



FLORIDA BUILDING COMMISSION

"STRONGER CODES THROUGH SCIENCE AND CONSENSUS"

Florida Department of
Business
Professional
Regulation

FACILITATOR'S SUMMARY REPORT OF THE OCTOBER 14, 2014 FLORIDA BUILDING COMMISSION MEETING DAYTONA BEACH, FLORIDA

PROCESS DESIGN, CONSENSUS-BUILDING AND FACILITATION BY



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FLORIDA BUILDING COMMISSION
OCTOBER 14, 2014 FACILITATOR’S MEETING SUMMARY REPORT

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FLORIDA BUILDING COMMISSION
OCTOBER 14, 2014 FACILITATOR'S SUMMARY REPORT



FLORIDA BUILDING COMMISSION

"STRONGER CODES THROUGH SCIENCE AND CONSENSUS"

OVERVIEW OF COMMISSION'S KEY ACTIONS AND DECISIONS

TUESDAY, OCTOBER 14, 2014

WELCOME AND INTRODUCTIONS

Chairman Browdy welcomed the Commission, DBPR staff and the public to Daytona Beach and the October 14, 2014 plenary session of the Florida Building Commission. The Chair noted the primary focus of the October meeting, 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 the Commission's various committees, was for the purpose of reviewing an Energy Code compliance software accreditation application, and discussion of the effective date for the 5th Edition of the Florida Building Code.

The 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 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 Chair noted that public input is welcome, but should be offered before there is a formal motion on the floor.

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

I. PLENARY SESSION SUMMARY AND OVERVIEW

At the October 14, 2014 meeting the Commission considered and decided on Chair's issues and recommendations, product and entity approvals, applications for accreditor and course approvals, petitions for declaratory statements, accessibility waivers, and recommendations from the Commission's various committees. The Commission discussed whether to change the date for the adoption of the 5th Edition of the Florida Building Code (2014), voting to make the tentative effective date of the 5th Edition of the Code no earlier than June 30, 2015. Specific actions included: voting unanimously to convene a *Code Coordination and Implementation Workgroup* to review and evaluate all of the regulatory requirements impacting the code development process, and to develop recommendations to create a legislative path to a more effective time table for the implementation of Florida Building Code updates; and, voting to maintain the requirement for local governments to submit forms submitted to certify compliance with the Energy Code through the adoption of a separate rule, and to schedule a rule development workshop for the December 2014 meeting.

(Attachment 1—Meeting Evaluation Results)

II. COMMISSION ATTENDANCE

The following Commissioners attended the Tuesday, October 14, 2014 meeting:

Dick Browdy (Chair), Hamid Bahadori, Steve Bassett, James Batts, Bob Boyer, Donald Brown, Oscar Calleja, David Compton, Nan Dean, Charles Frank, David Gilson, Jeff Gross, Brian Langille, Beth Meyer, Darrell Phillips, Brad Schiffer, Frederick Schilling, Jim Schock, Drew Smith, Jeff Stone, Brian Swope, and Tim Tolbert.

(22 of 25 seated Commissioners attended).

Absent Commissioners:

Jay Carlson, Kevin Flanagan, and Robert Hamberger.

DBPR STAFF PRESENT

Norman Bellamy, Chris Burgwald, Jim Hammers, April Hammonds, Mo Madani, and Jim Richmond.

MEETING FACILITATION

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



CONSENSUS CENTER

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>

III. AGENDA REVIEW AND APPROVAL

The Commission voted unanimously, 22 - 0 in favor, to approve the agenda for the October 14, 2014 meeting as presented/posted. Following are the key agenda items approved for consideration:

- 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.

Amendments to the Posted Agenda:

There were no amendments to the posted/presented Agenda.

(Attachment 4—October 14, 2014 Commission Agenda)

IV. APPROVAL OF THE AUGUST 22, 2014 FACILITATOR'S SUMMARY REPORT AND MEETING MINUTES

MOTION—The Commission voted unanimously, 22 - 0 in favor, to approve the August 22, 2014 Facilitator's Summary Report and Meeting Minutes as presented/posted.

Amendments: There were no amendments offered.

V. CHAIR'S DISCUSSION ISSUES AND RECOMMENDATIONS

TAC and POC Appointments

Chairman Browdy made the following committee appointment for October 2014:

There were no appointments made for the October 2014 meeting.

