

FLORIDA BUILDING COMMISSION

**Plaza Beach Resort and Spa
600 North Atlantic Boulevard
Daytona Beach, Florida 32118**

**Plenary Session
October 14, 2014
8:30 AM**

COMMISSIONERS PRESENT:

Dick Browdy, Chairman
Hamid Bahadori
Steve Bassett
James Batts
Donald Brown
Bob Boyer
Oscar Calleja
David Compton
Nan Dean
Charles Frank
David Gilson

Jeff Gross
Brian Langille
Beth Meyer
Darrell Phillips
Bradley W. Schiffer
Frederick Schilling
Jim Schock
Drew Smith
Brian Swope
Jeff Stone
Tim Tolbert

COMMISSIONERS NOT PRESENT:

Jay Carlson
Robert Hamberger

Kevin Flanagan

Jim Richmond
Mo Madani
Norman Bellamy

Chris Burgwald
April Hammonds
Jim Hammers

OTHERS PRESENT:

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 Daytona Beach and the October 14, 2014 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, the primary focus of the October meeting is to review an Energy Code compliance software accreditation application, and to discuss the effective date for the 5th Edition of the Florida Building Code.

Chairman Browdy advised members of the public 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 stated 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 if a member of the public would like 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 advised that public input is welcome, but should be offered before there is a formal motion on the floor. Chairman Browdy asked that all participants and members of the audience keep all electronic devices turned off or in a silent mode. Thank you for your 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. All written comments will be included in the Facilitator's Summary Report. Please give your completed "*Public Comment Forms*" to Jeff Blair. He advised 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. If your board participates you may sign-in on the kiosk laptop provided in the meeting room.

Roll Call:

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

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

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

- To Consider Regular Procedural Issues: Agenda Approval and Approval of the August 22, 2014 Facilitator's Summary Report and Meeting Minutes.
- To Consider/Decide on Chair's Discussion Issues/Recommendations.
- To Consider/Decide on Accessibility Waiver Applications.
- To Consider/Decide on Approvals and Revocations of Products and Product Approval Entities.
- To Consider Applications for Accreditor and Course Approval.
- To Consider/Decide on Legal Issues: Petitions for Declaratory Statements.
- To Consider Energy Code Compliance Software Accreditation Application.
- To Receive and Consider an Update on the Adoption of the 5th Edition of the Florida Building Code.
- To Consider/Decide on Technical Advisory Committees (TACs): Electrical; Energy; Special Occupancy; and Structural TAC Report/Recommendations.
- To Consider/Decide on Program Oversight Committees (POCs): Education and Product Approval POC Reports/Recommendations.
- To Receive Public Comment.
- To Discuss Commissioner Comments and Issues.
- To Review Committee Assignments and Issues for the Next Meeting—December 12, 2014 in Daytona Beach, Florida.

Chairman Browdy requested a motion to approve the October 14, 2014 agenda as presented. A motion was entered by Commissioner Schiffer and seconded by Commissioner Schilling, the motion passed unanimously.

Approval of the August 22, 2014 Facilitator's Summary Report and Meeting Minutes:

Chairman Browdy requested a motion to approve the August 22, 2014 Facilitator's Summary Report and Meeting Minutes.

Commissioner Brown entered a Motion to approve the August 22, 2014 Facilitator's Summary Report and Meeting Minutes. Commissioner Calleja seconded the Motion. The Motion passed unanimously.

Chairman's Discussion Issues and Recommendations:

Appointments:

Chairman Browdy said that currently there is only one vacancy on the Florida Building Commission and is for the Residential Construction position. He stated there is also a vacancy too for the newly created position created by Secretary Putman for the Energy Office. Chairman Browdy advised that he spoke with the Governor's Secretary yesterday and she assured him that to the extent she can assure, they hoped to have some recommendations to the Governor prior to the next Plenary Meeting in December and hopefully we can move to have all vacancies filled.

Energy Code Forms:

Chairman Browdy stated in addition to the public comment submitted by Joe Belcher at the August meeting the Commission has received a letter from Dr. Ray Issa from the University of Florida College of Design, Construction and Planning. He said UF is requesting that the Commission reinstate Section R110 and the associated Appendix A requiring building officials to submit forms submitted to certify compliance with the Energy Code. Chairman Browdy advised that the Shimberg Center for Housing Science at UF has been collecting and conducting statistical sampling of the data, and there is no cost to the Commission for this service at this time. He further stated UF maintains that the data can be used in the future to reduce energy use in the residential sector. Chairman Browdy stated the Energy TAC met last week (October 9, 2014) at his request and Commissioner Smith will provide the TAC's recommendations to the Commission action during the Energy TAC Report later in the meeting. He said that he want the Commission to know that he had met with Dr. Issa and Mr. Belcher and other members of the masonry group to discuss the issue as such asking for the TAC meeting which did occur and will be a part of the report to the Commission during the Energy TAC Report.

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

New Work Group:

Chairman Browdy stated he would like to propose that the Commission create a new Code Coordination and Implementation Work Group. He stated when the process started the first code was birthed off of the 1997 Edition of the Standard Building Code by the Southern Building Code Congress, this is history. He said today this Commission, the citizens and the Construction Industry of the State of Florida are burdened with many regulations that came at the time of the creation of our first Florida Building Code. Chairman Browdy said what he is proposing is that the Commission form a work group a Code Coordination and Implementation Work Group with the purpose to review and evaluate all of the regulatory prerequisites currently affecting the code and the code review update implementation process. He further stated that this group would have in its goal to propose a legislative path to a more effective time table for the implementation and updating of the Florida Building Code in the future. Chairman Browdy advised pending the Commission's approval of that concept and creation of the work group; he would make appointments by the next meeting in December 12th here in Daytona Beach.

Chairman Browdy asked for any discussion from the Commissioners.

Commissioner Bassett asked if the group was not in place previously as he remembers serving during his past term with the Commission.

Chairman Browdy stated no that was the Uniformed Code Implementation Work Group. He said that it did not have anything to do with the timing and review process or the coordination of all of the codes that are integrated in the Florida Building code. He said this is more of a timing issue, and it doesn't really involve the implementation or the uniform implementation of the code but rather the timing of the implementation, perhaps the words are synonymous but the concepts and scopes are different.

