



FLORIDA BUILDING COMMISSION

"STRONGER CODES THROUGH SCIENCE AND CONSENSUS"



**FACILITATOR'S SUMMARY REPORT OF THE
AUGUST 13, 2019
FLORIDA BUILDING COMMISSION MEETING
HUTCHINSON ISLAND, FLORIDA**

PROCESS DESIGN, CONSENSUS-BUILDING AND FACILITATION BY



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FLORIDA BUILDING COMMISSION

AUGUST 13, 2019 FACILITATOR’S MEETING SUMMARY REPORT

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FLORIDA BUILDING COMMISSION
AUGUST 13, 2019 FACILITATOR'S SUMMARY REPORT



OVERVIEW OF COMMISSION'S KEY ACTIONS AND DECISIONS

TUESDAY, AUGUST 13, 2019

I. PLENARY SESSION SUMMARY AND OVERVIEW

At the August 13-14, 2019 meeting conducted in Hutchinson Island the Commission considered and decided on Chair's issues and recommendations, Executive Director's announcements and discussions, product and entity approvals, applications for accreditor and course approvals, accessibility waivers, petitions for declaratory statements, and recommendations from the Commission's various committees. In addition, the Commission discussed the local technical amendment process (specifically Section 553.73(4), Florida Statutes and Rule 61G20-2.003). Specific actions included voting to: 1.) Initiate rulemaking for Rule 61G20-2.002 -Statewide Amendments to the Florida Building Code, and to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Commission; 2.) Approve the adopted Rule language (Option 3) authorizing that upon vacancy in the chairmanship of 30 days the duties of the Chair devolve to the Vice-Chair until a new chair is appointed, and appointments are subject to the approval of the Commission. If there is no vice-chair the duties of the Chair may be performed by the Commission; and to proceed with the rulemaking process for Rule 61G120-2.001, and to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Commission; 3.) Approve funding research projects priority #1 (revised to address Commission concerns), #2, and #3 for fiscal year 2019-2020 based on staff administering and overseeing the research, and to charge staff with negotiating scoping, funding levels, and contracting as appropriate; 4.) Approve the 2019-2020 Annual Regulatory Plan; and 5.) Adopt the Commission's package of approved Code modifications to the 6th Edition (2017) for inclusion in the 7th Editions (2020) Florida Building Code; to proceed with rule making; and, to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Florida Building Commission.

(Attachment 1—Meeting Evaluation Results)

II. ACTING CHAIR'S WELCOME

Acting Chair Schock welcomed the Commission, DBPR staff and the public to Hutchinson Island and the August 13, 2019 plenary session of the Florida Building Commission.

The Acting Chair noted that in addition to considering regular procedural issues including product and entity approvals, applications for accreditor and course approvals, accessibility waivers, petitions for declaratory statements, and recommendations from the Commission's various committees, the primary focus of the August meeting was to deciding on funding of proposed research projects, and deciding on proposed Code modifications to the 6th Edition (2017) Florida Building Code for inclusion in the 7th Edition (2020) Florida Building Code.

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

III. COMMISSION ATTENDANCE

The following Commissioners attended the Tuesday, August 13, 2019 meeting in Hutchinson Island:

Jim Schock (Acting Chair), Hamid Bahadori, James Batts, Bob Boyer, Don Brown, Kelly Smith Burk, Dave Compton, Nan Dean, John Gatlin, Shane Gerwig, David Gilson, Richard Goff, Jeff Gross, David John, Brad Schiffer, Fred Schilling, Drew Smith, Jeff Stone, Brian Swope, Don Whitehead, and John Wiseman.

(21 of the 26 currently seated Commissioners attended—81%).

Absent Commissioners:

Oscar Calleja, Charles Fisher, Robert Hamberger, Brian Langille, and Diana Worrall.

DBPR STAFF PRESENT

Thomas Campbell, Jim Hammers, Chris Howell, Mo Madani, Marlita Peters, and Justin Vogel.

MEETING FACILITATION

Meetings are facilitated, and meeting reports drafted by Jeff Blair from Facilitated Solutions, LLC. Information at: <http://facilitatedsolutions.org>.



PROJECT WEBPAGE

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

IV. AGENDA REVIEW AND APPROVAL

The Commission voted unanimously, 21 - 0 in favor, to approve the agenda for the August 13, 2019 meeting as posted/presented. Following are the key agenda items approved for consideration:

- To Approve Regular Procedural Topics (Agenda and Minutes).
- To Consider/Decide on Chair's Discussion Issues/Recommendations.
- To Consider/Decide on Executive Director Announcements and Discussions.
- To Discuss 553.73(4), Florida Statutes and 61G20-2.003.
- To Conduct Rules Workshop on 61G20-2.001.
- To Review and Approve Potential Research Projects for 2019/2020.
- 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 Receive a Briefing Regarding Legal Report.
- To Consider/Decide on Petitions for Declaratory Statement.
- To Receive/Decide on Reports and Recommendations from Committees.
- To Consider proposed modifications to the 6th Edition (2017) Florida Building Code (FBC) for inclusion in the 7th Edition (2020) update to the Florida Building Code.
- To Hear Public Comment.
- To Identify Needed Next Steps, Assignments, and Agenda Items for Next Meeting (St. Petersburg, October 15, 2019).

Amendments to the Posted Agenda:

There were no amendments to the posted agenda.

(Attachment 2—August 13, 2019 Commission Agenda)

V. APPROVAL OF THE JUNE 19, 2019 FACILITATOR'S SUMMARY REPORT AND MEETING MINUTES

MOTION—The Commission voted unanimously, 21 - 0 in favor, to approve the June 18, 2019 Facilitator's Summary Report and Meeting Minutes as posted/presented.

Amendments: There was no amendment offered to the meeting minutes.

VI. CHAIR'S DISCUSSION ISSUES AND RECOMMENDATIONS

Chairman Browdy

The acting chair reported that he had spoken with Dick Browdy, past Commission Chair, and that his disease was in complete remission. All participants cheered with delight at the news.

Recognition of Steve Bassett

On behalf of the Commission, Acting Chair Schock thanked Steve Bassett for his years of service on the Commission, and also for serving as chair of the mechanical TAC. A plaque was presented and Steve was

acknowledged by the Commission, staff, and meeting participants. The Acting Chair again thanked Steve for his dedication and service to the citizens of Florida.

