural TAC and Product Approval POC both groups voted to recommend the Commission approve the TAC's and POC's recommendation to accept the staff analysis with amendment to add read "Yes, as per Sections 1626.2.5 of the 5<sup>th</sup> Edition (2014) Florida Building Code, Building, large missile impacts are required on the structural silicone joint."

**Petitions for Declaratory Statements (cont.):**

Commissioner Schock entered a motion to approve the Structural TAC and Product Approval POC recommendation. Commissioner Schiffer seconded the motion. The motion passed with a vote of 23 to 0 with one Commissioner out of the room during the vote.

**DS 2017-033 by Tatiana Gust of Elite Consulting SWFL:**

Mr. Vogel read the petition with response. He advised this was reviewed by the Plumbing TAC, the TAC voted to recommend the Commission approve the TAC's recommendation which was the full staff analysis.

Commissioner Schilling entered a motion to approve the Plumbing TAC recommendation. Commissioner Schiffer seconded the motion. The motion passed with a vote of 23 to 0 with one Commissioner out of the room during the vote.

**DS 2017-036 by Janice Littler Finseth of Structa Wire Corp.:**

Mr. Vogel read the petition with response. He advised this was reviewed by the Product Approval POC, the POC voted to recommend the Commission approve the POC's recommendation which was the full staff analysis.

Commissioner Schilling entered a motion to approve the Product Approval POC recommendation. Commissioner Schiffer seconded the motion. The motion passed with a vote of 23 to 0 with 1 Commissioner out of the room during the vote.

**DS 2017-045 by Andrew C. Ask of Andrew C. Ask, P.E., Consulting Engineer:**

Mr. Vogel read the petition with response. He advised this was reviewed by the Energy TAC the TAC voted to recommend the Commission approve the TAC's recommendation which was the full staff analysis.

Commissioner Bassett entered a motion to approve the Energy TAC recommendation. Commissioner Smith-Burk seconded the motion. The motion passed with a vote of 23 to 0 with 1 Commissioner out of the room during the vote.

**DS 2017-046 by Neil W. Hedrick of DALK Land and LP:**

Mr. Vogel read the petition with response. He advised this was reviewed by the Code Administration TAC and the TAC voted to recommend the Commission approve the TAC's recommendation which was the full staff analysis.

**Petitions for Declaratory Statements (cont.):**

Commissioner Schiffer entered a motion to approve the Code Administration TAC recommendation. Commissioner Bahadori seconded the motion. The motion passed unanimously with a vote of 24 to 0.

**Binding Interpretations:**

Chairman Browdy advised that Binding Interpretation #140 was filed regarding a Monroe County Building Official's interpretation pursuant to Chapter 1 - Scope and Administration Section 110.1, 105.4, 1804.4, and 1612.3. He stated the issue involves a petition for a binding interpretation on the County Building Official's interpretation regarding various provisions of these sections.

Chairman Browdy continued with and advised that Binding Interpretation #141 was filed regarding a Monroe County Building Official's interpretation pursuant to Chapter 16 - Structural Design Section 108.1, 108.2, 3103, 2224.2, 1616.1, and 2216.1. He stated the issue involves a petition for a binding interpretation on the County Building Official's interpretation regarding various provisions of these sections.

Chairman Browdy asked Mr. Madani to brief the Commission on the Interpretations.

**Binding Interpretation # 140:**

Mr. Madani provided Binding Interpretation #140 answer as follows:

The Binding Interpretation Panel ruled that they were without jurisdiction to rule on the request as the Petitioner does not have standing under the provisions of Section 553.775(3)(c), F.S. The Panel dismissed the interpretation request with no action.

**Binding Interpretation # 141:**

Mr. Madani provided Binding Interpretation #141 answer as follows:

The Binding Interpretation Panel ruled that they were without jurisdiction to rule on the request as the Petitioner does not have standing under the provisions of Section 553.775(3)(c), F.S. The Panel dismissed the interpretation request with no action.