Energy Code Compliance Forms

The Chair noted that in addition to the public comment submitted by Joe Belcher at the August meeting the Commission received a letter from Dr. Issa from the University of Florida College of

Design, Construction and Planning. UF requested 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. 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. UF maintains that the data can be used in the future to reduce energy use in the residential sector. The Chair explained that the Energy TAC met on October 9, 2014, and that Commissioner Smith would provide the TAC's recommendation for Commission action during the Energy TAC Report.

Code Coordination and Implementation Workgroup

Chairman Browdy noted that with the delays experienced in adopting the *Florida Building Code Fifth Edition (2014)* it was apparent that there are structural regulatory requirements that constrain the Commission in being able to complete a code update in the most efficacious manner possible. Some of the statutory constraints include the requirement to coordinate with the adoption of the updated version of the *Florida Fire Prevention Code*, and the requirement to have the Florida Building Code published for 6 months after publication before it becomes effective. Other constraints include duplicative procedural requirements between the rulemaking requirements of Chapter 120, F.S and the code development requirements mandated by Section 553.73, F.S. Other considerations are the schedule for the IBC code updates, the NEC code schedule, and the schedule for other important reference documents that must be finalized before incorporation by reference into the Florida Building Code Rule. There are also other built-in time constraints that serve to delay the implementation of a code update cycle. The Commission should review all of the critical path milestones in the code development process and determine what should be done to make the process as efficient as possible.

In order to address the issue the Chair recommended that the Commission convene a *Code Coordination and Implementation Workgroup* to review and evaluate all of the regulatory requirements currently impacting the code development process (code update process), and to propose a legislative path to a more efficacious timetable for the implementation of the Florida Building Code update process.

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

Commission Actions:

MOTION—The Commission voted unanimously, 22 – 0 in favor, to convene a *Code Coordination and Implementation Workgroup* to review and evaluate all of the regulatory requirements currently impacting the code development process (code update process), and to propose a legislative path to a more efficacious timetable for the implementation of the Florida Building Code update process.

VI. CONSIDERATION OF ACCESSIBILITY WAIVER APPLICATIONS

April Hammonds, Accessibility Advisory Council legal advisor, presented the Accessibility Advisory Council's recommendations for all applications, and the Commission reviewed and decided on the Waiver applications submitted for their consideration.

Commission Actions Regarding Accessibility Waiver Applications:

a. Alpha Gamma Delta Porch Enclosure, 517 West Park Avenue, Tallahassee

MOTION—The Commission voted unanimously, 22 - 0 in favor, to defer action on the waiver until the December 2014 meeting.

b. Venezia Hotel, 3865 Indian Creek Drive, Miami Beach

MOTION—The Commission voted unanimously, 22 - 0 in favor, to grant the waiver on the condition that an accessible ramp is provided on the west side of the building entrance.

c. Life Group Office/Warehouse Remodeling, 9565 N. W. 40th Street Road, Doral

MOTION—The Commission voted unanimously, 22 - 0 in favor, to grant the waiver based on disproportionate cost.

d. Through the Years Vintage Market, 102 East Alfred, Tavares

MOTION—The Commission voted unanimously, 22 - 0 in favor, to grant the waiver based on the historic nature of the building and technical infeasibility, on the condition that the Applicant submits pictures verifying the presence of an accessible ramp at the back entrance and installs signage indicating the presence of an accessible entrance.

e. William F. Schlitt, 1605 19th Place, Vero Beach

MOTION—The Commission voted unanimously, 22 - 0 in favor, to grant the waiver based on disproportionate cost.

f. Watermark Clubhouse, 924 Seider Road, Winter Garden

MOTION—The Commission voted unanimously, 22 - 0 in favor, to deny the waiver.

g. Palm Beach County Convention Center Hotel & Garage, 901 Florida Avenue, West Palm Beach

MOTION—The Commission voted unanimously, 22 - 0 in favor, to deny the waiver.

h. Samantha Hotel, 235 39th Street and 240 31st Street, Miami Beach

MOTION—The Commission voted unanimously, 19 - 0 in favor, to defer action on the waiver until the December 2014 meeting at the request of the Applicant's representative.