Commissioner Calleja asked if the idea is to streamline the process from exception starting the process to where it is implemented and where it could be shortened to half or a quarter.

Chairman Browdy stated he did not know, but he does know it is important for us to re-evaluate the process. He stated it has been discussed that maybe the Florida Building Code should not be done by rule. Chairman Browdy further stated there will not be anything off of the table with respect to this but to discuss the process and a better way to work effectively with time on the updates.

Commissioner Calleja asked about legal involvement in the work group.

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

Chairman Browdy stated legal must be involved fully to tell us how many different ways we are burdened, our timing issues, the rule process issues and he feels the Commission is at the best place to discuss this and would rather the recommendations come from us or other special interest group or other interested parties. He further said he did not feel there was a better composed group to make the suggestion for a legislative path to correct some of the problems that we currently have. Chairman Browdy stated he hoped that if they were asked to serve you will so that we have a good representation of people who think positively about a better way to do what the Commission has been doing, and to have the ability to move the process forward more effectively.

Commissioner Schock stated he applauds the Chairman for this step due to processing issues from the past and he is in total support and would volunteer to be a member.

Commissioner Swope asked if there is any way to eliminate some of the red tape and legal chains we have to follow.

Chairman Browdy stated he felt the attorney will stay with what is in the law.

April Hammonds, Esq. stated to change laws a legislation change would need to be made.

Commissioner Schiffer asked if the Fire Code could be invited to be a part of the group.

Chairman Browdy stated absolutely they should be included. He further stated it is very important to engage everyone in this process.

Commissioner Gross entered a motion to support the creation of the committee. Commissioner Schiffer seconded the motion.

Chairman Browdy asked for any public comment.

Mark Zehnal, FRSA, stated he applauded the Chairman and would ask that FRSA be involved if possible.

Joe Belcher, Masonry Industry also applauded the move as well and would request working with the Fire Code to avoid issues that we are currently seeing. He also requested to be a part of the group.

Chairman Browdy asked for a vote on the motion. The Commission voted unanimously.

Accessibility Waiver Applications:

Chairman Browdy stated the Commission will now consider this month's requests for accessibility waivers. April Hammonds will serve as legal counsel and present the Accessibility Advisory Council's recommendations. He then asked April please present the Councils' recommendations regarding waiver requests in turn.

April Hammonds, Esq. advised that there was not a quorum during the Accessibility Council Meeting the recommendations being presented are from the individuals that were present.

Alpha Gamma Delta Porch Enclosure, 517 West Park Avenue, Tallahassee – Council recommended deferral to the December 2014 as they were not notified by staff that they needed to appear to allow their participation.

Commissioner Bassett entered a motion to accept the recommendation to defer. Commissioner Batts seconded the motion. The motion passed unanimously.

Venezia Hotel, 3865 Indian Creek Drive, Miami Beach – Council recommended approval. The Hotel will be installing an accessible ramp at the north side entrance of the building.

Commissioner Schock entered a motion to accept the recommendation to approve with installation of an accessible ramp at the north side entrance. Commissioner Meyer seconded the motion. The motion passed unanimously.

Life Group Office/Warehouse Remodeling, 9565 N. W. 40th Street Road, Doral – Council recommended approval.

Larry Schneider was present representing Life Group Office/Warehouse for any questions from the Commission.

Commissioner Schiffer entered a motion to accept the recommendation to approve. Commissioner Schilling seconded the motion. The motion passed unanimously.

Through the Years Vintage Market, 102 East Alfred, Tavares – Council recommended conditional approval pending applicant submits pictures verifying the presence of an accessible ramp at the back entrance and installs signage indicating the presence of an accessible entrance.

Commissioner Schock asked legal if all documents will be required, she stated yes. Commissioner Schock entered a motion to accept recommendation for conditional approval. Commissioner Meyer seconded the motion. The Motion passed unanimously.

Accessibility Waiver Applications (cont.):

William F. Schlitt, 1605 19th Place, Vero Beach – Council recommended approval.

Frank Schlitt was present representing William F. Schlitt for any questions from the Commission.

Commissioner Schiffer entered a motion to accept the recommendation to approve. Commissioner Schilling seconded the motion. The motion passed unanimously.

Watermark Clubhouse, 924 Seider Road, Winter Garden – Council recommended denial as this is new construction.

Commissioner Schilling entered a motion to accept the recommendation to deny. Commissioner Schiffer seconded the motion. The motion passed unanimously.

Palm Beach County Convention Center Hotel & Garage, 901 Florida Avenue, West Palm Beach – Council recommended denial. Leased from County this is a Title II entity.

Commissioner Schock entered a motion to accept the recommendation to deny. Commissioner Meyer seconded the motion. The motion passed unanimously.

Samantha Hotel, 235 39th Street and 240 31st Street, Miami Beach – Council recommended deferral to the December 2014 meeting at the request of Applicant's representative.

Robert Fine, Esq. was present advising there had been a change in the project that would need to be considered and there was not sufficient time to present to the Council.

Commissioner Schilling entered a motion to accept recommendation of deferral. Commissioner Schiffer seconded the motion. The motion passed unanimously.

Commissioner Gross stated during this cycle there was a change created online applications for waivers. He stated he had received calls on the issues with the online system. He also said that he spoken with staff to resolve the problems. Commissioner Gross stated there were user issues and system issues.

Chairman Browdy asked if there were technical issues.

Commissioner Gross stated he felt that there are some issues with completing the application and the staff has acknowledged those issues.

Accessibility Waiver Applications (cont.):

April Hammonds, Esq. stated that there is going to be an Accessibility TAC meeting scheduled prior to the December Plenary Meeting. She stated we are going into the workshop phase and the proposed form, she said it was not mandated this month as there were some questions of usability from some so there will be a TAC meeting and the Rule. She stated this will be the only format for the December Meeting, she advised refunds were given back to those from this month's waivers. April advised we are mandated to charge for the waiver and we will work on the rules issues.

Larry Schneider stated the cells are limited on text which does not allow them to provide all language in the space. He also stated the payment process crashed and did not work. He said it is a very large issue for the Council members in reviewing. Mr. Schneider stated there are a lot of bugs to be worked out. He said he begged to differ with Counsel, that the rule currently written mandates that this has to be done online.