**Rule Workshop: Rule 61G20-2.001, F.A.C.:**

Chairman Browdy advised at the June 13, 2017 meeting the Commission voted unanimously to authorize the Department of Business and Professional Regulation to initiate rulemaking for Rules 61G20-2.001 (Commission Organization and Operations), and 61G20-2.002 (Statewide Amendments to the Florida Building Code) for the purpose of incorporating legislatively mandated code amendments to the Florida Building Code, and to make necessary changes to the Commission's processes for developing the Florida Building Code. He stated that the Commission will now conduct the workshops for these rules

Chairman Browdy stated that today's rule development workshop regarding Rule 61G20-2.001, Commission Organization and Operations, is for the purpose of conducting a rule development workshop regarding implementing the provisions of HB 1021 regarding amending the 75% supermajority voting threshold requirement for TACs' when voting on amendments to the Florida Building Code. He said this will now require a two-thirds favorable vote instead of the current three-fourths threshold.

Chairman Browdy continued by stating in addition, today's workshop provides an opportunity for public comment before the Commission continues with rulemaking on Rule 61G20-2.001. He said once the rule development workshop is opened and public comment concludes, the Commission will vote to adopt the revision to the Rule and to proceed with rule development.

Chairman Browdy stated he would open and close the workshop and Jeff Blair would facilitate the Commission's discussions and serve as the moderator for the public comment portion of the workshop. He said unless Commissioners have questions the rule adoption hearing on Rule 61G20-2.001, Commission Organization and Operations, is now open.

Chairman Browdy advised Members of the public if you wish to speak on proposed amendments to Rule 61G20-2.001, Commission Organization and Operations, please come forward to the speaker's table, and when it's your turn, identify your name and representation for the record, as well as the specific component of the draft rule you wish to address. He stated if they agree with other's statements they can say so, add new points, and avoid repeating the same comments. Chairman Browdy said that the Commission is interested in hearing the full range of views, as well as whether they agree with what has already been stated, but he said prefers not to have the same idea(s) repeated without new points being added.

Mr. Blair advised the public of the comment process.

Mr. Campbell spoke to the Commission on the highlighted changes listed under #12 where the changes were made and where the revisions will occur.

**Rule Workshop: Rule 61G20-2.001, F.A.C. (cont.):**

There being no public comment, Chairman Browdy closed the Rule Workshop to further public comment.

There was no further Commission comment, therefore Chairman Browdy asked for a motion.

Commissioner Schiffer entered a motion implement the changes to Rule 61G20-2.001 as presented by staff, authorize staff to make editorial changes as needed, authorize the Department of Business and Professional Regulation to publish a Notice of Proposed Rule, and to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Chairman of the Florida Building Commission. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 24 to 0.

**Rule Workshop: Rule 61G20-2.002, F.A.C.**

Chairman Browdy advised that today's rule development workshop regarding Rule 61G20-2.002, Statewide Amendments to the Florida Building Code, is for the purpose of conducting a rule development workshop regarding implementing the provisions of HB 1021 regarding some of the Commission's processes for developing the Florida Building Code. He said that the revisions include providing a definition of "amendment", providing the purposes for which the Commission may amend the Florida Building Code, providing the process and requirements for submitting proposed amendments to the Florida Building Code, reflecting the two-thirds favorable voting threshold requirement for TACs' to recommend approval of proposed Code amendments, reflecting the favorable voting threshold requirement for the Commission to approve proposed Code amendments, providing the publication timelines for consideration of proposed amendments by TACs and the Commission, and the minimum timeline for when the Code can become effective after the Commission files the amended Code.

Chairman Browdy further stated that today's workshop provides an opportunity for public comment before the Commission continues with rulemaking on Rule 61G20-2.002, Statewide Amendments to the Florida Building Code. He said once the rule development workshop is opened and public comment concludes, the Commission will vote to adopt the amendments to the Rule and to proceed with rule development.

Chairman Browdy stated he would open and close the workshop and Jeff Blair would facilitate the Commission's discussions and serve as the moderator for the public comment portion of the workshop. He said unless Commissioners have questions the rule adoption hearing on Rule 61G20-2.002, Commission Organization and Operations, is now open.

**Rule Workshop: Rule 61G20-2.002, F.A.C. (cont.):**

Chairman Browdy advised Members of the public if you wish to speak on proposed amendments to Rule 61G20-2.002, Commission Organization and Operations, please come forward to the speaker's table, and when it's your turn, identify your name and representation for the record, as well as the specific component of the draft rule you wish to address. He stated if they agree with other's statements they can say so, add new points, and avoid repeating the same comments. Chairman Browdy said that the Commission is interested in hearing the full range of views, as well as whether they agree with what has already been stated, but stated he prefers not to have the same idea(s) repeated without new points being added.