Commission Appointment

Governor Desantis appointed Charles Fischer to the Commission to serve in the Electrical Contractor seat replacing Kevin Flanagan who is rolling off of the Commission. Charles is from Lighthouse Point, and is the president and owner of C.W. Fischer Electric. He is a State of Florida licensed Unlimited Electrical Contractor, and was appointed to a four-year term starting August 9, 2019. The Acting Chair welcomed Charles to the Commission, and thanked Kevin Flanagan for his years of outstanding service on the Commission and to the citizens of Florida. Jim noted that Kevin served two terms starting November 28, 2012 and concluding August 9, 2019, and chaired the Electrical TAC, and served on the Education POC.

Updated Commission Milestones

The Acting Chair reminded participants that the Updated Commission Milestones document is linked to the August 23-24, 2019 FBC Agenda on the BCIS.

VII. EXECUTIVE DIRECTOR ANNOUNCEMENTS AND DISCUSSIONS

Tom Campbell, FBC Executive Director, briefed the Commission on the following issues:

Future Meetings

Future 2019 Commission Meeting Dates

Tom reported that the October 2019 Commission meeting is scheduled for October 15, 2019 in Hilton Carillon Park, St. Petersburg.

Following are the Commission meeting dates for the remainder of FY 2019/2020:

December 10, 2019, meeting location TBD.

February 4, 2020, meeting location TBD.

April 7, 2020, meeting location TBD.

June 2, 2020, meeting location TBD.

Chapter 2019-75 HB 447 and Rule 61G20-2.002

Tom noted that the 2019 Legislature amended Section 553.73 (7)(a), Florida Building Code, through passage of HB 447 to reflect that: Every 3 years, the Commission may approve updates to the Florida Building Code without a specific finding that the updates are required to accommodate the specific needs of this state. The Commission is required to amend Rule 61G20-2.002, Statewide Amendments to the Florida Building Code, to reflect this change.

TAC Review and Commission Approval Processes for the Triennial Code Update Process

In addition, Tom indicated that the Commission would also like to receive public comments, including comments from Commissioners, on ways the TAC review and Commission approval processes could be improved. Comments should be provided in writing to Thomas Campbell or Mo Madani at DBPR by COB on September 6, 2019. Staff will work with Jeff Blair to bring the comments to the October 15, 2019, Commission meeting for discussion.

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

Commission Actions:

MOTION—The Commission voted unanimously, 21 – 0 in favor, to initiate rulemaking for Rule 61G20-2.002 -Statewide Amendments to the Florida Building Code, and to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Commission.

VIII. DISCUSSION ON SECTION 553.74(4), F.S. AND RULE 61G20-2.003

Acting Chair Schock noted that as requested at the June Commission meeting, Justin would provide the Commission with an overview of the local technical amendments process, and the Commission’s role in the process. Justin reviewed the process with the Commission and answered questions.

IX. RULES WORKSHOP ON RULE 61G20-2.001 —COMMISSION ORGANIZATION AND OPERATIONS

Acting Chair Schock explained that at the June meeting the Commission voted to initiate rulemaking to revert the powers of the Commission Chair to the Commission in the event there is not an appointed Chair serving on the Commission. Staff prepared 3 options for the Commission’s consideration for amending Rule 61G20-2.001 (Commission Organization and Operations), and Tom Campbell reviewed the changes with the Commission. Following is a summary of the three options prepared by staff:

Option 1: Upon vacancy in the chairmanship of x days the duties of the Chair may be performed Commission.

Option 2: Upon vacancy in the chairmanship of x days the duties of the Chair devolve to the Vice-Chair until a new chair is appointed. If there is no vice-chair the duties of the Chair may be performed by the Commission.

Option 3: Upon vacancy in the chairmanship of x days the duties of the Chair devolve to the Vice-Chair until a new chair is appointed, and appointments are subject to the approval of the Commission. If there is no vice-chair the duties of the Chair may be performed by the Commission.

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

Commission Actions:

MOTION—The Commission voted unanimously, 21 – 0 in favor, to approve the adopted Rule language (Option 3) authorizing that upon vacancy in the chairmanship of 30 days the duties of the Chair devolve to the Vice-Chair until a new chair is appointed, and appointments are subject to the approval of the Commission. If there is no vice-chair the duties of the Chair may be performed by the Commission; and to proceed with the rulemaking process for Rule 61G20-2.001 —Commission Organization and Operations, and to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Commission.

X. APPROVAL OF RESEARCH PROJECTS FOR FY 2019-2020

Acting Chair Schock explained 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. 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. At the April 16, 2019 meeting the Commission voted to narrow the scope of Commission funding of research projects for fiscal year 2019/2020 to hurricane resistant research.

In June the Structural TAC met to review a list of scope relevant research projects proposed by UF, and agreed that all the projects were useful research projects. In July the Structural TAC met concurrently with the Fenestration Water Resistance Workgroup to make recommendations regarding scoping of the proposed fenestration water resistance project designed to evaluate the causes of wind driven rain leakage in high-rise buildings.

Based on the TAC's and Workgroup's recommendations, research needed for the effective implementation and enforcement of the 7th Edition (2020) FBC, and available funding staff recommended that the following 4 research projects relevant to hurricane resistant research (priorities 1-4) for fiscal year 2019-2020 be funded based on available funds:

Priority #1: Code Plus enhancements for Florida (UF: \$108,182).

Priority #2: Geographic Information System technical assistance in preparing local wind speed line maps for jurisdictions dissected by wind speed line contours (UF: \$30,000).

Priority #3: Code review of the integrated draft for the 7th Edition (2020) Florida Building Code (\$50,000).

Priority #4: Wind resistance of vinyl siding systems Project Phase II (UF: \$126,593).

In addition, the Chair noted that if there are remaining funds, or if additional funding becomes available priority #5 would be the next project in line for partial funding.

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

Commission Actions:

MOTION—The Commission voted, 11 – 10* in favor, to approve funding the research projects for fiscal year 2019-2020 based on the staff's recommendations, and staff administering and overseeing the research, and to charge staff with negotiating scoping, funding levels, and contracting as appropriate.

*Motion failed to achieve the required 75% threshold for approval [52% in support].

MOTION—The Commission voted, 14 – 7* in favor, to approve funding the research projects for fiscal year 2019-2020 based on the revised scoping for Priority #1, and staff administering and overseeing the research, and to charge staff with negotiating scoping, funding levels, and contracting as appropriate.