Ms. Hammonds stated that the rule mandates charging a fee.

Mr. Schneider stated that Ms. Hammonds had advised in the Council Meeting that it was mandated.

Ms. Hammonds clarified by stating that she said they were currently in Rule Making process that will mandate the use of the online application.

Mr. Schneider stated maybe there should be a beta test. He said that he and Mr. Fine were working together to complete their applications. He said they appreciate the TAC's meeting to resolve some of these issues.

Robert Fine said he experienced difficulty with the application. He also said that he is concerned about the December mandate of using online application, the current rule does not mandate online and the fact that rule making is going to be engaged to require it does not rule making need to be completed to require it. He further stated there are number of ways to take payment. He said when he got through the process; he found the only way to pay is by credit card with a convenience fee. Mr. Fine stated this is a fee added on. He said there should be options to pay.

Chairman Browdy stated that is why there is going to be a TAC meeting to discuss these issues.

Mr. Fine asked for an additional month before mandating the online application.

Ms. Hammonds advised our technical person is working on the issues. She said we will be possibly modeling after the product approval application.

Applications for Product and Entity Approval:

Chairman Browdy advised that Commissioner Stone will present the POC's recommendations for entity approvals and the consent agenda for products recommended for approval, and Jeff Blair will present the POC's recommendations for product approvals with discussion and/or comments. He said we will start with the consent agenda followed by entity approval applications, and conclude with discussion items. Commissioner Stone will now present the applications on the consent agenda and entity approval applications

Commissioner Stone stated there were 72 applications for approval on the consent agenda. Commissioner Stone entered a motion to approve the 72 applications. Commissioner Compton seconded the motion. The motion passed unanimously.

Commissioner Stone stated there were 7 entity applications on the consent agenda for approval. Commissioner Stone entered a motion to approve the 7 entities. Commissioner Compton seconded the motion. The motion passed unanimously.

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

10342-R4 – Commissioner Stone entered a motion to approve as recommended by the POC, Commissioner Compton seconded the motion passed unanimously.

13509-R2 - Commissioner Stone entered motion to conditionally approve as recommended by the POC; Commissioner Compton seconded the motion passed unanimously.

13624-R4 - Commissioner Stone entered motion to conditionally approve as recommended by the POC; Commissioner Compton seconded the motion passed unanimously.

14285-R4 - Commissioner Stone entered motion to conditionally approve as recommended by the POC; Commissioner Compton seconded the motion passed unanimously.

14320-R2 - Commissioner Stone entered motion to approve as recommended by the POC; Commissioner Compton seconded the motion passed unanimously.

15533-R1 - Commissioner Stone entered motion to conditionally approve as recommended by the POC; Commissioner Compton seconded the motion passed unanimously.

17168 - Commissioner Stone entered motion to approve as recommended by the POC; Commissioner Compton seconded the motion passed unanimously.

Applications for Product and Entity Approval (cont.):

17177 - Commissioner Stone entered motion to conditionally approve as recommended by the POC; Commissioner Compton seconded the motion passed unanimously.

Commissioner Schock stated there seemed to be a lot of conditions on this product and he felt they should limit the amount of conditions.

Mo Madani stated there are many products that have had numerous conditions in the past, it is a process.

17205 - Commissioner Stone entered motion to conditionally approve as recommended by the POC; Commissioner Compton seconded the motion passed unanimously.

17209 - Commissioner Stone entered motion to conditionally approve as recommended by the POC; Commissioner Compton seconded the motion passed unanimously.

17106 - - Commissioner Stone entered motion to conditionally approve as recommended by the POC; Commissioner Compton seconded the motion passed unanimously.

Leslie Davidson, representing Quick Tie Products stated that the condition should be removed as they had revised the application and removed the language as requested. She said this information had been provided as stated by Commissioner Compton. She wanted to know if the forms needed to be resent.

Mo Madani stated that to have the condition removed they will need to complete process after the conditional approval, they will need to re-apply and it will be re-evaluated and then approved. He advised that they will not have to go back before the Commission.

Jamie Gascon, Miami Dade County stated there was one product omitted.

April Hammonds confirmed with the minute taker that there was one product omitted.

17184 – Commissioner Stone entered motion to approve as recommended by the POC; Commissioner Compton seconded the motion passed unanimously.

Applications for Accreditor and Course Approval:

Chairman Browdy advised that the Education POC did have a quorum. Commissioner Nan Dean will present the course applications will provide recommendations as needed.

Commissioner Dean provided the following Advanced Accredited Courses for consideration.

Applications for Accreditor and Course Approval (cont.):

648.0 - Commissioner Dean entered a motion to approve; Commissioner Phillips seconded the motion, the motion passed unanimously.

636.0 – Commissioner Dean entered a motion to approve; Commissioner Phillips seconded the motion, the motion passed unanimously.

Commissioner Dean provided the following Self Affirmed Courses for consideration.

549.0 - Commissioner Dean entered a motion to approve; Commissioner Phillips seconded the motion, the motion passed unanimously.

534.0 - Commissioner Dean entered a motion to conditional approval; Commissioner Phillips seconded the motion, the motion passed unanimously.

Petitions for Declaratory Statement: [Legal Report](#)

Chairman Browdy asked April Hammonds, Legal Counsel for the Commission if there were any other legal issues or legislative issues in addition to the declaratory statement requests.

Ms. Hammonds stated there is an update on the Education Rule and it should be final by within the next few weeks. She stated she thinks that we are at the final stage with the Rule.

Chairman Browdy requested that Ms. Hammonds present the declaratory statements.

[DS2014-097 by David G. Karins, Karins Engineering Group, Inc.](#)

Ms. Hammonds read the petition from Mr. David Karins with response.

Commissioner Schock entered a motion to accept the staff, Product Approval POC and Structural TAC recommendation to dismiss. Commissioner Phillips seconded the motion, the motion passed unanimously.

[DS2014-115 by Carolina Drake Albano of Nichiha USA, Inc.](#)

Ms. Hammonds read the petition from Carolina Drake.

Commissioner Stone entered a motion to accept staff and the Product Approval POC and Structural TAC recommendation to dismiss. Commissioner Schock seconded the motion, the motion passed unanimously.