VII. 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, 22 - 0 in favor, to approve the consent agenda of product approval entities as posted/presented.

MOTION—The Commission voted unanimously, 22 - 0 in favor, to approve the consent agenda of products recommended for approval as posted/presented.

Commission Actions Regarding Product Approval Applications With Comments:

MOTION—The Commission voted unanimously, 21 – 0 in favor, to approve product #10342-R4.

MOTION—The Commission voted unanimously, 21 – 0 in favor, to conditionally approve product #13509-R2 based on the condition(s) recommended by the POC.

MOTION—The Commission voted unanimously, 21 – 0 in favor, to conditionally approve product #13624-R4 based on the condition(s) recommended by the POC.

MOTION—The Commission voted unanimously, 21 – 0 in favor, to conditionally approve product #14285-R4 based on the condition(s) recommended by the POC.

MOTION—The Commission voted unanimously, 21 – 0 in favor, to approve product #14320-R2.

MOTION—The Commission voted unanimously, 21 – 0 in favor, to conditionally approve product #15533-R1 based on the condition(s) recommended by the POC.

MOTION—The Commission voted unanimously, 21 – 0 in favor, to approve product #17168.

MOTION—The Commission voted unanimously, 21 – 0 in favor, to conditionally approve product #17177 based on the condition(s) recommended by the POC.

MOTION—The Commission voted unanimously, 22 – 0 in favor, to conditionally approve product #17184 based on the condition(s) recommended by the POC.

MOTION—The Commission voted unanimously, 21 – 0 in favor, to conditionally approve product #17205 based on the condition(s) recommended by the POC.

MOTION—The Commission voted unanimously, 22 – 0 in favor, to conditionally approve product #17209 based on the condition(s) recommended by the POC.

MOTION—The Commission voted unanimously, 22 – 0 in favor, to conditionally approve product #17106 based on the condition(s) recommended by the POC.

The complete results of Commission decisions regarding applications for product and entity approval are available on the BCIS.

(See BCIS Website for Linked Committee Report)

VIII. 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, 22 – 0 in favor, to approve advanced course #648.0.

MOTION—The Commission voted unanimously, 21 – 0 in favor, to approve advanced course #636.0.

MOTION—The Commission voted unanimously, 22 – 0 in favor, to approve administratively approved self-affirmed course #549.0.

MOTION—The Commission voted unanimously, 22 – 0 in favor, to conditionally approve administratively approved self-affirmed course #534.0, on the condition of adding the “graphics, links, animation, and exercises” for review as part of the course materials, or deleting the reference to “graphics, links, animation, and exercises” in the course syllabus.

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

IX. CONSIDERATION OF PETITIONS FOR DECLARATORY STATEMENTS

Legal Report

April Hammonds reported that the Department of Justice (DOJ) has not responded to her recent requests regarding the status of the pending DOJ certification of the Florida Accessibility Code, and as a result there were no new updates to report. April reported that the revisions to the Education Rule (Rule 61G20-6.002, Commission Approval and Accreditation of Advanced Building Code Training Courses) were finalized and the Rule will be effective within a couple of weeks.

Petitions For Declaratory Statements

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

DS2014-097 by David G. Karins, Karins Engineering Group, Inc.

Motion—The Commission voted 22 - 0 in favor, to approve the Structural TAC’s recommendation on the Petition (to approve staff’s recommendation in Option 2 as modified by the Structural TAC). Commissioner Phillips, Special Occupancy TAC chair, expressed support for the Structural TAC’s proposed revision.

DS2014-115 by Carolina Drake Albano of Nichiha USA, Inc.

Motion—The Commission voted unanimously, 22 - 0 in favor, to approve the Product Approval POC’s and Structural TAC ‘s recommendations to dismiss the petition (to approve legal staff’s recommendation).

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

Motion—The Commission voted unanimously, 22 - 0 in favor, to approve the Special Occupancy TAC’s and the Structural TAC’s recommendations on the Petition as presented (to approve staff’s recommendations).

