FLORIDA BUILDING COMMISSION THE BILTMORE 1200 ANASTASIA AVENUE CORAL GABLES, FLORIDA 33134 Plenary Session August 15, 2018 8:30 AM

<u>MINUTES</u>

COMMISSIONERS PRESENT:

Jay Carlson, Chairman Hamid Bahadori Steve Bassett Bob Boyer Donald Brown Oscar Calleja David Compton Nan Dean Kevin Flanagan David Gilson Richard Goff Jeff Gross Robert Hamberger Brian Langille Bradley W. Schiffer Frederick Schilling James Schock, Vice Chairman Drew Smith Jeff Stone Brian Swope Don Whitehead

COMMISSIONERS NOT PRESENT:

James Batts Diana Worrall Kelley Smith Burk

OTHERS PRESENT:

Thomas Campbell Mo Madani Chris Howell Justin Vogel Jim Hammers

MEETING FACILITATION:

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

Welcome:

Time: 8:30 am

Chairman Carlson welcomed Commissioners, staff, and members of the public to Coral Gables and the August 15, 2018 plenary session of the Florida Building Commission. He stated 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 approve the Commission's process for review of 2018 I-Codes changes; and to decide on the funding of proposed research projects for fiscal year 2018-2019.

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

Chairman Carlson advised all in attendance if they are licensed by the Building Code Administrators and Inspectors Board attending the Commission meeting and interested in CE credits must complete the CE sign-in sheet in the binder located on the speaker's table in the center of the room.

Roll Call:

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

Agenda Review and Approval:

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

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

Commissioner Schilling entered a motion to approve the agenda as posted. The motion was seconded by Commissioner Boyer. The motion passed unanimously with a vote of 21 to 0 in favor.

Approval of Previous Meeting Minutes and Facilitator Report for June 12, 2018

Chairman Carlson requested a motion for approval of the June 12, 2018 Facilitator's Summary Report and Meeting Minutes.

Commissioner Boyer entered a motion to approve June 12, 2018 Facilitator's Summary Report and Meeting Minutes, as posted. The motion was seconded by Commissioner Schilling. The motion passed unanimously with a vote of 21 to 0 in favor.

Chairman's Discussion Issues and Recommendations:

Appointments (Commission—POCs/TACs—Workgroups—Committees)

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

Commission Milestones:

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

Executive Director Announcements and Discussions:

Future Meeting Location:

Mr. Campbell advised that the Commission's December 11.2018 meeting will be at the USF Embassy Suites Tampa.

Mr. Campbell advised that the February is scheduled for the 12th, at the Hyatt Regency, Jacksonville.

Accessibility Waivers:

Chairman Carlson advised that the Commission will now consider this month's requests for accessibility waivers. He stated Justin Vogel will serve as legal counsel and present the Accessibility Advisory Council's recommendations. Chairman Carlson asked that Mr. Vogel present the Council's recommendations regarding waiver requests.

Accessibility Waivers (cont.):

Bengal Properties, INC d/b/a The Park Apartments – Waiver 323, 11110 56th St, Temple Terrace 33617 - Issue: Vertical accessibility to the second floor.

Mr. Vogel presented the waiver and advised that the Council recommended granting the waiver to the extent necessary on the grounds that a waiver for vertical accessibility is not required for this project.

Commissioner Schiffer entered a motion to accept the Council's recommendation granting the waiver to the extent necessary on the grounds that a waiver for vertical accessibility is not required for this project. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 21 to 0.

2150 Park Ave Suite Hotel – Waiver 146 - 2150 Park Avenue, Miami Beach 33139 - Issue: Vertical accessibility to the second floor:

Mr. Vogel presented the waiver and advised that the Council recommended granting the request for waiver on the grounds of historical significance and technical infeasibility, he advised that due to an error on posting of the staff analysis economic hardship was omitted and will now be added.

Commissioner Schiffer entered a motion to accept the Council's recommendation to grant the request for waiver on the grounds of historical significance economic hardship and technically infeasibility. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 21 to 0.

Carlota at South Beach – Waiver 328 - 511 16th Street, Miami Beach 33139 - Issue: Vertical accessibility to the entrance and second floor.