Petitions for Declaratory Statement: [Legal Report](#)

DS2014-116 by Robert S. Fine, Esq. representing HFZ Capital Group d/b/a The Shore Club

Ms. Hammonds read the petition from Mr. Robert Fine with response.

Mr. Fine was present and concurred with the decision presented.

Commissioner Flanagan entered a motion to accept the staff recommendation, Electrical TAC with modifications, Energy TAC with modifications and legal recommendation. Commissioner Calleja seconded the motion, the motion passed unanimously.

NORESCO'S Florida Building Commission Software Tool Accreditation on Application for REM/Rate™ v15.0:

Chairman Browdy advised that at the December 2012 meeting the Commission adopted the Energy Simulation Tool Approval Technical Assistance Manual. He stated the Manual serves as a “Technical Assistance Manual” for computer tool vendors to use in a self-certification process for demonstrating compliance with the Florida Energy Code performance compliance options for residential and commercial buildings. He further stated subsequent to that the Commission has considered applications for accreditation by vendors seeking approval of their software by providing self-certification that the software submitted meets the requirements to demonstrate compliance with the 2010 Florida Building Code, Energy Conservation for residential or commercial buildings and the procedures of the “Energy Simulation Tool Approval Technical Assistance Manual, TAM-2010-1.0”.

Chairman Browdy said that today the Commission will consider the approval of an energy simulation calculation tool application submitted by NORESCO to demonstrate compliance with the Florida Building Code 2010, Energy Conservation for residential buildings pursuant to Section 405 Residential Energy Conservation. He stated the Energy TAC reviewed the application and has recommended deferral of the application to allow the vendor an opportunity to revise the software to address each of the points identified by the TAC, and Commissioner Smith will provide the Energy TAC’s recommendation.

Commissioner Smith stated the Energy TAC met and reviewed each of the points that were a part of the version of the software being presented. He said they reviewed staff recommendations as well as FSEC recommendations and each point is going to be addressed by the software vendor. He further stated the TAC voted to recommend deferral to the December meeting at which time they hope to see a revised version of the software.

NORESCO'S Florida Building Commission Software Tool Accreditation on Application for REM/Rate™ v15.0 (cont.):

Chairman Browdy asked if he was making a motion to defer approval of the REM/Rate v15.0 software by NORESCO for demonstration of Code compliance for single-family and multifamily residential buildings until the December 2014 meeting to provide the vendor with an opportunity to address the Energy TAC's comments.

Commissioner Smith entered the motion to defer approval of the REM/Rate v15.0 software by NORESCO for demonstration of Code compliance for single-family and multifamily residential buildings until the December 2014 meeting to provide the vendor with an opportunity to address the Energy TAC's comments. Commissioner Calleja seconded the motion. The motion passed unanimously.

Update on 5th Edition of the Florida Building Code:

Chairman Browdy advised as he has been reporting on a meeting basis and the Commission voted at the August 2013 meeting to make the effective date of the Florida Building Code Fifth Edition (2014) midnight December 31, 2014. He said the selection of this date was to meet the statutory requirement to coordinate with the adoption of the updated version of the Florida Fire Prevention Code, which was being developed with an effective date of midnight December 31, 2014. Chairman Browdy further stated the Commission is also statutorily required to have the Florida Building Code published for 6 months after before it becomes effective. He advised as a result the effective date of the Florida Building Code Fifth Edition is dependent on when the Florida Fire Prevention Code 2013 is adopted. Chairman Browdy stated that at the August 2014 meeting Commissioner Frank reported on the status of adoption of the Florida Fire Prevention Code 2013 and indicated he thought the adoption process was on schedule for completion this summer. Chairman Browdy asked that Commissioner Frank provide an update on the Florida Fire Prevention Code.

Commissioner Frank advised the 5th of the 2013 Fire Code has been completed with all of the Florida specific amendments and is sitting with JAPC for their review, and it has been there a little over a week. He further said JAPC is requesting the electronic editions of the NFPA all of the reference documents and those will be forwarded this week to them. He said Legal still stands they are on track for adoption of the Florida Fire Code on 12/31 this year.

Chairman Browdy stated that the Commission can defer until the next meeting to see what is going on or take a step and assume adoption prior to or on or about December 31 and set the date for June 30th. He said we can set up Rule Adoption Hearing and if it does not happen we can cancel the hearing.

Update on 5th Edition of the Florida Building Code (cont.):

Chairman Browdy said he felt the public wanted a general idea as to when the code is going to come out and that the Commission should put one out there rather than every thirty days or forty five days saying we are going to wait until we know more about the Fire Prevention Code and its journey through the JAPC process. He further said he welcomed the Commissions comments and would like to take some action on this matter. He said it can be deferred until December or set a date today and tell the public right now the Florida Building Code should come out June 30, 2015.

Commissioner Smith stated his concerns if we keep pushing it will cause issues with the education programs. He said funding will start running out for the grants if they don't start teaching. He entered a motion to set a date.

Chairman Browdy asked if he had a specific date or was he choosing June 30. He said March is not realistic, as there is a six month cooling period.

Mo Madani stated they should be careful in setting a date. He said the reason for that is we had a date before, we set January 1 and the designers and everyone else were shooting for that date and then we changed the date and angered a lot of people as they were gearing toward that date. He further said establishing a date we do not have control, even if we say June 1 or July 1 it is still have to deal with the six month waiting period that has to be added. Mo said it is best to leave it until we are sure.

Chairman Browdy asked for any questions or feedback from the Commissioners.

Commissioner Schiffer stated the biggest problem from the design professionals; is that they are designing thinking the new code is coming out when it is not. He asked for the exact reason the Code isn't in effect on the 31st, he said the Fire Code guys are stating they are ready, so what is the technical timing problem.

April Hammonds stated that Commissioner Frank stated the Legal had advised that they are still on target. She further stated until we get the document, publish a proposed rule and it has been adopted and we get it, and as you heard him say they still need to file documents, until we get the document, we cannot submit anything.

Commissioner Schiffer stated that is because the Building Code references the Fire Code.