X. NORESCO’S FLORIDA BUILDING COMMISSION SOFTWARE TOOL ACCREDITATION APPLICATION FOR REM/RATE™ v15.0

Chairman Browdy reported that at the December 2012 meeting the Commission adopted the Energy Simulation Tool Approval Technical Assistance Manual. The Manual serves as a “Technical Assistance Manual” for computer tool vendors to use in a self-certification process for demonstrating compliance with the Energy Code performance compliance options for residential and commercial buildings. Subsequent to that the Commission 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 and/or commercial buildings and the procedures of the “Energy Simulation Tool Approval Technical Assistance Manual, TAM-2010-1.0”.

The Chair noted that the Commission is currently considering 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). The Chair asked Commissioner Smith, Energy TAC chair, to provide the TAC's recommendations.

Commissioner Smith reported that the Energy TAC reviewed the application and recommended deferral of the application to allow the vender an opportunity to revise the software to address each of the points identified by the TAC.

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

Commission Actions:

MOTION—The Commission voted unanimously, 22 - 0 in favor, 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.

XI. UPDATE ON THE ADOPTION OF 5TH EDITION OF THE FLORIDA BUILDING CODE

Chairman Browdy noted that as previously reported, 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. 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. The Commission is also statutorily required to have the Florida Building Code published for 6 months after publication before it becomes effective. As a result the effective date of the *Florida Building Code Fifth Edition (2014)* is dependent on when the *Florida Fire Prevention Code 2013* is adopted.

Commissioner Frank reported that the rule development workshops and rule adoption hearings are concluded, and the Division of State Fire Marshal (DSFM) is in the process of responding to JAPC's comments on the Rule. The Division is still optimistic that the *Florida Fire Prevention Code 2013* will become effective as scheduled on December 31, 2014.

Chairman Browdy responded that based on this report (DSFM negotiating with JAPC for the final rule language) the Commission has several options including the following:

1. Wait until the December 2014 meeting to take formal action on changing the effective date for the *5th Edition Florida Building Code (2014)* to ensure a firm date for the adoption of the *Florida Fire Prevention Code 2013*, and provide the Commission with the ability to base the date of a rule adoption hearing and the Code effective date accordingly.
2. On the assumption that the Fire Code Rule is finalized as planned, tentatively schedule a rule adoption hearing on the *5th Edition Florida Building Code (2014)* at the December 12, 2014 meeting, and tentatively make the effective date for the *5th Edition Florida Building Code (2014)* June 30, 2015.
3. Conduct a rule adoption hearing on the *5th Edition Florida Building Code (2014)* at the February 19, 2015 meeting, and make the effective date for the *5th Edition Florida Building Code (2014)* August 31, 2015.

The Commission discussed the issue at length and comments included the need for design professionals to have a reasonable target effective date for their building designs, and to consider a no later than date to provide guidance for design professionals.

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

Commission Actions:

MOTION—The Commission voted, 12 – 10* in favour (55% in favour), to defer action until the December 2014 meeting on changing the effective date for the *5th Edition Florida Building Code (2014)*.

**The motion did not pass for failure to achieve the required 75% or higher threshold for a consensus level of support in favour of a motion.*

MOTION—The Commission voted, 20 - 2 in favour (91% in favour), to make the tentative effective date of the *5th Edition Florida Building Code (2014)* no earlier than June 30, 2015, and to schedule a rule adoption hearing as appropriate.

The Chair noted that depending on when the *Florida Fire Prevention Code 2013* was adopted, the Commission may decide to conduct a special rule adoption hearing on the *Florida Building Code Fifth Edition (2014)* if that would significantly expedite the effective date for the Updated Florida Building Code.

XII. COMMITTEE REPORTS AND RECOMMENDATIONS

Chairman Browdy 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. The Chair explained that the complete reports/minutes would be linked to the committees' subsequent agendas for approval by the respective committees. Committee reports are available at the following URL (linked to Commission's October 14, 2014 Agenda):

http://www.floridabuilding.org/fbc/commission/FBC_1014/index.htm

Education POC

Commissioner Dean presented the POC's reports and any recommendations.

Commission Actions:

MOTION—The Commission voted unanimously, 22 – 0 in favor, to accept the POC's report as presented/posted (October 6, 2014).

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

Electrical TAC

Mo Madani presented the TAC's report and any recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 22 – 0 in favor, to accept the TAC's report as presented/posted (October 3, 2014).