*Motion failed to achieve the required 75% threshold for approval [67% in support].

MOTION—The Commission voted unanimously, 21 – 0 in favor, to approve funding the #2 priority research project for fiscal year 2019-2020, and staff administering and overseeing the research, and to charge staff with negotiating scoping, funding levels, and contracting as appropriate.

MOTION—The Commission voted unanimously, 21 – 0 in favor, to approve funding the #3 priority research project for fiscal year 2019-2020, and staff administering and overseeing the research, and to charge staff with negotiating scoping, funding levels, and contracting as appropriate.

MOTION—The Commission voted, 19 – 2 in favor, to reconsider the action taken on funding the #1 priority research project for fiscal year 2019-2020, and staff administering and overseeing the research, and to charge staff with negotiating scoping, funding levels, and contracting as appropriate.

MOTION—The Commission voted, 18 – 3 in favor, to approve funding the #1 priority research project for fiscal year 2019-2020 based on addressing Commissioner concerns that there should be a firewall between the report/recommendations and the Commission so that the recommendations are not endorsed by the Commission, and staff administering and overseeing the research, and to charge staff with negotiating scoping, funding levels, and contracting as appropriate.

The facilitator tested with the Commission whether they were agreeable to authorizing staff to work with the appropriate TACs to review research project priorities # 4, 5, and 6, and to bring recommendations for the Commission’s consideration at the October 2019 meeting. All Commissioners signaled they approved of this approach.

XI. CONSIDERATION OF ACCESSIBILITY WAIVER APPLICATIONS

Justin Vogel, Accessibility Advisory Council legal advisor, presented the Accessibility Advisory Council’s recommendations for all applications, and the Commission reviewed and decided on the Waiver applications submitted for their consideration.

Commission Actions Regarding Accessibility Waiver Applications:

1. 804 Office 2nd Floor Interior Renovations – Waiver 382 - 804 Ocean Drive, Miami Beach 33139

MOTION—The Commission voted unanimously, 21 – 0 in favor, to grant the waiver based on the grounds of historical significance and technical infeasibility.

2. NWS Fort King, LLC – Waiver 385 - 15 1027 E Fort King St, Ocala 34471

MOTION—The Commission voted unanimously, 21 – 0 in favor, to grant the waiver based on the grounds of historical significance and technical infeasibility.

3. 835 Alton Rd – Waiver 362 - 835 Alton Rd, Miami Beach 33139

MOTION—The Commission voted unanimously, 21 – 0 in favor, to grant the waiver based on economic hardship.

4. Clay Hotel – Waiver 401 - 1434-1440 Washington Avenue, 400-418 Espanola Way, Miami Beach 33139

MOTION—The Commission voted unanimously, 21 – 0 in favor, to grant the waiver based on the grounds of historical significance and technical infeasibility.

5. Villa Monaco Building – Waiver 399 - 1620 Bay Road, Miami Beach 33139

MOTION—The Commission voted unanimously, 21 – 0 in favor, to grant the waiver based on economic hardship.

6. The Surf Club – Waiver 265 - 9011 Collins Avenue, Surfside 33154

MOTION—The Commission voted unanimously, 23 – 0 in favor, to grant the waiver based on economic hardship.

XII. CONSIDERATION OF APPLICATIONS FOR PRODUCT AND ENTITY APPROVAL

Commissioner Stone presented the Product Approval Oversight 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.

Commission Actions on the Consent Agendas for Approval:

MOTION—The Commission voted unanimously, 20 - 0 in favor, to approve the consent agenda of product approval entities (16) as posted/presented.

MOTION—The Commission voted unanimously, 20 - 0 in favor, to approve the consent agenda of products (177) recommended for approval to the 2017 Code as posted/presented.

Commission Actions Regarding Product Approval Applications With Comments—2017 Code:

MOTION—The Commission voted unanimously, 20 – 0 in favor, to conditionally approve products FL 15047-R5 based on the conditions requested by the applicant and recommended by DBPR staff.

MOTION—The Commission voted unanimously, 20 – 0 in favor, to conditionally approve products FL 16196-R2 based on the conditions requested by the applicant and recommended by DBPR staff.

MOTION—The Commission voted unanimously, 20 – 0 in favor, to conditionally approve products FL 16305-R8 based on the conditions requested by the applicant.

MOTION—The Commission voted unanimously, 20 – 0 in favor, to conditionally approve products FL 17322-R5 based on the conditions requested by the applicant.

MOTION—The Commission voted unanimously, 20 – 0 in favor, to conditionally approve products FL 22415-R1 based on the conditions requested by the applicant and recommended by DBPR staff.

MOTION—The Commission voted unanimously, 20 – 0 in favor, to conditionally approve products FL 29718 based on the conditions requested by the applicant and recommended by DBPR staff.

MOTION—The Commission voted unanimously, 20 – 0 in favor, to conditionally approve products FL 29719 based on the conditions requested by the applicant and recommended by DBPR staff.

MOTION—The Commission voted unanimously, 20 – 0 in favor, to conditionally approve products FL 29775 based on the conditions requested by the applicant and recommended by DBPR staff.

MOTION—The Commission voted unanimously, 20 – 0 in favor, to approve products FL 29881.

Commission Actions Regarding DBPR Applications:

There was no Commission action required regarding the August 2019 DBPR Applications. The complete results of Commission decisions regarding applications for product and entity approvals are available on the BCIS.

(See BCIS Website for Linked Committee Report)

XIII. CONSIDER APPLICATIONS FOR ACCREDITOR AND COURSE APPROVAL

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

Commission Actions:

MOTION—The Commission voted unanimously, 21 – 0 in favor, to approve advanced accredited course number: 934.0.

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

XIV. LEGAL REPORT

Justin Vogel, Commission Legal Counsel, noted each year the Commission is required to update the Annual Regulatory Plan. The Annual 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.

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

Commission Actions:

MOTION—The Commission voted unanimously, 21 – 0 in favor, to approve the 2019-2020 Annual Regulatory Plan as presented, and to authorize publication of the Plan by DBPR.

XV. CONSIDERATION OF PETITIONS FOR DECLARATORY STATEMENTS

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

DS-2019-043 by Robert Sheppard, City of Marathon, Florida

Motion—The Commission voted, 17 - 4 in favor, not to accept the requested withdrawal of the Petition, and to approve the Fire TAC’s recommendation on the Petition (staff’s analysis).