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

Commissioner Schiffer entered a motion to accept the Council's recommendation to grant the request for waiver on the grounds of economic hardship. Commissioner Boyer seconded the motion. The motion passed 21 to 0.

Accessibility Waivers (cont.):

Nexx Calle Ocho – Waiver 327 - 2340 SW 8th Street, Miami 33135 - Issue: Vertical accessibility to the second floor.

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

Commissioner Schiffer entered a motion to accept the Council's recommendation to grant based on economic hardship. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 21 to 0

Queens Of Egypt – Waiver 318 - 313-A Macomb Street, Tallahassee 32301 - Issue: Vertical accessibility to the second floor.

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

Commissioner Schiffer entered a motion to accept the Council's recommendation granting the request for waiver on the grounds of economic hardship. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 21 to 0.

The Commission recommended the applicant provide signage indicating the lack of accessibility to the second floor where the business is located.

Monsieur Touton Distribution Center – Waiver 335 - 2805 NW 75th Avenue, Miami 33122 - Issue: Vertical accessibility to the second floor.

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

Robert Fine, Esq. was present to represent the applicant and stated they agreed with the Council's recommendation.

Commissioner Gross entered a motion to accept the Council's recommendation granting the request for waiver on the grounds of economic hardship. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 21 to 0.

Product Approval:

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

Commissioner Stone entered a motion to approve the 26 product approval entities as posted. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 21 to 0.

Product Approval Applications without Comments Consent Agenda:

Commissioner Stone entered a motion to approve the 146 products on the consent agenda list. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 21 to 0.

Product Approval Applications with Comments (2017 Code):

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

14996-R4 – Commissioner Stone entered a motion for approval of 14996-R4. Commissioner Compton seconded the motion. The motion passed with a vote of 21 to 0.

16851-R7 - Commissioner Stone entered a motion for approval of 16851-R7. Commissioner Compton seconded the motion. The motion passed with a vote of 21 to 0.

16853-R8 - Commissioner Stone entered a motion for approval of 16853-R8. Commissioner Compton seconded the motion. The motion passed with a vote of 21 to 0.

16854-R8 - Commissioner Stone entered a motion for approval of 16854-R8. Commissioner Compton seconded the motion. The motion passed with a vote of 21 to 0.

17112-R5 – Commissioner Stone entered a motion for approval of 17112-R5. Commissioner Compton seconded the motion. The motion passed with a vote of 21 to 0.

17767-R3 – Commissioner Stone entered a motion for approval of 17767. Commissioner Compton seconded the motion. The motion passed with a vote of 21 to 0.

18368-R2 – Commissioner Stone entered a motion for conditional approval of 18368-R2. Commissioner Compton seconded the motion. The motion passed with a vote of 21 to 0.

DBPR Applications 2017:

Chairman Stone advised that there were 145 products with no comments under the 2017 Code and there were 9 products with comments under the 2017 Code that have been addressed. He stated there is no action needed from the Commission.

Accreditor and Course Approval:

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

Commissioner Dean entered a motion to approve advanced accredited courses 916.0, 918.0 and 920.0. Commissioner Flanagan seconded the motion. The motion passed unanimously with a vote of ***** in favor.

Commissioner Dean entered a motion to conditionally approve advanced accredited course 900.0. Commissioner Flanagan seconded the motion. The motion passed unanimously with a vote of 21 to 0 in favor.

Legal Report:

Rule Challenge Decision Appeal:

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

Mr. Vogel stated that Florida AIA submitted their reply brief and a request for oral argument on July 23. He noted that the court will decide whether to grant oral argument or not, and that he will keep the Commission apprised of any developments on that front. He also stated that the major pleadings for the case have been posted on this meeting's agenda and are available for review for any who are interested.

Annual Regulatory Plan:

Mr. Vogel stated that he drafted the Commission's 2018-2019 Annual Regulatory Plan which has been provided to the Commission. Mr. Vogel stated that since there are no legislative directives to implement this year, the plan just notes that the Commission published a notice of development in order to begin its work on the next triennial update of the Code. He stated that the plan will be submitted to the Department for publication if the Commission approves it.

Annual Regulatory Plan (cont.):

Commissioner Schilling entered a motion to approve the 2018-2019 Annual Regulatory Plan as presented, and to authorize publication of the Annual Regulatory Plan by DBPR. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 21 to 0.