Mr. Blair advised the public of the comment process.

Mr. Campbell explained that there will be a slide show for the group to explain how this process will work.

Mr. Madani provided a full explanation of the slideshow presentation and how this process was developed.

Chairman Browdy thanked Mr. Madani and the staff for the work put into the plan consistent with the legislative mandate.

Arlene Stewart, AZS asked for confirmation that the process will still remain a three year cycle.

Mr. Madani stated yes.

Linda Patrick, Gainesville Building Department, expressed concerns in areas beyond flood and wind and who will make these determinations.

Pete Quintela, Miami Dade County inquired on the cost analysis that has always been required and will this be incorporated in the procedures within the code modification process.

Mr. Madani responded advising the review will still be on all I-Code changes and will specifically address the Florida specific needs.

Mr. Campbell stated step 2 will cover this issue and continued explaining the code modification process.

Beverly Kennedy, Diversity Planning Institute, expressed concerns on the way the code is being handled with the ICode and it should be US code. She further stated there needs to be better communication and there are many products that are not safe and they should be exposed.



**Rule Workshop: Rule 61G20-2.002, F.A.C. (cont.):**

Larry Dickey, AIA Florida, thanked the Commissioners and staff for a well put together explanation of the process changes.

Michael Fischer, Kellum Company, spoke on comments made by Ms. Kennedy on the roofing questions. He also thanked Mr. Madani but had concerns on step one process. Mr. Kennedy spoke on the ICC process and the preparation he felt it should occur on part 2.

Doug Buck, FHBA, stated step 1 is not needed, as all code modifications and amendments should have the same process. He continued by speaking on the Legislative changes and statutory changes. He specifically spoke on processes that were not mandatory and stated that we need to pay attention to the Legislative mandated process and reduce some of the staff recommendations.

Mr. Campbell responded to Mr. Buck's concerns and comments on the process that was shown today. He advised that there can be changes and rule amendments and changes can occur under step 2.

Mr. Buck expressed his concerns over the code modifications process and go to step 2 process and those required by statute.

Further discussion was held on mandatory changes, legislative changes, and standard code modifications.

Sara Yerkes, ICC, stated she wanted to be sure to clarify that the International Code Council is a United States organization and not for profit. She further stated the codes are developed with participation of all 50 states and professionals within those states; none of this comes from overseas and any other place other than the United States. Ms. Yerkes stated she was glad she could be present today at the meeting to hear these discussions on the new process.

Joe Belcher, FHBA, Masonry Association of Florida, Florida Concrete Industry and the Aluminum Industry of Florida stated he did appreciate the work that the staff has put into this process and asked about the public review and comment process will be and will the 45 days will not be in step one review. He said they would like to see  $\frac{3}{4}$  requirements.

Mr. Madani responded again on how public input and review will take place.

Cam Fentriss, FRSA, stated she is somewhat confused and agrees with Mr. Buck that combining the two steps provided examples and should be simplified. She said she felt one set of changes all at one time would be a more efficient method.

**Rule Workshop: Rule 61G20-2.002, F.A.C. (cont.):**

Paul Coates, American Wood Council, stated their concern is taking advantage of the Code Councils Fire group. He said his concern is that this would not be addressed on the second step and requested to know if this will take place.

Mr. Campbell stated yes that process will take place in the process.

Doug Wise, Palm Beach County stated that eliminating step one would be unlawful and quoted the law as it was stated. He commended staff and Mr. Madani and stated this is the correct way to proceed with the code changes.

Tim Graboski, Graboski Roofing and FRSA, commended the Commission and Staff. He said this is the right process.

Joe Hensel, ASMA and ATOM, stated he supported this concept but bring it down to the street level. He said communication should include those participating in the ICC changes need to communicate the changes back to Florida, secondly Florida Specifics becoming part of the base code need to be communicated, and thirdly Florida Specific Amendments can be submitted and changes can be made to the existing Florida Specifics.

Eric Stafford, IBHS stated this is new territory and he does like step two and supports staff as we do not know exactly how this will play out.

There being no other public comment, Chairman Browdy closed the Rule Workshop to further public comment and opened the floor for comments from the Commission.

Commissioner Bassett stated he is glad to support the fact that the basis for the South Florida Building Code is back.

Commissioner Calleja listed only looking at the 2018 I-Code.

Mr. Campbell stated 2A reads with “not limited to.