XVI. COMMITTEE REPORTS AND RECOMMENDATIONS

Acting Chair Schock requested TAC and POC chairs to confine their reports to a brief summary of any key recommendations, emphasizing any issues requiring an action from the Commission. The Chair requested if the TAC/POC requires Commission action, to frame the needed action in the form of a proposed motion. This will ensure that the Commission understands exactly what the TAC/POC’s are recommending, and the subsequent action requested of the Commission. Acceptance of a committee report does not approve any recommendations contained within the report, and specific recommendations must be considered by separate motions. Committee reports are linked to the following URL (linked to Commission’s August 13, 2019 Agenda):

http://www.floridabuilding.org/fbc/commission/FBC_0819/index.htm.

Accessibility TAC

Commissioner Gross presented the TAC's reports and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 20 – 0 in favor, to accept the TAC's reports as presented/posted (June 20, 2019 and July 31, 2019).

Code Administration TAC

Commissioner Gerwig presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 20 – 0 in favor, to accept the TAC's report as presented/posted (July 10, 2019).

Education POC

Commissioner Dean presented the POC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 20 – 0 in favor, to accept the POC's report as presented/posted (August 1, 2019).

Electrical TAC

Mo Madani presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 21 – 0 in favor, to accept the TAC's report as presented/posted (July 31, 2019).

Energy TAC

Commissioner Smith presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 21 – 0 in favor, to accept the TAC's report as presented/posted (July 9, 2019).

Fenestration Water Resistance Workgroup

Jeff Blair presented the Workgroup's reports and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 21 – 0 in favor, to accept the Workgroup's reports as presented/posted (June 14, 2019, and July 31, 2019).

Fire TAC

Commissioner Bahadori presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 21 – 0 in favor, to accept the TAC's report as presented/posted (July 9, 2019).

Mechanical TAC

Mo Madani presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 21 – 0 in favor, to accept the TAC's report as presented/posted (July 31, 2019).

Plumbing TAC

Commissioner Schilling presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 21 – 0 in favor, to accept the TAC's report as presented/posted (July 31, 2019).

Product Approval POC

Commissioner Stone presented the POC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 21 – 0 in favor, to accept the POC's report and Facilitator's summary report as presented/posted (August 1, 2019).

Roofing TAC

Commissioner Swope presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 21 – 0 in favor, to accept the TAC's report as presented/posted (July 10, 2019).

Special Occupancy TAC

Commissioner Whitehead presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 21 – 0 in favor, to accept the TAC's report as presented/posted (July 12, 2019).

Structural TAC

Commissioner Compton presented the TAC's reports and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 21 – 0 in favor, to accept the TAC's reports as presented/posted (June 20, 2019, July 10, 2019, and July 31, 2019).

Swimming Pool TAC

Commissioner Batts presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 21 – 0 in favor, to accept the TAC's report as presented/posted (July 9, 2019).

COMMISSION MEMBER COMMENTS #1

Acting Chair Schock invited Commission members to offer any general comments not related to the Code Update Process.

Commission Member Comments:

- None were offered.

GENERAL PUBLIC COMMENT #1

Members of the public were offered an opportunity to provide comment during each of the Commission's substantive discussion agenda items. In addition, Acting Chair Schock invited members of the public to address the Commission on any issues under the Commission's purview not related to the Code Update Process.

Public Comments:

- None were offered.

XVII. REVIEW AND APPROVAL OF PROPOSED CODE MODIFICATIONS TO THE 6TH EDITION (2017) FLORIDA BUILDING CODE FOR INCLUSION IN THE 7TH EDITION (2020) FLORIDA BUILDING CODE

Acting Chair Schock reminded participants that proposed Code modifications to the Florida Building Code were reviewed by the Commission's TACs in meetings conducted in March 2019. The TAC's recommendations regarding proposed Code modifications were posted to the Commission's website for a minimum of 45 days and the public was provided an opportunity to comment on the TACs recommendations during this time-frame (second 45-day review period). The TACs met in July 2019 to review the public comments, and provided TAC comments to the Commission regarding whether the submitted public comments address their concerns relative to their original recommendations on proposed Code modifications (TAC feedback on public comments to the Commission). T

The Acting Chair noted the next step in the process was for the Commission to consider the TAC's recommendations and comments on public comments regarding proposed modifications for the 7th Edition (2020) Florida Building Code. Subsequent to August's review the Commission would conduct rule development workshops on February 4 and April 7, 2020, and conduct a rule adoption hearing on the final version of the Code on June 2, 2020. The Code's effective date is December 31, 2020.

At the Acting Chair's request Jeff Blair explained the process and the consent agendas, and served as moderator for public comments, and facilitated the Commission's consideration of proposed code modifications in turn. Jeff explained the process and standing motions as outlined in "*Attachment 6—FBC Code Review Process.*" Mo Madani reviewed the Code modification materials organized electronically.

Following are the procedural actions taken by the Commission prior to considering proposed modifications to the 6th Edition (2017) for inclusion in the 7th Editions (2020) Florida Building Code:

FBC Code Update Process

Jeff Blair reviewed the adopted process for the Commission's consideration of proposed Code modifications to the 6th Edition (2017) for inclusion in the 7th Editions (2020) Florida Building Code, noting that the process is the same process adopted and used for the previous Code Update Processes.

Following a review of the process and the standing motions to approve, the Commission took the following actions:

Commission Actions:

MOTION—The Commission voted unanimously, 21 - 0 in favor, to approve the consent agenda of modifications that did NOT receive a public comment during the second comment period, with the exception of those items that have been pulled from the agenda for individual consideration, and with the approval of any modification being based on the findings (A – H).

MOTION—The Commission voted unanimously, 21 - 0 in favor, to approve the consent agenda of modifications that received public comment during the second comment period, with the exception of those items that have been pulled from the agenda for individual consideration, and with the approval of any modification being based on the findings (A – H).

MOTION—The Commission voted unanimously, 21 - 0 in favor, to approve each amendment which has been pulled off of the consent agendas for individual consideration, based on the findings (A – H).

MOTION—The Commission voted unanimously, 21 - 0 in favor, to approve the consent agenda of staff's recommendations regarding correlations for the 7th Edition (2020) Florida Building Code.