Petition for Declaratory Statements:

Chairman Carlson stated if anyone wished to speak on a declaratory statement please come to the public comment table once the specific declaratory statement is introduced. He advised that Justin Vogel will serve as the Commission's counsel. Chairman Carlson stated that after legal counsel reviews the petition, he will ask for public comment on the petition.

DS2018-040 petitioned by Samuel A. Liberatore of G.B. Collins Engineering, P.A:

Mr. Vogel presented the declaratory statement and advised that the Swimming Pool TAC considered the petition on July 25, 2018 and recommended the following answers:

Question:

For the following prospective projects, whether the proposed interactive water features ("IWFs") should be considered when calculating the "size of pool" for purposes of determining the type and number of fixtures for sanitary facilities at the subject public pool pursuant to Section 454.1.6.1.1 of the FBC, where each project will also contain a swimming pool? Prospective Projects:

(1) Watergrass ProjectSwimming Pool= 1,330 square feetIWF = 1,256 square feet1

(2) Sand Lake Sound Project Swimming Pool= 1,060 square feet IWF = 2,490 square feet

Petition for Declaratory Statements (cont.):

DS2018-040 petitioned by Samuel A. Liberatore of G.B. Collins Engineering, P.A (cont.):

Answer:

The answer is "Yes." As per Section 454.1.6.1.1 and Table 454.1.6.1 of the 6th Edition (2017) Florida Building Code, Building and Section 403.6 and Table 403.6 of the 6th Edition (2017) Florida Building Code, Plumbing; the size "square footage" of the proposed Interactive Water Features "(IWFs") is required to be included when calculating the "size of pool" for purposes of determining the type and number of fixtures for the sanitary facilities for the projects in question where each project will also contain a swimming pool.

Commissioner Schilling entered a motion to accept the Swimming Pool TAC's recommendation of the staff's analysis. Commissioner Flanagan seconded the motion. The motion passed unanimously with a vote of 21 to 0.

DS 2018-043 by Allen R. Finfrock of Finfrock DMC Applicant Requests a Withdrawal:

Mr. Vogel advised that the petitioner had requested that his declaratory statement be withdrawn.

Commissioner Schilling entered a motion to accept the petitioner's request to withdraw the declaratory statement. Commissioner Flanagan seconded the motion. The motion passed unanimously with a vote of 21 to 0.

DS 2018-051 by Clark M. Stranahan of C4 Architecture, L.L.C:

Mr. Vogel presented the declaratory statement and advised that the Accessibility TAC considered the petition on July 26, 2018 and recommended the following answers to the Petitioner's questions:

Question:

Does the Florida Accessibility Code - Sections 201.1.1 and 206.2.3 allow Limited- Use / Limited Application Elevators or Platform Lifts installed per FAC 408 or 410 to meet the requirements for vertical accessibility in buildings where the ADA does not require vertical accessibility?

Petition for Declaratory Statements (cont.):

DS 2018-051 by Clark M. Stranahan of C4 Architecture, L.L.C (cont.):

Answer:

The answer to the question is "Yes." Limited-Use/Limited Application Elevators or Platform lifts installed as per Section 408 or 410 of the 6th Edition (2017) Florida Building Code, Accessibility and listed/certified for the intended use are acceptable for the project in question.

Commissioner Schiffer entered a motion to accept the Accessibility TAC recommendation of the staff's analysis. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 21 to 0.

To Review and Approve the Commission Review Process for the 2018 I-Code Changes and to Provide Update on the Scope of Work for the Development of the 2020 Code Update Process – 7th Edition Florida Building Code:

Chairman Carlson stated that ten of the Commission's Technical Advisory Committees (TACs) met in June 2018 to review and make recommendations regarding whether the Commission should include specific 2018 I-Code amendments into the 7th Edition (2020) FBC. He said the TACs' recommendations were posted to the BCIS in July 2018. Chairman Carlson advised in addition, the Residential Construction Cost Impact Workgroup (RCCIWG) met on July 30, 2018 to provide comments to the Commission regarding the costs/impacts of the I-Code amendments the TACs recommended for approval relevant to the Residential Building Code (amendments identified as impactful). He further advised that these comments will be incorporated into the TACs' matrices of recommendations for approval.