Commissioner Calleja asked if they will meet to decide which code will be used.

Mr. Campbell stated yes.

Commissioner Calleja asked why we are referencing Florida specifics when they will be in the base code.

Mr. Campbell stated it will have to be tied in.

**Rule Workshop: Rule 61G20-2.002, F.A.C. (cont.):**

Commissioner Calleja spoke on the justification.

Chairman Browdy stated the focus today needs to be the latest edition and the prioritization is listed in the staff recommendation.

Mr. Campbell stated the rule will spell out the mandatory changes.

Commissioner Schock stated that the staff did a great job setting this up and with the law reading as it is we may need to have a risk manager to make sure it is all correct.

Commissioner Gerwig stated he agreed that staff did a great job, but his question is on the National Electrical Code and with this process being new his concern is that the modifications to the NEC will be or could be an issue to just put the modifications from them in the Building Code. He also spoke on the Fire Code and the obligation to that code.

Mr. Madani addressed Commissioner Gerwig advising that NEC will be notified of any changes.

Commissioner Schiffer asked Mr. Madani about the load on the staff will there be a need for more staff.

Mr. Madani stated no additional staff will be hired and should be manageable with the staff we have now. He provided detail of how it will flow through the staff to the individual TACs.

Commissioner Boyer commended staff but wanted to let them know they are not alone and the Commission and interested parties are there to offer support.

There were no further Commission comments, therefore Chairman Browdy asked for a motion on Rule 21G20-2.002 as presented by the staff.

Mr. Campbell stated there has been discussion today that we could work to scope some of the rule differently and if we make those changes, then the public would need allotted time to have a chance to make comments. He stated we could take comments and make the changes that need to be made and have discussions with the commenter(s). He said that once that is done then we could notice a proposed rule and a final rule hearing in October and if a change is needed we can send a notice change. Mr. Campbell stated another workshop will delay the process beyond the October meeting.

Chairman Browdy stated if we can offer the public the opportunity to make comments without moving out the schedule we should use that option.

**Rule Workshop: Rule 61G20-2.002, F.A.C. (cont.):**

Cam Fentriss asked if the record could be left open for an additional 10 days that would solve the timing issue.

Commissioner Gross entered a motion to implement the changes to Rule 61G20-2.002 as presented by staff with the extension of time for public comment period for 10 days and authorize staff to make editorial as well as scoping changes based on public comment, authorize the Department of Business and Professional Regulation to publish a Notice of Proposed Rule, and to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Chairman of the Florida Building Commission. Commissioner Gerwig seconded the motion. The motions passed unanimously with a vote of 24 to 0.

**Draft Workplan for 7<sup>th</sup> Edition (2020) FBC Code Update:**

Chairman Browdy stated that Staff has prepared a draft Workplan of development of the 7<sup>th</sup> Edition (2020) Florida Building Code Update process. Mr. Madani will provide an overview and we will discuss the proposed schedule and work plan.

Mr. Madani stated he include this work plan in the presentation.

Mr. Campbell stated if there is a change to the rule we will change the work plan.

Commissioner Schiffer entered a motion to approve the draft work plan with the changes to include the additional 10 day comment period for development of the 7<sup>th</sup> Edition (2020) Florida Building Code Update Process. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 24 to 0.

**Consideration of Approval of Energy Code Compliance Software for the 5<sup>th</sup> Edition (2014) Florida Building Code, Energy Conservation.**

Chairman Browdy stated at the June 19, 2015 meeting the Commission voted to approve Energy Code Compliance Software for the 5<sup>th</sup> Edition Florida Building Code, Energy Conservation, specifically EnergyGauge Summit 5.1 for demonstrating compliance with commercial building energy requirements and EnergyGauge USA 4.0.01 for demonstrating compliance with residential building energy requirements. He further stated that at the August 18, 2015 meeting the Commission voted to approve RES*check* for demonstrating compliance with residential building energy requirements. Chairman Browdy said that at the December 15, 2015 meeting the Commission voted to approve COM*check* for demonstrating compliance with commercial building energy requirements. He said in addition, at the February 10, 2016 meeting the Commission approved updates to approved Energy Code Compliance Software for the 5<sup>th</sup> Edition Florida Building Code, Energy Conservation, specifically EnergyGauge USA 5.0.03 for

**Consideration of Approval of Energy Code Compliance Software for the 5<sup>th</sup> Edition (2014) Florida Building Code, Energy Conservation (cont.):**

demonstrating compliance with residential building energy requirements, and EnergyGauge Summit 5.20 for demonstrating compliance with commercial building energy requirements. Chairman Browdy said that also at the June 2016 meeting the Commission voted to approve updates to approved Energy Code Compliance Software for the 5<sup>th</sup> Edition Florida Building Code, Energy Conservation, specifically EnergyGauge USA 5.1 for demonstrating compliance with residential building energy requirements.