Following questions and answers and public comment on all of the modifications pulled from the consent agendas for individual consideration, and subsequent to the Commission having made decisions on all of the proposed Code modifications and local technical amendments submitted for statewide approval, the Commission took the following action:

Commission Action:

MOTION—The Commission voted unanimously, 21 - 0 in favor, to adopt the Commission's package of approved Code modifications to the 6th Edition (2017) for inclusion in the 7th Editions (2020) Florida Building Code; to proceed with rule making; and, to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Florida Building Commission.

XVIII. COMMISSION MEMBER COMMENTS AND ISSUES #2

Acting Chair Schock invited Commission members to offer any general comments to the Commission, or identify any issues or agenda items for the next Commission meeting.

Commissioner Comments:

- Jeff Stone: thanked the facilitator and staff for an excellent job on the Commission's review of Code modifications. There was appreciation from the Commission and the public for staff's excellent work.
- Jim Schock: reminded participants that the Commission would like to receive comments on proposed enhancements to the Code process, and to send the comments to Tom or Mo by September 6, 2019 close of business.

XIX. GENERAL PUBLIC COMMENT #2

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

Public Comments:

Doug Maples, Leon County Building Official: noted that the Commission should consider developing code requirements for storage container's converted to small houses.

XX. NEXT COMMISSION MEETING OVERVIEW AND ISSUES

The October 15, 2019 meeting in St. Petersburg will focus on the Commission's regular procedural and substantive issues, and rule development initiatives.

(Attachment 5—Commission Meeting Schedule)

OTHER COMMISSION ACTIONS

There were no additional Commission actions taken during the August 13, 2019 meeting.

STAFF ASSIGNMENTS FROM THE AUGUST 13, 2019 MEETING

Convene meeting to develop recommendations on research project priorities for consideration by the Commission at the October 2019 meeting.

ADJOURNMENT

The Acting Chair thanked Commission members, staff and the public for their attendance and participation, and adjourned the meeting at 6:53 PM on Tuesday, August 13, 2019.

ATTACHMENT 1
FLORIDA BUILDING COMMISSION MEETING EVALUATION RESULTS

AUGUST 13, 2019—HUTCHINSON ISLAND, FLORIDA

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

Number of Respondents: 17 of 21 (81%) Commissioners present completed meeting evaluations.

1. OVERALL MEETING ASSESSMENT.

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

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

- 9.9 Executive Director's Announcements and Discussions.
- 9.9 Discussion of 553.73(4), F.S. and Rule 61G20-2.003.
- 9.9 Rules Workshop on 61G20-2.001.
- 9.8 Approval of Research Projects for 2019/2020.
- 9.9 Applications for Accessibility Waiver Applications Approvals.
- 9.9 Applications for Products and Product Approval Entities Approvals.
- 9.9 Applications for Accreditor and Course Approvals.
- 9.9 Legal Report Briefing.
- 9.9 Petitions for Declaratory Statements.
- 9.9 TAC, POC, Committee, and Workgroup Reports and Recommendations.
- 9.9 Approval of modifications for inclusion in the 7th Edition (2020) update to the FBC.

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

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

4. MEMBERS LEVEL OF SATISFACTION WITH THE MEETING.

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

5. HOW WELL THE NEXT STEPS WERE COMMUNICATED.

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

6. WHAT MEMBERS LIKED BEST ABOUT THE MEETING.

- Facilitator kept the meeting moving, and handled the disputed issues very well.
- Organized and time well managed.

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

- Executive summary of big issues.

8. OTHER GENERAL COMMENTS.

- This was a very long day!
- Thank you.

COMMENTS ON SPECIFIC AGENDA ITEMS

None were offered.

PUBLIC-MEETING EVALUATION AND COMMENT RESULTS

None were offered.

ATTACHMENT 2
AUGUST 13, 2019 MEETING AGENDA

FLORIDA BUILDING COMMISSION
PLENARY SESSION
AUGUST 13-14, 2019
HUTCHINSON ISLAND MARRIOTT BEACH RESORT AND MARINA
555 NE OCEAN BOULEVARD
STUART, FLORIDA 34996

MEETING OBJECTIVES

- To Approve Regular Procedural Topics (Agenda and Minutes).
- To Consider/Decide on Chair's Discussion Issues/Recommendations.
- To Consider/Decide on Executive Director Announcements and Discussions.
- To Discuss 553.73(4), Florida Statutes and 61G20-2.003
- To Conduct Rules Workshop on 61G20-2.001
- To Review and Approve Potential Research Projects for 2019/2020.
- 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 Receive a Briefing Regarding Legal Report.
- To Consider/Decide on Petitions for Declaratory Statement.
- To Receive/Decide on Reports and Recommendations from Committees.
- To Consider proposed modifications to the 6th Edition (2017) Florida Building Code (FBC) for inclusion in the 7th Edition (2020) update to the Florida Building Code.
- To Hear Public Comment.
- To Identify Needed Next Steps, Assignments, and Agenda Items for Next Meeting.

COMMISSION COMMITTEE ON SITE AND TELECONFERENCE/WEBINAR MEETINGS

June 20, 2019	10:00 a.m.	Accessibility Technical Advisory Committee
June 20, 2019	2:00 p.m.	Structural Technical Advisory Committee
July 9, 2019	8:00 a.m.	Fire Technical Advisory Committee
July 9, 2019	1:00 p.m.	Energy Technical Advisory Committee
July 9, 2019	3:00 p.m.	Swimming Pool Technical Advisory Committee
July 10, 2019	8:00 a.m.	Structural Technical Advisory Committee
July 10, 2019	1:00 p.m.	Roofing Technical Advisory Committee
July 10, 2019	3:00 p.m.	Code Administration Technical Advisory Committee
July 12, 2019	1:00 p.m.	Special Occupancy Technical Advisory Committee
July 29, 2019	2:00 p.m.	Fire Technical Advisory Committee
July 31, 2019	9:00 a.m.	Accessibility Technical Advisory Committee
July 31, 2019	10:00 a.m.	Fenestration Water Resistance Workgroup concurrent with Structural Technical Advisory Committee

July 31, 2019	1:00 p.m.	Plumbing Technical Advisory Committee
July 31, 2019	1:30 p.m.	Mechanical Technical Advisory Committee
July 31, 2019	3:00 p.m.	Electrical Technical Advisory Committee
August 1, 2019	9:00 a.m.	Education Program Oversight Committee
August 1, 2019	10:00 a.m.	Product Approval Program Oversight Committee
August 1, 2019	2:00 p.m.	Accessibility Advisory Council