Chairman Carlson advised that the Commission will be reviewing and deciding on 2018 I-Code changes during the October 8-9, 2018 meeting. He said that Mr. Blair will review the process proposed for the Commission's review of the TAC's recommendations regarding 2018 I-Code changes recommended for inclusion in the I-Code change into the 7th Edition (2020) FBC. Chairman Carlson said that Mr. Madani will provide an update regarding the scope of work for the development of the 2020 Code Update Process, the 7th Edition (2020) Florida Building Code.

To Review and Approve the Commission Review Process for the 2018 I-Code Changes and to Provide Update on the Scope of Work for the Development of the 2020 Code Update Process – 7th Edition Florida Building Code (cont.):

Rick Logan, AIA stated that they are requesting no action on these changes until the Rule appeal has been completed.

Commissioner Calleja entered a motion to approve the Commission's Review Process for 2018 I-Code Changes and the Revised Scope of Work for the 2020 Code Update Process, 7th Edition Florida Building Code. Commissioner Schilling seconded the motion. The motion passed with a vote of 20 to 1. Commissioner Schiffer stated he was voting in opposition pending the outcome of the rule challenge.

Selection of Research Projects, FY 2018-2019 – Chairperson's TAC Report:

Mr. Blair provided the chart below to the Commission with the proposed projects with allowable funding for each to allow the Commission to stay within the \$400,000 allotted budget.

Energy TAC \$53,500 Needed for 2020 Code

1 Structural: Water resistance of envelope 0 Technical Enrichment (Workgroup)

- 2 Accessibility: Bed height \$5,000
- 3 Mechanical: Dehumidifier configuration \$31,000
- 4 Structural: Sea level rise \$127,883
- 5 Accessibility: Adult changing tables \$9,000
- 6 Mechanical: Removing attic ventilation \$53,705
- 7 Structural: Vinyl siding and soffit \$119,912

Total \$346,500 Grand Total \$400,000

Commissioner Gross entered a motion to approve funding the research projects for fiscal year 2018 - 2019 as recommended by the Committee of TAC Chairs 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, funding levels, and contracting as appropriate. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 21 to 0.

Committee Reports:

Accessibility Technical Advisory Committee

Commissioner Gross provided a brief summary of the Accessibility TAC July 26, 2018 teleconference meeting.

Committee Reports (cont.):

Accessibility Technical Advisory Committee (cont.):

Commissioner Gross entered a motion to accept the report of the July 26, 2018 teleconference meeting. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 20 to 0 with one Commissioner out of the room at the time of the vote.

Code Administration Technical Advisory Committee:

Commissioner Gerwig provided a brief summary of the Code Administration from the June 12, 2018 on site meeting and July 26, 2018 teleconference meeting.

Commissioner Gerwig entered a motion to accept the reports from the June 12, 2018 on site meeting and July 26, 2018 teleconference meeting. Commissioner Goff seconded the motion. The motion passed unanimously with a vote of 20 to 0 with one Commissioner out of the room at the time of the vote.

Education Program Oversight Committee;

Commissioner Dean provided a brief summary of the Education POC's July 27, 2018 teleconference meeting.

Commissioner Dean entered a motion to accept the report from the July 27, 2018 teleconference meeting. Commissioner Flanagan seconded the motion. The motion passed unanimously with a vote of 20 to 0 with one Commissioner out of the room at the time of the vote.

Electrical Technical Advisory Committee:

Commissioner Flanagan provided a brief summary of the Electrical TAC's June 22, 2018 onsite meeting. He also provided a summary of the June 25, 2018 and July 23, 2018 teleconference meetings.

Commissioner Flanagan entered a motion to accept the reports of the Electrical TAC's June 22, 2018 onsite meeting, June 25, 2018 teleconference meeting and July 23, 2018 teleconference meeting. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 20 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's June 18, 2018 onsite meeting and July 23, 2018 teleconference meeting.

Committee Reports (cont.):

Commissioner Smith entered a motion to accept the reports of the Energy TAC's from the June 18, 2018 onsite meeting and July 23, 2018 teleconference meeting. Commissioner Calleja seconded the motion. The motion passed unanimously with a vote of 20 to 0 with one Commissioner out of the room at the time of the vote.