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

Energy TAC

Commissioner Smith presented the TAC's reports and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 22 – 0 in favor, to accept the TAC's reports as presented/posted (October 3, 2014 and October 9, 2014).

MOTION—The Commission voted unanimously, 22 – 0 in favor, to adopt the Energy TAC's recommendation to maintain the requirement for local governments to submit forms submitted to certify compliance with the Energy Code through the adoption of a separate rule, and not to amend the Building Code Rule. A rule development workshop should be scheduled for the December 2014 meeting if feasible.

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

Product Approval POC

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

Commission Action:

MOTION—The Commission voted unanimously, 22 – 0 in favor, to accept the POC's report as presented/posted (October 3, 2014).

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

Special Occupancy TAC

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

Commission Action:

MOTION—The Commission voted unanimously, 22 – 0 in favor, to accept the TAC's report as presented/posted (October 2, 2014).

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

Structural TAC

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

Commission Actions:

MOTION—The Commission voted unanimously, 22 – 0 in favor, to accept the TAC's report as presented/posted (October 3, 2014).

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

OTHER COMMISSION ACTIONS

There were no additional Commission actions.

XIII. GENERAL PUBLIC COMMENT

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

Public Comments:

- Dwight Wilkes: stated that the teleconference Electrical TAC meeting was horrible and made effective participation difficult at best. Dwight requested the TAC meet again to properly evaluate and make recommendations to the Commission regarding whether to amend the FBC to include the latest edition of the NEC.
- Jim Richmond, DBPR: responded that the newly convened *Code Coordination and Implementation Workgroup* will be reviewing the Florida Building Code's coordination with key reference documents such as the NEC as part of their scope of review.
- Mark Zehnal, FRSA: appreciated staff's assistance in working with stakeholders to revise the equivalency of standards rule to include the new roofing tile manual. Mark noted that the rule was now effective as of September 28, 2014.
- Jessica Ferris, Association of Millwork Distributors (AMA): noted that AMA submitted a letter to Chairman Browdy expressing concerns regarding changes to the FBC 2014 contained in section 1710.5 related to doors. She noted that they would work with staff to resolve the issues and do not intend to try to amend the Code during the 2014 Code Update process.
- Dick Wilhelm, WDMA and Fenestration Manu factors Association: indicated that industry will be working with AMA on the issue noted in the comment above.
- Tom Allen, ICC: noted that he is now the regional manager for government relations for ICC, and is happy to return to involvement with the Commission.
- Mark Zehnal, FRSA: noted that FRSA is participating at the national level with the ICC code hearings and they are available to follow on-line. Mark suggested that this is something the Commission should consider going forward.

XIV. COMMISSION MEMBER COMMENT AND ISSUES

Chairman Browdy invited Commission members to offer any general comments to the Commission, or identify any issues or agenda items for the next Commission meeting.

Commission Member Comments:

- Jeff Gross: noted that the ICC code development process is similar to the Commission's process regarding reviewing proposed code modifications, but he indicated that the graphic timeline they provided on screen was helpful to keep track of the status of code modifications. He also noted that there are links attached to each code modification providing all of the relevant documentation. Suggested that perhaps the *Code Coordination and Implementation Workgroup* could look at this as well.
- Steve Bassett: volunteered to serve on the *Code Coordination and Implementation Workgroup*.