MEETING AGENDA—AUGUST 13-14, 2019

All Agenda Times—including Adjournment—are Approximate and Subject to Change

8:30 am	1.)	Welcome and Opening, Roll Call
	2.)	Review and Approval of Meeting Agenda
	3.)	Review and Approval of Previous Meeting Minutes and Facilitator Report for (June 18, 2019)
	4.)	Chair’s Discussion Issues: Recognition of Steve Bassett Milestones
	5.)	Executive Director Announcements and Discussions: Ch. 19-75 Florida Laws/HB 447 and Changes to Fla. Admin. Code R. 61G20-2.002 Future Meetings: October 15, 2019 - St Petersburg Hilton-Carillon Park December 10, 2019 TBD February 4, 2020 - TBD April 7, 2020 - TBD June 2, 2020 - TBD
	6.)	Discussion on 553.73(4) , Florida Statutes and 61G20-2.003
	7.)	Rule Workshop on 61G20-2.001 Option 1 Option 2 Option 3
	8.)	To Review and Approve Potential Research Projects for 2019/2020
	9.)	Accessibility Waiver Applications: (Accessibility Advisory Council Report) 1. 804 Office 2nd Floor Interior Renovations – Waiver 382 - 804 Ocean Drive, Miami Beach 33139 - Issue: Vertical accessibility to the second floor. 2. NWS Fort King, LLC – Waiver 385 - 15 1027 E Fort King St, Ocala 34471 - Issue: Vertical accessibility to the second floor. 3. 835 Alton Rd – Waiver 362 - 835 Alton Rd, Miami Beach 33139 - Issue: Vertical accessibility to the second floor and ground floor units. 4. Clay Hotel – Waiver 401 - 1434-1440 Washington Avenue, 400-418 Espanola Way, Miami Beach 33139 - Issue: Vertical accessibility to the first and second floor. 5. Villa Monaco Building – Waiver 399 - 1620 Bay Road, Miami Beach 33139 - Issue: Vertical accessibility to the second floor. 6. The Surf Club – Waiver 265 - 9011 Collins Avenue, Surfside 33154 - Issue: Vertical

		accessibility to the second floor.
	10.)	Applications for Product (2017) and Entity Approval
	11.)	Applications for Accreditor and Course Approval
	12.)	Legal Report Annual Regulatory Plan
	13.)	Declaratory Statement: DS-2019-043 by Robert Sheppard, City of Marathon, Florida Request to withdraw DS-2019-043
	14.)	Committee Reports: Accessibility Technical Advisory Committee (6/20/19 and 7/31/19) Code Administration Technical Advisory Committee (7/10/19) Education Program Oversight Committee (8/1/19) Electrical Technical Advisory Committee (7/31/19) Energy Technical Advisory Committee (7/9/19) Fenestration Water Resistance Work Group (6/14/19 and 7/31/19) Fire Technical Advisory Committee (7/9/19 and 7/29/19) Mechanical Technical Advisory Committee (7/31/19) Plumbing Technical Advisory Committee (7/31/19) Product Approval Program Oversight Committee Facilitators Report(8/1/19) Product Approval Program Oversight Committee (8/1/19) Roofing Technical Advisory Committee (7/10/19) Special Occupancy Technical Advisory Committee (7/12/19) Structural Technical Advisory Committee (6/20/19 , 7/10/19 and 7/31/19) Swimming Pool Technical Advisory Committee (7/9/19)
	15.)	Consideration of proposed modifications to the 6th Edition (2017) Florida Building Code (FBC) for inclusion in the 7th Edition (2020) update to the Florida Building Code.
	16.)	Commissioner Comment
	17.)	Public Comment
	18.)	Adjourn Commission Plenary Session

ATTACHMENT 3
KEY TO COMMON ACRONYMS

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

ATTACHMENT 4

FLORIDA BUILDING COMMISSION HISTORY AND OVERVIEW

HISTORY

Following Hurricane Andrew in 1992 and Hurricane Opal in 1995, Florida experienced record-breaking insurance losses resulting in a crisis affecting every homeowner in the state. The Governor appointed a Building Code Study Commission, The Florida Conflict Resolution Consortium designed and facilitated a two-year study and deliberation process with the 28 members representing a range of interests in the public and private sectors, through which the Commission evaluated the building code system.

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

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

OVERVIEW

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

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

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

Since its formation in July of 1998, the Commission has demonstrated a commitment to working with affected interests to build consensus on complex issues. The adoption of the first edition of the Florida Building Code (2001 Edition), developed from September 1998 through January of 2001, involved 27 Commission meetings, dozens of facilitated public workshops and hundreds of TAC meetings. The Commission has consistently worked with all affected interests to build the best possible consensus-based decisions for the citizens of Florida. Through its committees and workgroups comprised of experts, the Commission has always developed its decisions based on the results of the best engineering and science available. Since 1999 the Commission has convened 64 special issue stakeholder workgroups to develop broad based consensus recommendations on issues of concern to stakeholders. Although the Code is by law a minimum building code, the Florida Building Code is the strongest consensus and science based building code in the country.

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

(UPDATED AUGUST 13, 2019)

COMMISSION APPROVED MEETING SCHEDULE

DATE FY 2018/2019	LOCATION
August 14-15, 2018	Coral Gables [August 15 Plenary] (Biltmore Hotel)
October 8, 2018	Sarasota (Embassy Suites Sarasota)
December 11, 2018	Tampa (Embassy Suites USF)
February 19, 2019	Jacksonville (Hyatt Regency Downtown/Riverfront)
March 18-22, 2019	Altamonte Springs (Embassy Suites) TAC Meetings for submitted Code modifications
April 16, 2019	Gainesville UF Hilton
June 18, 2019	Sarasota Hyatt Regency
July 9-12, 2019	TAC meetings for comments on TAC’s recommendations
August 13, 2019	Hutchison Island Marriott Resort and Marina
October 15, 2019	St. Petersburg Hilton Carlton Park
December 10, 2019	TBD
February 4, 2020	TBD
April 7, 2020	TBD
June 2, 2020	TBD