Chairman Browdy stated that today the Commission is being asked to approve Energy Code Compliance Software for the 5<sup>th</sup> Edition (2014) Florida Building Code, Energy Conservation, specifically Right-Suite Universal 2017 using Right-Energy Florida 2014 for demonstrating compliance with the residential building energy requirements for single-family houses.

Chairman Browdy said that The Energy TAC reviewed the Right-Suite Universal 2017 using Right-Energy Florida 2014 for demonstrating compliance with residential building energy requirements for single-family houses and is recommending approval with conditions pursuant to addressing DBPR staff's and FSEC's written comments Commissioner Smith will provide the Energy TAC's recommendation and Mr. Madani will provide any technical background needed and answer members' questions.

Commissioner Smith advised that at the TAC meeting there was detailed discussion with public comment, the TAC approved the software with the condition that the comments from FSEC and public comment be addressed. He further stated with these conditions he would move to approve the software.

Chairman Browdy stated that the Commission should hear from the public before making this motion.

Bill Wright, Wright Software stated that they have been working with the staff and Mr. Madani. He said they appreciated the support of the TAC and asked for the Commission support with the requested changes.

Joe Belcher, FHBA stated they support this software

**Consideration of Approval of Energy Code Compliance Software for the 5<sup>th</sup> Edition (2014) Florida Building Code, Energy Conservation (cont.):**

Commissioner Smith entered a motion to conditionally approve the Energy Code Compliance Software update for the 5<sup>th</sup> Edition 2014 Florida Building Code, Energy Conservation, specifically Right-Suite Universal 2017 using Right-Energy Florida 2014 for demonstrating compliance with residential building energy requirements for single-family houses, subject to addressing DBPR staff's and FSEC's written comments. Commissioner Calleja seconded the motion. The motion passed with a vote of 23 to 0 with one Commissioner out of the room at the time of the vote.

**Evaluation and Selection of Research Projects for FY 17-18 with TAC Chairpersons Report:**

Chairman Browdy stated that the Commission has been funding hurricane resistance research based on legislatively approved spending authority since the formation of the Commission's Hurricane Research Advisory Committee in January of 2005. He advised that at the August 2013 meeting the Commission voted to expand the funding of research projects to topics beyond the scope of hurricane resistance research and to fund research into other Code related topical areas based on recommendations from the Commission's TACs and POCs and has done so since then. He said for fiscal year 2017-2018 the TACs met during the summer to discuss research needs and they developed recommendations for the Commission's consideration. Chairman Browdy advised that subsequently the TAC chairs met on August 7, 2017 yesterday and developed recommendations for the Commission's consideration during today's meeting. He said that the Commission will now review the TAC Chairs' report and recommendations regarding the funding of research projects relevant to the Florida Building Code System for fiscal year 2017/2018.

Mr. Blair provided an overview of the recommendations and explained the process used. Mr. Blair announced that the following five projects were recommended to be fully funded for the development of the 2020 Florida Building Code with a total cost of \$202,910 and are needed for the 2020 Code. He advised that the TAC Chairs voted 11 to 1 in favor that these projects be funded.

1. Study on impact of code issues on property insurance rates, from the Fire TAC as priority one proposed by Mr. Apfelbeck at a cost of \$15,000.
2. Evaluation of Cost Impact and Benefit of 2018 Prescriptive Code Changes from the Fire TAC as priority two proposed by University of Florida at a cost of \$79,960.  
Additional Information added to the ongoing cost impact analysis project from the Fire TAC proposed by Commissioner Schock with cost of \$25,000 was included in cost of project priority two.