Ms. Hammonds it is because the statute states they shall and when you adopt by rule making under Chapter 120, Administrative Rule making procedures, anything contained within the code, anything referenced, as Commissioner Frank stated your have to submit. She said until we have the Fire Code which is referenced in the Building Code, we cannot submit, JAPC will kick it

Update on 5th Edition of the Florida Building Code (cont.):

back. She further stated as soon as we have their document we can give you a date we can go for the hearing, but until then we cannot set a date.

Commissioner Schiffer stated the Fire Code references the Building Code.

April Hammonds stated they are working off of an old code. She stated she does not know what their legal group is doing. April said she spoke with the Bureau Chief who stated they are still working on hearings so we are receiving conflicting information. She said until we get the document we cannot submit it, we have submitted everything else, all the standards that are referenced in the Building Code have been provided to the Rules Attorney, she has the correlated version that Mo has put together, she has everything except the Fire Code.

Commissioner Swope stated he is in agreement in setting an arbitrary date. He said if there is no deadline, it will be out of site out of mind.

Commissioner Tolbert questioned Ms. Hammonds if JAPC had gotten any better in the process? Will setting a date make JAPC react negatively?

April Hammonds, Esq. stated with our Education Rule we finally got that one through and we are working now on the Accessibility Rule and as far as the Code, we have to abide by Chapter 120 Rule Making, you have to provide all documentation. She advised beyond that a date can be set, but as Mo said, and she asked that they remember this conversation, if the date is set and the Fire Code is not there, we can't publish our rule so please do not be upset when it has to be pushed back.

Commissioner Calleja referenced education and not having a date, will the rule that we tried to change fix this or do we need a date or how does the rule read.

April Hammonds, Esq. stated the rule is crafted well, I cannot give you an exact date as JAPC still has a few days to respond and we are looking at the beginning of November for the Education Rule to go into effect. She said the way it was worded once a version of the code was approved for adoption by the Commission, which has already been done, they can begin teaching courses. April further stated if we can get the Education Rule finished that should rectify the education portion.

Commissioner Calleja stated we do not need to set a date for the code to be able to teach the courses.

Update on 5th Edition of the Florida Building Code (cont.):

April stated the Commission approved the language for adoption and that is how the Education Rules was worded due to the trouble with the code going through. She said they were careful with the language used. April advised there many interested parties and stake holders involved that have grants to teach the course, since the Commission had completed their due diligence.

Commissioner Calleja stated the second point is can we use the current version the Fire Code, can it be switched and then when approved go through Glitch to change to the new version.

Mo Madani stated the answer is no due to the fact the coalition completed for the 5th Edition is based on the new Fire Prevention Code.

Commissioner Compton stated from a design standpoint we need to be careful in setting a tentative date for implementation of the Code. Architects and Engineers are sometimes working on large projects six, twelve, eighteen months out, if we are gearing the design to permit towards the tentative date and it gets pushed out, this can cause a lot of stress from the design standpoint having to revert to the old code to get the permit. He further stated from an Engineering standpoint he said he would prefer not to have a date to allow us to work under the code now and allow for the cooling off period.

Commissioner Brown said for historical perspective not having been on the Commission during the last code cycle. He asked if this process and delay was the same as before, or is there new processes that have caused this delay.

Jim Richmond stated this cycle has been complicated by the fact that for the first time we were trying to take back disconnection from the model code. He said since the first version of the Florida Building Code in 2001 did not take effect until 2002 and since then we have backsidden in relation to the model code on which the building code was based. Jim further stated the work plan was very ambitious work plan put together for this code basically got us back a year closer to the model code which updates every three years like the building code does. He said however, that would have created its own set of problems with JAPC because we are charged with a triennial update and in that case we would have had a biennial update. Jim said that did not actually happen due to the changes. He further said it is a unique set of problems with just the one attempt we made.

Commissioner Brown asked if the procedural requirements, the legal requirements to adopt the code are the same as the last time or are they different.

Update on 5th Edition of the Florida Building Code (cont.):

Jim said for the 5th Edition it was a new process, we have not adopted any two codes under the same process, there have been tweaks. He said in this case we went back to the base code and Florida specific amendments automatically rolled forward those relating to hurricane integrity and State Agency Rules on high velocity hurricane zone. Jim said in the past all of the Florida specifics were rolled forward, but the law seems to change to address issues raised during the preceding code cycle, and we have not been able to follow the same process twice.

Commissioner Brown stated as a new comer to the Commission and observing the painful process procedurally that we have to go through to adopt this code, it reinforces the incredible proposal that you offered in the very beginning. He said something needs to be done to make this a more streamlined process and your suggestion to form a work group to make recommendations to the Legislature needs to be not as complicated. He further stated he congratulates the Chairman on his proposal.

Commissioner Bassett stated that there has been a time when he was not on the Commission, so he is not sure if things have changed, but it used to be if a designer wanted to take something like the electric code in the latest Edition he could as long as he did it for the whole project he could then use the later Edition of the reference codes. He further stated we have delayed the implementation of the new code six months to give people a chance to become educated. Commissioner Bassett asked if there was a problem with someone wanting to use the code before that date as long as they use it for the whole project. He said that would solve the problem for engineers and architects for designs that would be a simple way to do it and to let the people know that they can use the new code when passed even though it is not mandatory implementation date and that would solve a lot of problems.

Jim Richmond stated the circumstances described must be authorized under the building departments and building official's authority to approve alternates and equivalents. He stated there has never been any legal provision that would allow some type of voluntary implementation to the building code in advance of the effective date. Jim said that the building officials are free to accept anything that is a demonstrated alternate or equivalent has been recognized since day one in the Florida Building Code and years before that, they always have that flexibility.

Chairman Browdy added that Chapter One of the Building Code sets the date for acceptance of the plans not the date of the approval of the plans in the appropriate code moment. He said the actual submittal and acceptance of the documents by the building department is that time when the applicable code is utilized.

Update on 5th Edition of the Florida Building Code (cont.):

Commissioner Calleja stated it is hard to make the point that one of the things that has changed is the six month waiting period.

Chairman Browdy stated the six month waiting period is a vestige of the past and has been around a while. He said we are talking about the model code the 97 edition of the Building Code, if you were on the Commission in 2000 you would not be able to see each other as there were stacks of binders in front of each of us. He further said he is hopeful that the group we are putting together can come up with some recommendations that will allow a legislative path so that we do not have to deal with these issues, so there can be updates and reconcile differences.