COMMISSION’S 2020 CODE UPDATE DEVELOPMENT WORKPLAN

7TH EDITION (2020) FBC CODE UPDATE DEVELOPMENT TASKS

7TH EDITION (2020) UPDATE TO THE FLORIDA BUILDING CODE—	
TASK	SCHEDULE
<i>Primary Code Development Phase:</i>	
2017 NEC published and available to the public;	10/2016
2018 International Codes published and available to the public;	09/2017
Commission selects 2018 I Codes “model codes” and 2017 NEC to conduct its review	10/10/2017
Staff post complete listing of the code changes to the I Codes online	1/2/2018
Staff post on Commission website analysis of the 2018 I-Code change (Tracking Charts and code change monographs)	5/1/2018
TACs review the 2018 changes to the I Codes and make recommendations to the Commission regarding those changes that are needed to accommodate the specific needs of this state. TACs meetings - 11-day on-site meetings – for more detail see TAC meeting schedule	06/7-22/2018
Staff post TACs’ recommendations online for further public review	7/7/2018
Residential Construction Cost Impact Workgroup (RCCIWG) review the TACs’ recommendations with regard to the 2018 changes to the International Residential Code (IRC) and provide comments to the Commission on impactful code changes. RCCIWG meeting – on-site meeting (Orlando Marriott Lake Mary)	7/30/2018

Deadline for requesting amendments (2018 I-Codes changes) to be pulled of the consent agenda for individual consideration	9/3/2018
Commission considers TACs' recommendations regarding the latest changes to the model codes that are needed to accommodate the specific needs of this state – on site meeting (Embassy Suites - Sarasota)	10/8-9/2018
Staff post Commission's recommendations online	11/1/2018
Period for public to propose modifications to the 6 th Edition (2017) FBC and the Commission's approved changes to the model codes needed to accommodate the specific needs of this state	11/2/2018 – 12/15/2018
Proposed amendments reviewed by staff and posted to the Commission website	1/2/2019
1 st 45 day comment period ends (<i>By law -45 day min before TAC review</i>)	2/18/2019
Staff post on Commission website proposed code changes (Tracking Charts and Detail Reports)	3/1/2019
TACs consider proposed modifications (1 st 45 day comment period) TACs meetings - 4-day on-site meetings	3/14-26/2019
TACs recommendations posted to the website (Total mods – 1058; AS – 664; AM – 25; NAR – 339; and W – 30) Starting date for the 2 nd 45 day comment period	4/12/2019
Residential Construction Cost Impact Workgroup (RCCIWG) reviews the TACs' recommendations with regard to the proposed modifications to the Florida Residential Code (FRC) and provides comments to the TACs/Commission on impactful code changes. RCCIWG meeting – on-site meeting (Gainesville)	5/6/2019
2 nd 45 day comment period ends (<i>by law – 45 day min before Commission review</i>)	5/26/2019
Staff post on Commission website proposed code changes with comments (Tracking Chats and Details Reports)	6/21/2019
TACs consider public comments on their actions on the proposed mods TACs meetings – 4-day meetings [2-day on-site (Gainesville) and 2 – day via conference/webinar] – <i>As needed and as applicable</i>	7/9-12/2019
Staff post on Commission website TACs consideration of public comments	7/22/2019
Commission considers TAC recommendations (2 nd 45 day comment period) Commission – 2-day meeting	8/13-14/2019
7 th Edition (2020) FBC (6 th Edition (2017) FBC, Florida Supplement and Commission's approved I Codes) posted online	9/19/2019
Provide Supplements to ICC for integration into the 6th Edition (2017) FBC	
Rule development Workshops	Feb. 4, 2020 April 7, 2020
Integrated Draft 7 th Edition (2020) FBC – Posted online	April 20, 2020
Final Rule Hearing on 7 th Edition (2020) FBC/Commission approves final version of Code 7 th Edition (2020) Florida Fire Prevention Code available in final format	June 8, 2020
Rule Submitted to Secretary of State and Supplement/Integrated posted online – subject to addressing all JAPC's concerns	TBD
Printed Code available - subject to negotiation with ICC	TBD
2020FBC (7th edition) effective date (6 – months after publication)	12/31/2020
553.73(7)(e) A rule updating the Florida Building Code in accordance with this subsection shall take effect <u>no sooner than 6 months</u> after publication of the updated code. Any amendment to the Florida Building Code which is adopted upon a finding by the commission that the amendment is necessary to protect the public from immediate threat of harm takes effect immediately.	

ATTACHMENT 6
COMMISSION CODE MODIFICATION APPROVAL PROCESS (2020 CODE UPDATE)

COMMISSION CODE MODIFICATION APPROVAL PROCESS
2020 CODE UPDATE PROCESS—7TH EDITION, FLORIDA BUILDING CODE (2020)
(ADOPTED UNANIMOUSLY FEBRUARY 19, 2019)

Proposed Code modifications to the Florida Building Code will be reviewed by the Commission's TACs in meetings conducted during the week of March 14 - 26, 2019. The TACs' recommendations regarding proposed Code modifications will subsequently be posted to the Commission's website for a minimum of 45 days and the public will be provided an opportunity to comment on the TACs' recommendations during this time-frame (second 45-day review period). The TACs will meet for a second time during the week of July 8-12, 2019 to review the public comments, and provide TAC comments to the Commission regarding whether the submitted comments address their concerns regarding their recommendations on proposed code modifications (TAC feedback on public comments to the Commission). In addition, the Residential Construction Cost Impact Workgroup will review the TACs' recommendations and provide comments regarding costs/impacts of the TACs' recommended modifications for approval relevant to the Residential Building Code (amendments identified as impactful). These comments will be incorporated into the TACs' consent agendas of recommendations.

The Commission will consider the TACs' recommendations concurrent with the August 23-24, 2019 Commission meeting, conduct rule development workshops on February 4, 2020 and April 7, 2020, and conduct a rule adoption hearing on the final version of the Code on June 8, 2020.

The Commission will consider the TACs' recommendations on two (2) consent agenda per topical code area. Any Commissioner may pull any modification for individual consideration.

After the Commission takes action on all of the proposed code modifications they will move to proceed with rule adoption for Rule 61G20-1.001(1), Florida Building Code Adopted, for the purpose of adopting approved modifications to the Florida Building Code.

The TAC's recommendations regarding proposed code modifications for the 2020 Code Update are arranged on two (2) consent agenda as follows:

TAC's Recommendations are on Two Consent Agenda Per TAC (By Code Areas):

1. **"Consent Agenda":** Approval of consent agenda of TAC's recommendations regarding proposed modifications that **did not receive** public comment during the comment period. The Commission votes to approve the TAC's recommendations on the modifications as posted incorporating the findings (A – H) for those modifications recommended for approval. The Consent Agenda includes the TAC's recommendations "For Approval": As Modified (AM), and As Submitted (AS); and, "Against Approval": No Affirmative Recommendation (NAR, Without Second, and Withdrawn). Standing motion to approve is in effect, a second is needed and the Commission votes in favor of the consent agenda. Commissioners should pull-off any modifications(s) that would prevent them from offering a second and approving the consent agenda.