Fire Technical Advisory Committee:

Commissioner Bahadori provided a brief summary of the Fire TAC's June 21, 2018 onsite meeting He also provided a summary of the June 25, 2018 and July 23, 2018 teleconference meetings.

Commissioner Bahadori entered a motion to accept the reports of the Fire TAC from the June 21, 2018 onsite meeting, June 25, 2018 teleconference meeting and July 23, 2018 teleconference meeting. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 21 to 0.

Mechanical Technical Advisory Committee:

Commissioner Bassett provided a brief summary of the Mechanical TAC's from the June 19, 2018 onsite meeting and July 23, 2018 teleconference meeting.

Commissioner Bassett entered a motion to accept the report from the June 19, 2018 onsite meeting and July 23, 2018 teleconference meeting. Commissioner Calleja seconded the motion. The motion passed unanimously with a vote of 21 to 0.

Plumbing Technical Advisory Committee:

Commissioner Schilling provided a brief summary of the Plumbing TAC's June 20, 2018 onsite meeting and July 24, 2018 teleconference meeting.

Commissioner Schilling entered a motion to accept the reports of the June 20, 2018 onsite meeting and July 24, 2018 teleconference meeting. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 21 to 0.

Product Approval Program Oversight Committee

Commissioner Stone provided a brief summary of the Product Approval POC's meeting held onsite August 14, 2018.

Committee Reports (cont.):

Commissioner Stone entered a motion to approve the report of the Product Approval POC's meeting held onsite August 14, 2018. Commissioner Compton seconded the motion. The motion passed unanimously with a 21 to 0.

After discussion regarding education courses for the Product Approval Process, Commissioner Stone entered a motion to charge staff with reviewing existing education courses and information regarding the Product Approval System, and to determine whether there are additional opportunities to enhance education on the System. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 21 to 0.

Residential Construction Cost Impact Workgroup:

Mr. Blair provided a brief summary of the Workgroup reports from the July 9, 2018 teleconference call and the July 30, 2018 onsite meeting.

Commissioner Smith entered a motion to accept the reports of the Residential Construction Cost Impact Workgroup meetings from the July 9, 2018 teleconference call and the July 30, 2018 onsite meeting. Commissioner Goff seconded the motion. The motion passed unanimously with a vote of 21 to 0.

Roofing Technical Advisory Committee:

Commissioner Swope provided a brief summary of the Roofing TAC's reports from the June 1, 2018 onsite meeting. He also provided a brief summary of the June 25, 2018 and July 25, 2018 teleconference meetings.

Commissioner Swope entered a motion to accept the report from the June 1, 2018 onsite meeting, June 25, 2018 and July 25, 2018 teleconference meetings. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 21 to 0.

Special Occupancy Technical Advisory Committee:

Commissioner Whitehead provided a brief summary of the Special Occupancy TAC's reports from the June 8, 2018 onsite meeting and the July 25, 2018 teleconference meeting.

Commissioner Whitehead entered a motion to accept the Special Occupancy TAC's reports from the June 8, 2018 onsite meeting and the July 25, 2018 teleconference meeting. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 21 to 0.

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Committee Reports (cont.):

Structural Technical Advisory Committee:

Commissioner Schock provided a brief summary of the Structural TAC's reports from the June 13, 2018 onsite meeting. He also provided a brief summary of the June 25, 2018 and July 25, 2018 teleconference meetings.

Commissioner Schock entered a motion to accept the Structural TAC's reports from the June 13, 2018 onsite meeting, the June 25, 2018 and July 25, 2018 teleconference meetings. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 20 to 0 with one member out of the room at the time of the vote.

Swimming Pool Technical Advisory Committee:

Mr. Madani provided a brief summary of the Swimming Pool TAC's reports from the June 11, 2018 onsite meeting and the June 25, 2018 teleconference meeting.

Commissioner Flanagan entered a motion to accept the reports of the Swimming Pool TAC reports from the June 11, 2018 onsite meeting and the June 25, 2018 teleconference meeting. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 21 to 0.

General Public Comments:

Carlos Hernandez, Miami-Dade County: provided a detailed presentation regarding FOG in sewer systems in Miami-Dade County.

Adjournment:

Chairman Carlson thanked Commission members, staff and the public for their attendance and participation, and adjourned the meeting at 10:18 a.m.