Robert Fine, Esq. stated that he and a number of his colleagues represent big builders and developers and the changing of the code causes much a lot of consternation and planning and trying to figure out what they are doing due to big projects and extended times. He said going from one code to another can cause hardship, time and money. Mr. Fine said in that regard trying to get some certainty on the date is very important and helpful. He further addressed Jim Richmond stating once or twice there was a period and it was approved that during the six month period you could go with either code if it was for the whole project, he added it may have been a legislative issue when this occurred and if it was then, maybe it could be included in the process. He said once printed one could use the code as mentioned by several of the Commissioners and the hard date becomes less concerning. Robert said as an Architect also, the continuing education cycles are coming up and he would like to do his hours for the new code as he would be getting hours on obsolete information, so if the education can be moved up it would be nice to get the hours on the new code.

April Hammonds, Esq. stated with the Education Rule that should be the case.

Mark Zehnal, FRSA, said that he agrees that there is going to be a big issue for roofing that has to deal not only with the roofing code but the energy code that is going to change dramatically in the next code cycle. He said that a white paper was sent for the 2010 code that had tables that were used and made it easy to determine the R values needed to be on a roof, but this cycle is different, so they need to know when that is going happen to be able to put out estimates for re-roofing not just new construction. Mark stated that when you permit is going to make a huge difference which version you can put on the permit application and what they are going to accept at the building department. He said he understands wanting to be able to design, but the architects and engineers are not the only ones affected for permitting at the building department. Mark said even though he would like to see a date, he said he feels that may give a false sense of security and unfortunate for all of the trades involved in this program.

Update on 5th Edition of the Florida Building Code (cont.):

Chairman Browdy asked for any further comments, there being none, he entertained a motion to delay the discussion to set a rule hearing on the implementation for the Florida Building Code or we can set a date we would have to authorize a rule hearing for the December Meeting.

Commissioner Schiffer said just a thought from the design professionals perceptive can we establish a no sooner than date that way if the design can estimate where the project will go for permit will not be ambushed by the new code.

April Hammonds, Esq. stated if all processes are completed the soonest would be July 1. She stated one item, if we get the Fire Code, depending on either way you vote, if we are able to get the Fire Code prior to the December Meeting, at the Chairman's discretion, we can agenda hearing at that time as long as we have the 21 days sufficient to notice a rule hearing, if we get it at the Commission we are not setting a date today, we can still have it in December.

Commissioner Schiffer said if we complete in December would it be live in February.

Chairman Browdy stated no there is still the six month waiting period.

Commissioner Schiffer said then it could be June, when you design a project you have to have time frames.

Commissioner Compton entered a motion to defer any action on setting an implementation of the Florida Building code until the December Meeting.

Commissioner Bassett seconded the motion.

The motion failed with 12 members voting in favor and 10 members opposing.

Commissioner Calleja entered a motion to set a tentative implementation date of June 30, 2015 as the effective date of the code and conduct a rule hearing at the December 2014 meeting.

Commissioner Schiffer seconded the motion.

Chairman Browdy stated he felt this is a fair judgment and fair to assume that we should have an implementation date of June 30, 2015. He stated he felt the time has come that people are looking for guidance rather than saying we are going to meet again next month and talk about it.

Commissioner Swope stated as we are waiting for the Fire Code and it is waiting on legal. He asked if it is near and will be ready for us.

Update on 5th Edition of the Florida Building Code (cont.):

Chairman Browdy advised that Commissioner Frank had stated it is in JAPC. He then asked Commissioner Frank if all documents are in JAPC.

Commissioner Frank advised all the documents except the reference publications, the base code with the Florida specifics have been submitted. He said the reference documents will be sent this week. He further advised that the actual code itself has been put together and is sitting at publication waiting for adoption.

Chairman Browdy asked legal to confirm that JAPC will not review until all of the documents are received.

April Hammonds, Esq. stated yes.

Commissioner Frank stated that was correct, they do not have all of the documents.

Commissioner Swope asked for the time frame with JAPC.

April Hammonds, Esq. stated the time frame varies; she wanted the Commission to know that with an effective date that will be the hearing in December and then JAPC will then receive our material. She stated we can complete and submit but there is no guarantee that this will be completed for this date. April stated without the reference documents in, it is hard to tell.

Commissioner Swope stated this is mid-October and JAPC does not have the documents, so there is a good possibility that JAPC won't even have the code back by our December meeting.

Ms. Hammonds answered yes, adding because they then will have to publish for adoption, once they get it back from JAPC.

Commissioner Swope asked when they get the Fire Code back, and then we will have to submit the whole thing to JAPC before the six month cooling period.

Ms. Hammonds stated that was correct and we would need to hold a rule hearing because there are some people that want to make some modifications to what has already been done, there will be some hearings, pending action from the Commission. She stated hopefully there would be a hearing with no comments, JAPC made no comments.

Commissioner Schock stated he felt it would be impossible to have anything prior to June 30th, but he would like to take Commissioner Schiffer's comments that it would be no earlier than June 30 to allow some assurance to designers.

Update on 5th Edition of the Florida Building Code (cont.):

Chairman Browdy stated the motion “set the anticipated date for the implementation of the Florida Building Code to be June 30, 2015 and no sooner than and to conduct Rule adoption hearing at the December meeting.

Jim Richmond added that Commissioner Calleja used the word tentative and not anticipated.

The motion passed with 20 members voting in favor and 2 members opposing.

Committee Reports and Recommendations:

Chairman Browdy asked that the Committee Chairman, please confine their TAC/POC reports to a brief summary of key issues and recommendations, emphasizing any issues requiring an action from the Commission. He asked that they please frame any needed Commission action in the form of a motion. Chairman Browdy advised that there is no need to read the TAC/POC minutes since the complete minutes will be linked to the committees’ subsequent meeting agendas for approval by the respective committees.

Education Program Oversight Committee

Commissioner Dean provided a brief summary of the POC meeting held via teleconference on October 6, 2014.

Commissioner Dean entered a motion to approve the POC report, Commissioner Bassett seconded the motion, the motion passed unanimously.