**Evaluation and Selection of Research Projects for FY 17-18 with TAC Chairpersons  
Report (cont.):**

3. Workshop on Evaluation of the Cost Impact of Prescriptive Code Changes from the Fire TAC priority two proposed by the University of Florida at a cost of \$39,950
4. Comparison of the 6th Edition Florida Building Energy Code with IECC 2018 and ASHRAE 90.1-2016 proposed by the Fire TAC as priority two by FSEC at a cost of \$48,000
5. A study to evaluate impact of code updates and the ISO, BCEGS and insurance premiums and a qualifier that would identify electrical requirements specifically by the Electrical TAC as a priority three by Mr. Holland at a cost of \$20,000.

Mr. Blair advised there were four additional projects that the TAC Chairs are recommending for approval with reduction of costs by 19% on each project to remain in the allotted remaining funding as shown below:

1. Residential Air Leakage Testing and Mechanical Ventilation Verification - requested amount \$59,000 reduced to \$47,790.
2. Energy Impact of Dehumidifier Location – requested amount \$40,000 reduced to \$32,400.
3. Cost Study completed on decking systems in reference to the roofing diaphragms and costs to consumers – requested amount \$111,833 reduced to \$91,530, adding back \$20,303 from priority #2 from the Roofing TAC that will not be completed this year. Total for this project \$111,833.
4. Research project on Chapter 233 residential facilities requirements – requested amount \$5,000 reduced to \$4,050.

Commissioner Bassett stated that the dehumidifier project is a waste of money and provided an alternative and stated he would not support this project.

Commissioner Schock entered a motion to approve funding the research projects for fiscal year 2017 - 2018 as recommended by the Committee of TAC Chairpersons on the basis that the proposed projects evaluated meet the definition of “research” and/or “technical enrichment”, and are approved for funding based on the TAC chairs’ recommendations, and staff administering and overseeing the research, and to charge staff with negotiating scoping and contracting as appropriate. Commissioner Schilling seconded the motion. The motion passed with a vote of 20 in favor to 3 against with one member out of the room at the vote.

**Committee Reports:**

**Accessibility Technical Advisory Committee:**

Commissioner Gross provided a brief summary of the Accessibility TAC teleconference meeting on June 20, 2017.

Commissioner Gross entered a motion to accept the Accessibility TAC report from the June 20, 2017 teleconference meeting. Commissioner Schiffer seconded the motion. The motion passed with a vote of 23 to 0 with one Commissioner out of the room at the time of the vote.

**Code Administration Technical Advisory Committee**

Commissioner Carlson provided a brief summary of the Code Administration TAC teleconference meeting on July 31, 2017.

Commissioner Carlson entered a motion to accept the Code Administration TAC report from the June 31, 2017 teleconference meeting. Commissioner Goff seconded the motion. The motion passed with a vote of 23 to 0 with one Commissioner out of the room at the time of the vote.

**Education Program Oversight Committee;**

Commissioner Flanagan provided a brief summary of the Education POC July 21, 2017 teleconference meeting.

Commissioner Flanagan entered a motion to accept the report from the July 21, 2017 teleconference meeting. Commissioner Brown seconded the motion. The motion passed with a vote of 23 to 0 with one Commissioner out of the room at the time of the vote.

**Energy Technical Advisory Committee**

Commissioner Smith provided a brief summary of the Energy TAC teleconference meetings held June 20, 2017, June 28, 2017 and July 31, 2017.

Commissioner Smith entered a motion to accept the report from the June 20, 2017, June 28, 2017 and July 31, 2017 teleconference meetings. Commissioner Calleja seconded the motion. The motion passed with a vote of 23 to 0 with one Commissioner out of the room at the time of the vote.



**Committee Reports (cont.):**

**Mechanical Technical Advisory Committee**

Commissioner Bassett provided a brief summary of the Mechanical TAC's June 20, 2017 teleconference meeting.

Commissioner Bassett entered a motion to accept the report from the June 20, 2017 teleconference meeting. Commissioner Calleja seconded the motion. The motion passed with a vote of 23 to 0 with one Commissioner out of the room at the time of the vote.

**Plumbing Technical Advisory Committee**

Commissioner Schilling provided a brief summary of the Plumbing TAC's July 20, 2017 teleconference meeting.

Commissioner Schilling entered a motion to accept the report from the July 20, 2017 teleconference meeting. Commissioner Schiffer seconded the motion. The motion passed with a vote of 23 to 0 with one Commissioner out of the room at the time of the vote.

**Product Approval Program Oversight Committee**

Commissioner Stone provided a brief summary of the Product Approval POC's July 27, 2017 teleconference meeting.