2. **“Consent Agenda 2”**: Approval of consent agenda of TAC’s recommendations regarding proposed modifications that **received** public comment during the comment period. The Commission votes to approve the TAC’s recommendations on the modifications as posted incorporating the findings (A – H) for those modifications recommended for approval. The Consent Agenda includes the TAC’s recommendations “For Approval”: As Modified (AM), and As Submitted (AS); and, “Against Approval”: No Affirmative Recommendation (NAR, Without Second, and Withdrawn). Standing motion to approve is in effect, a second is needed and the Commission votes in favor of the consent agenda. Commissioners should pull of any modifications(s)* that would prevent them from offering a second and approving the consent agenda.

* TAC chairs will pull all modifications that their respective TAC commented favorably regarding the public comment (defined as two-thirds or greater in support that the comment addresses TAC concerns and the TAC supports the public comment relative to their original recommendation). Modifications that the TAC commented on favorably are listed by TAC on a separate document (matrix). The Commission will consider all pulled modifications individually. Each individually considered modification requires a second to the standing motion to approve.

COMMISSION WILL MOVE TO ADOPT FOUR (4) STANDING MOTIONS TO APPROVE:

1. **“Consent Agenda #1”**: TAC’s recommendations regarding proposed modifications that **did not receive** public comment during the comment period.
2. **“Consent Agenda #2”**: TAC’s recommendations regarding proposed modifications that **received** public comment during the comment period.
3. **“Pulled Modifications”**: Modifications pulled-off of the consent agenda(s) by a Commissioner for individual consideration.
4. **“Correlation Issues”**: Staff’s recommendations regarding correlation issues for the 2020 Code Update.

TAC chairs will pull off any amendments that the TAC’s provided a favorable comment on that would change the TAC’s original recommendation on the modification (comments considered during the TAC’s public comment review process).

Any Commissioner may pull any amendment for individual consideration based on public comment(s) (submitted in writing or verbally). Standing motion to approve is in effect. Second to discuss and vote for each modification considered individually. If no second offered, motion dies for lack of second (modification is deemed not approved).

1. Commissioners decide whether to pull any modification(s) based on public comment.
2. Approval of the two (1 - 2) consent agendas as amended by the Commission (minus any modifications pulled for individual consideration). Standing motion to approve is in effect. Second offered and then a vote.
3. Commission consideration of modifications pulled for individual consideration.

STANDING MOTION TO APPROVE TAC'S RECOMMENDATIONS

1. **Motion to approve the consent agenda(s) of modifications that did NOT receive a public comment during the second comment period, with the exception of those items that have been pulled from the agenda for individual consideration, and with the approval of any modification being based on the following findings:**
 - A. The modification is needed in order to accommodate the specific needs of this state; and
 - B. The modification has a reasonable and substantial connection to the health, safety, and welfare of the general public; and
 - C. The modification strengthens or improves the Florida Building Code, or in the case of innovation or new technology, will provide equivalent or better products or methods or systems of construction; and
 - D. The modification does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities; and
 - E. The modification does not degrade the effectiveness of the Florida Building Code; and
 - F. The modification has the following fiscal impact (a fiscal impact statement that documents the costs and benefits of the proposed amendment):
 1. The fiscal impact of enforcement imposed upon local government is as indicated by the proponent.
 2. The fiscal impact of compliance imposed upon building and property owners is as indicated by the proponent.
 3. The fiscal impact of compliance imposed upon industry is as indicated by the proponent.
 4. The fiscal impact of compliance imposed upon small business is as indicated by the proponent.
 - G. The modification's benefits noted with regard to fiscal impact and efficacy outweigh the costs imposed.
 - H. The modification does not diminish requirements related to wind resistance or prevention of water intrusion contained in the Code or its referenced standards and criteria.
2. **Motion to approve the consent agenda(s) of modifications that received public comment during the second comment period, with the exception of those items that have been pulled from the agenda for individual consideration, and with the approval of any modification being based on the findings (A – H).**
3. **Motion to approve each amendment which has been pulled off of the consent agendas for individual consideration, based on the findings (A – H).**
4. **Motion to approve consent agenda of Staff's recommendations regarding correlations for the 7th Edition (2020) Florida Building Code.**

FBC CODE MODIFICATION REVIEW PROCESS—2020 CODE UPDATE REVIEW AND CONSIDERATION PROCESS

- ☛ Facilitator will serve as the moderator, and assist with adopted process and groundrules.
- ☛ One person speaks at a time.
- ☛ Limit your comment and be concise.
- ☛ Comments will be limited to a maximum of three-minutes (3) per person.
- ☛ Do not read lengthy prepared statements; Summarize and submit complete text of comment for the record.
- ☛ Offer new points and/or state agreement with previous speakers; Please do not repeat what has been stated.
- ☛ Chair/Facilitator may terminate a comment if it is repeating previous comments, and not simply stating agreement or offering new points.
- ☛ The FBC wants to hear all view-points to ensure all perspectives are considered, and not repeats of the same views.

- ☛ Facilitator will introduce consent agenda of modifications by Code area.
- ☛ Public will speak to any modifications they wish the Commission to consider individually.
- ☛ Standing motion to approve will be in effect.
- ☛ Commissioner(s) will decide which, if any, modifications to pull for individual consideration.
- ☛ Clarifying questions by FBC members only.
- ☛ FBC will vote in favor of the Standing Motion(s) to Approve (found on previous page) as and/or if amended prior to considering proposed modifications.
- ☛ Once a motion (second to the standing motion) is on the floor, discussion is limited to FBC members except as allowed by the Chair.

MODIFICATIONS PULLED FOR INDIVIDUAL CONSIDERATION

- ☛ Standing motion(s) to approve will be in effect, a second is required in order to vote for the modification(s)—By Commission rule only motions to approve may be considered.
- ☛ All modifications not voted for on a consent agenda must be voted on individually.
- ☛ Any modification considered individually that does not receive a second is deemed not approved due to a failure to receive a second.

Motions require a 75% favorable vote for approval; those with less than a 75% favorable vote, are deemed not approved.