Electrical Technical Advisory Committee

Mo Madani provided a brief summary of the TAC meeting of October 10, 2014 held via teleconference.

Commissioner Bassett entered a motion to approve the TAC report, Commissioner Schock seconded the motion, the motion passed unanimously.

Committee Reports and Recommendations (cont.):

Energy Technical Advisory Committee

Commissioner Smith provided a brief summary of the Energy TAC meetings October 3rd and 9th 2014 held via teleconference.

Commissioner Smith entered a motion to approve the TAC reports. The motion was seconded by Commissioner Calleja, the motion passed unanimously.

Energy Code Compliance Reporting Forms:

Commissioner Smith provided the Energy stated there was a motion during the TAC to re-institute the report collection process certifying compliance of the Energy Code.

Chairman Browdy stated the Energy TAC recommends re-institution for submittal of the first page of the form that was previously deleted in the new edition of the code. He stated this came about due to a letter received from Dr. Issa, University of Florida. Chairman Browdy stated that at this time he would like to invite Dr. Issa to come and speak to the Commissioners regarding this subject.

Chairman Browdy stated there needs to be a motion to adopt the Energy TAC recommendation to preserve the requirement for local governments (building officials) to submit forms submitted to certify compliance with the Energy Code, and to accomplish this through the development of a separate rule and not by amending the Building Code.

Motion entered by Commissioner Smith and seconded by Commissioner Calleja.

Dr. Issa advised that he sent a letter to Chairman Browdy when he found out that the front page of the Energy forms were no longer going to be sent to the university. He said that he discovered about a year and a half ago from DBPR that there was no more funding was forthcoming to statistically collect forms and analyze the data. He stated he then contacted Masonry Association of Florida who was using the data to support the collection process, so there is no cost to the state and they are still accepting the forms as they have always been sent for over a decade and they are analyzing it and producing a report. Dr. Issa said since the hearings on the ninth two entities have gotten in touch with him, one of them willing to support the cost of statistically transcribing the data.

Committee Reports and Recommendations (cont.):

Chairman Browdy thanked Dr. Issa and asked if the Commissioners had any questions. He then advised the Commissioners that there is a motion on the floor with a second. Chairman Browdy asked if Jim Richmond would like to comment on the process we would need. He said in addition when we set the Rule Hearing for the new Code Edition Implementation we could also set a Rule Hearing for this and amend the motion.

Jim Richmond stated this would be a new Rule a revitalized Rule. He said when Rick Scott was elected this was a separate rule under the Department of Community Affairs it was repealed as it duplicative of what was in the building code and going through the development of the Fifth Edition it was removed from the building code thereby eliminating the requirement all together effective on the effective date of the building code. Jim said the recommendation of the TAC will create a new rule that will impose this requirement that local governments submit these forms. He further stated that we need to first notice for rule development, it could be initiated that and he believed that we can complete procedures and have ready for the December meeting and hold the workshop then. Jim said that when we get the rule to a hearing we could set the effective date of the separate rule consistent with the implementation date of the building code to ensure there is no lapse in coverage.

Chairman Browdy asked if there were any questions on this issue. He then stated there is a motion stating “to adopt the Energy TACs recommendation to maintain the requirement for local governments to submit forms to certify compliance with the Energy Code through adoption of a separate rule and to schedule a rule hearing given by Commissioner Smith and seconded by Commissioner Calleja.

Commissioner Calleja stated in the TAC meeting the cost is the reason it originally was taken out and now the Masonry Association is funding and the Commission should have record of the reporting on the system to be available for all to view.

Chairman Browdy stated that would be a question for Dr. Issa.

Dr. Issa stated he thought it was posted on the web, however when he checked with DBPR he found it was not posted and was able to provide to the requestor. He did state he would provide the report for the Commission to use and provide to the public.

Commissioner Schock asked Dr. Issa for the years that we have been sending these reports in, what specific code changes were developed because of these reports.

Dr. Issa stated he could not answer the question as he compiles the report; they were used by Ann Stanton and Ila Jones.

Committee Reports and Recommendations (cont.):

Mo Madani stated the reports were used for statistical information about certain energy measures but was not really used for the purpose of doing a code change, it was informational. He said it has been done for many years and we have not been approached by entities for the report, but it has always been available from our department for distribution.

Chairman Browdy then called for a vote. The vote passed with 21 in favor and 1 in opposition.

Commissioner Smith entered a motion to approve reports of TAC meetings on October 3 and October 9, 2014. Commissioner Calleja seconded the motion. The motion passed unanimously.

Product Approval Program Oversight Committee

Commissioner Stone provided a brief summary of the POC meeting held via teleconference on October 2, 2014.

Commissioner Stone entered a motion to approve the POC report, Commissioner Compton seconded the motion, the motion passed unanimously.

Special Occupancy Technical Advisory Committee

Commissioner Phillips provided a brief summary of the TAC meeting held via teleconference on October 2, 2014.

Commissioner Phillips entered a motion to approve the TAC report, Commissioner Schock seconded the motion, the motion passed unanimously.

Building Structural Technical Advisory Committee

Commissioner Schock provided a brief summary of the TAC meeting held via teleconference on October 3, 2014.

Commissioner Schock entered a motion to approve the TAC report, Commissioner Phillips seconded the motion, the motion passed unanimously.

General Public Comments:

Dwight Wilkes stated as a member of the Electrical TAC, at the meeting we had one of the worse connections and could not hear the other members. He stated he specifically requested another meeting when they found out what ever caused the problem on the audio. Mr. Wilkes advised that he had also made a motion that at the next meeting they continue the evolution for the investigation into possible adoption of the Electrical Code that it syncs a little more with the building code and even if it required Legislative action, they would want to include this. He said he feels the electrical contractors in the industry are moving to the 2014 NEC and it is out and is being adopted. Mr. Wilkes stated whatever it takes we want to explore it further, but the audio was so bad no one could hear.

Jim Richmond stated the call had a single caller that did not mute. He said there have been no further issues with the calls. This was an isolated incident. Jim said this really sounds like an issue that does need to be discussed with the workgroup that the Chairman has proposed. He said it is implementation and updating issue that has come up in connection with every edition of the Florida Building code because the NEC and the ICC are not working hand in glove. Jim said he feels that would be the best place for discussing that and come up with some systemic solution for it.