Commissioner Stone entered a motion to approve the report of the Product Approval POC meeting held July 27, 2017 via teleconference. Commissioner Compton seconded the motion. The motion passed with a vote of 23 to 0 with one Commissioner out of the room at the time of the vote.

**Roofing Technical Advisory Committee:**

Commissioner Swope provided a brief summary of the Roofing TAC's June 26, 2017 teleconference meeting

Commissioner Swope entered a motion to approve the report of the Roofing TAC's June 26, 2017 teleconference meeting. Commissioner Boyer seconded the motion. The motion passed with a vote of 22 to 0 with two Commissioners out of the room at the time of the vote.

**Committee Reports:**

**Structural Technical Advisory Committee;**

Commissioner Schock provided a brief summary of the Structural TAC's June 26, 2017 and July 27, 2017 teleconference meetings.

Commissioner Schock entered a motion to approve the report from the June 26, 2017 and July 27, 2017 teleconference meetings. Commissioner Compton seconded the motion. The motion passed with a vote of 23 to 0 with one Commissioner out of the room at the time of the vote.

**TAC Chairpersons Committee:**

Chairman Browdy provided a brief summary of the TAC Chairpersons meeting held on August 7, 2017 at the Embassy Suites, Deerfield Beach, FL.

Chairman Browdy entered a motion to approve the report from the August 7, 2017 onsite meeting. Commissioner Schilling seconded the motion. The motion passed with a vote of 23 to 0 with one Commissioner out of the room at the time of the vote.

**Public Comments:**

Sara Yerkes, ICC advised that they have a target date for the Florida Code of August 31, with PDF on September 5 and public access on November 15.

Arlene Stewart, AZS stated she is looking for discussion on determination and qualification of blower door tester with full definition. She expressed the great concern over the confusion in the State and that this does need to be addressed.

Mr. Madani responded to Ms. Stewart's concerns. He stated the building official has the discretion on who is approved through their local process.

Commissioner Schock stated this has also been brought before BOAF. He said that there is a lot of confusion in the field. Commissioner Schock also stated that the testers for the product approval program are done through us, so we should look at this maybe being a part of the structure for blower door testing.

Mr. Campbell advised that we have explicit statutory authority to approve those providers in product approval but when we are speaking of the energy raters there is nothing in the statute that gives the Commission the authority to approve the raters.

**Public Comments (cont.):**

Commissioner Schock stated while he appreciated that he feels there is a lot of confusion and there should be some way to clear this up.

Chairman Browdy stated there may be a need for a declaratory statement.

Commissioner Calleja stated he is being questioned about this issue and those that might have a financial interest in the project.

Commissioner Smith stated there is a lack of definition on the third party issue for these inspections.

Chairman Browdy stated again this may be a reason for a declaratory statement for clarity.

Rob Vieira, FSEC stated he supports needing clarity.

Pete Quintela spoke in support of clarity there are real issues in Miami-Dade.

Arlene Stewart, AZS stated the word certification, there are certification programs that have infrastructure like DBPR that supply an ongoing certifications verses certificates for people who have taken a class. She said the definitions are in the code.

Larry Schneider wanted to thank the Commission for coming to South Florida.

Beverly Kennedy, DPI, Inc. voiced her concerns over the closing of DCA by the Governor. She expressed concerns over products that are not good for the environment; she spoke in length on asphalt.

**Commissioner Comments:**

Commissioner Bassett advised that there needs to be an update/correction to the website as there are no future meeting dates listed for October or December.

Mr. Campbell advised this will be taken care of.

Commissioner Flanagan asked questions about the future meetings that are including the Lightening Task Force, who would be setting this up.

Mr. Campbell stated staff is working on it and there will be more information at the October meeting.

**Commissioner Comments (cont.):**

Commissioner Gross stated he is speaking to Code Officials on Wednesday. He said there are some great resources online that people should use.

Commissioner Brown stated for the record, he enjoyed the 597 mile drive to South Florida and would like invite the Commission to the beautiful beaches in NW Florida.

Commissioner Stone spoke on the Re-think Wood article. He said this is being completed as free continuing education courses.

Chairman Browdy stated we will meet again in October in Tallahassee. He said the TACs will meet based on whether there are declaratory statements, special issues during the code update process. Chairman Browdy advised that the staff will notice the meetings and notify members of the meetings.

**The meeting was adjourned at 12:15 p.m.**