Dwight Wilkes stated anything that can be brought back to the Electrical Industry.

Mark Zehnal, FRSA, wanted to express appreciation to the FBC staff for their assistance with the Roof Tile Manual, and he handed copies out to the Commission. He said as of September 28th it is an approved equal standard to the Fourth Edition. Mark further stated it was ten months and most of it was through JAPC, he said what April Hammonds stated was consistent.

Jessica Ferris, Association of Milwork Distributors stated she had submitted a letter to the Chairman in relation to the draft Fifth Edition Code referencing section 17.10.5 which sets forth structural requirements for windows and doors. She stated their issue is with the removal of language in relation to requirements for side hinged exterior doors. Ms. Ferris said they are concerned with removal of this language; they understand and have no intention to re-open the code as they understand the implications of doing that. She said they do intend to move forward to try and resolve this with FBC staff and other avenues that are more feasible and practical at this time given the status with where the code is right now.

Chairman Browdy confirmed that she had spoken with Mr. Madani to resolve these questions.

Dick Wilhelm, Window and Door Manufacturers Association stated part of their members are working closely with Ms. Ferris to resolve the issues and concerns.

General Public Comments (cont.):

Tom Allen introduced himself as the new ICC Government Relations Manager for Florida. He stated he looked forward to working with the Commission in the future.

There was no other public comment.

Commissioner Comments:

Commissioner Gross stated he attended the ICC hearings in Broward County and tried to observe the way they complete their International Codes. He stated that they had about a thousand people in the Convention Center working on the International Green Code, they had three screens and the speaker faced the audience and the Commission was up high. Commissioner Gross stated one thing we do better giving the staff a compliment, they were going through code modes just like us, however, they did not have it on the screen, you had to have computer or IPod, and he said our staff having it portrayed on the screen to see the changes makes a difference. He further said one thing he would like to see a timeline graphics, this may be something the staff may look at and consider using something like this.

Commissioner Bassett stated he would like to volunteer for the task force and feel he would be a benefit.

Commissioner Calleja stated an issue has come up and the Mechanical TAC did not meet and he was approached by some mechanical building officials from Broward and Dade Counties regarding a problem they are having with smoke detector placement in the proposed Fifth Edition. He said we adopted the International Building Code and no-one picked up on the fact that it was totally different than what we had previously in our code. He further advised the International Mechanical Code requires that the smoke detectors be facing the return side of the equipment and we have always done this on the supply side and this poses a lot of problems. He said one of the issues is the NFPA 98 which is a standard requires it in the supply and in our code we took away the 90A standard out of the Mechanical Code, he said he understands looking at the proposed Fire Code there will be conflict between the Fire Code and the Mechanical Code. Commissioner Calleja asked procedurally how we are going to fix these types of things before we get further along before we have to wait until 2020.

Mo Madani advised the 2010 code was resolved by stating it would be on the supply side and this has been the case since 2001 code. He further stated at this point since this has not carried forward to the 2014 code you have two options; one is to define which one gives you the highest level of safety. When there is a conflict between two codes you can address through a declaratory statement to show which code gives highest level of safety. Mo said the law also allows the Commission and the Florida Fire Prevention Code to establish equal levels, he said there is opportunity to correct or clarify.

Commissioner Comments (cont.):

Chairman Browdy asked if we have to wait for a formal request for a declaratory statement.

Mo Madani stated yes there needs to be a formal request from an interested party.

Commissioner Calleja stated the issue is for like designers who project the designs and will have to have confirmation to know where it can be reviewed. He asked that this be brought to the Mechanical TAC.

Chairman Browdy stated this needs to be addressed and we need to go ahead and set a meeting and plan a path.

Mo Madani said as soon as we hold a hearing on the code and the Commission adopts the code, and then we are free to receive the issues and address them.

Chairman Browdy asked if the TAC could address.

Mo Madani stated no it is too early; we need to wait until we have had a hearing and an approved code.

Commissioner Calleja asked if we wait until a glitch, it is going to create confusion.

Mo Madani stated at the December meeting we could start working on it.

Commissioner Stone stated he felt that all members should attend code hearings or represent us at ICC and that the State of Florida could fund the expenses. He said Commissioners should take part in this process.

Commissioner Schock stated he supported Commissioner Stone and that we should participate more in the process and attend those meetings. He said he had a conversation with Eric Stafford and he was disappointed that Florida does not participate as much as they used to.

Jim Richmond stated he wanted to weigh in on this subject. He said that Mo did attend the hearings and was approved by the department to represent staff and the Commission. He further stated travel out of state requires much more approval and has to go downtown and is approved outside of the agency. Jim said it can be considered with much in advance notice.

Commissioner Comments (cont.):

Commissioner Schilling stated there are concerns on water consumption and the also waste water discharge as well and he has been approached by utilities directors and waste water managers throughout the State of Florida voicing their concerns about the fact neither the State of Florida nor the Code use some of the technology that is out there today. He said he would like to request guidance and suggestions on a group to review code to see if they are in tune and up to bring it use to speed with the new technology. He said this is a very important issue and as a plumbing contractor and Commissioner he needs to try and address.

Chairman Browdy stated if they need to put the concerns in a letter to the Commission listing their concerns. He said he thinks we should address and see what they have to say and then we can move it to the Plumbing TAC.

Commissioner Schiffer stated he would like to volunteer for the new work group.

Commissioner Boyer stated he would like to follow Commissioner Schock with the participation from the Commission. He said in the northeastern sector all of the code officials are funded by statute to attend the code hearings and that is why there is such good participation. He said we need to look for staff and code officials to be able to travel to the code hearings.

Chairman Browdy stated he would write to the Secretary and ask for guidance. He said he would get with Mo and Jim if this is the will of the Commission.

April Hammonds stated only one Commissioner can travel to the code hearings more than one traveling to same meeting could be a Sunshine Law issue.

Mark Zehnal stated that he attended the ICC hearings and he does engage he stated you can follow online and vote online. He said there is something in place to be able to engage.

Adjournment:

There was a motion to adjourn with a second. The meeting was adjourned at 10:54 am.