- Oscar Calleja: indicated that the placement of smoke detectors in the FBC 2014 reverts to the IBC requirement to locate them at the return side, and the Florida Specific requirement to locate them at the supply side was not maintained. Oscar noted that this was an oversight with the new process that Florida Specific requirements are no longer carried forward with new code versions and must now be proposed as a modification for each update. Oscar noted that there is a conflict between the FFPC which requires smoke detectors to be located at the supply side and the FBC 2014 which will now require them to be located at the return side. Oscar believes the smoke detector location requirements should to be corrected back to the previous Florida Specific requirement to resolve this conflict between the codes.
- Mo Madini, DBPR: responded to Oscar that the issue can be resolved without the need to amend the FBC 2014. A request could be made for a declaratory statement that would resolve this issue through the requirement that the method providing the higher level of life-safety prevails. This could be done once the FFPC and FBC 2014 are adopted.
- Oscar Calleja: requested that this be a Mechanical TAC agenda item once the FBC 2014 becomes effective.
- Jeff Stone: has attended ICC code hearings and feels Commission members should attend.
- Jim Richmond, DBPR: noted that the Commission voted to fund Mo Madani to attend a previous ICC code hearing. Noted that out-of-state travel is difficult to get approved and a request to attend an ICC code hearing should be done months in advance.
- Frederick Schilling: indicated that as the Commission's plumbing contractor representative he wanted the Commission to be aware of the industry's concerns regarding the Code's lack of requirements regarding water reuse and water conservation. He would like to see a workgroup convened to review and make recommendations on proposed code changes for the next update. Requested guidance on what would be the best strategy to address this.
- Dick Browdy: requested that Commissioner Schilling have the plumbing industry's association send a letter to him regarding the issue.
- Bob Boyer: suggested that ICC participation by the Commission should be added to the scope of review for the *Code Coordination and Implementation Workgroup*.
- Dick Browdy: requests for Commissioners' travel to be funded to attend ICC code hearings should be sent in a letter to DBPR.
- April Hammonds, DBPR: only a single Commission member should plan to attend the ICC code hearings due to the Sunshine Law's prohibition regarding members communicating with each other on substantive issues.

XV. NEXT COMMISSION MEETING OVERVIEW AND ISSUES

The December 12, 2014 Commission meeting in Daytona Beach, Florida will focus on routine Commission procedural matters including Chair's issues and recommendations, updates of the Workplan, product and entity approvals, applications for accreditor and course approvals, petitions for declaratory statements, accessibility waivers, and recommendations from the Commission's various committees. In addition, the Commission will conduct scheduled rule development initiatives, and review the revised tentative effective date for the 5th Edition of the Florida Building Code (2104).

STAFF ASSIGNMENTS FROM THE JUNE 2014 AND OCTOBER 2013 MEETINGS

- Schedule Commission discussion regarding paperless permitting (June 2014).
- Draft a letter encouraging building departments to support staff participation in code development (October 2013).

STAFF ASSIGNMENTS FROM OCTOBER 2014 MEETING

None.

ADJOURNMENT

The Chair thanked Commission members and the public for their attendance and participation, and adjourned the meeting at 10:55 A.M. on Tuesday, October 14, 2014.

ATTACHMENT 1
FLORIDA BUILDING COMMISSION MEETING EVALUATION RESULTS

OCTOBER 14, 2014—DAYTONA BEACH, FLORIDA

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

Number of Respondents: 17 of 19 Commissioners present completed meeting evaluations.

1. OVERALL MEETING ASSESSMENT.

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

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

- 9.8 Chairs Issues and Recommendations.
- 9.8 Accessibility Waiver Applications.
- 9.8 Approvals of Products and Product Approval Entities.
- 9.8 Applications for Accreditor and Course Approvals.
- 9.8 Petitions for Requests for Declaratory Statements.
- 9.8 Energy Code Compliance Software Accreditation Application
- 9.6 Adoption of the 5th Edition of the Florida Building Code Update.
- 9.8 TAC, POC and/or Committee Reports and Recommendations.

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

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

4. MEMBERS LEVEL OF SATISFACTION WITH THE MEETING.

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

5. HOW WELL THE NEXT STEPS WERE COMMUNICATED.

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

6. WHAT MEMBERS LIKED BEST ABOUT THE MEETING.

- Perfect site, meeting room. Audio worked well.
- Location.
- Great facility. Nice meeting room and guest room.

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

- No.

8. OTHER GENERAL COMMENTS.

- We need to fix this code issue. Great idea with the workgroup.
- I didn't see any video streaming cameras for public to view remotely.
- I had to move out of three rooms. No air-room 1. No air-room 2. Toilet not working-room 3.

COMMENTS ON SPECIFIC AGENDA ITEMS

None were offered.

PUBLIC-MEETING EVALUATION AND COMMENT RESULTS

None were offered.

ATTACHMENT 2
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
DEP or FDEP	Florida Department of Environmental Protection
DOH or FDoH	Florida Department of Health
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 3

FLORIDA BUILDING COMMISSION HISTORY AND OVERVIEW

HISTORY

Following Hurricane Andrew in 1992, 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.

** The 2014 Legislature amended Section 553.74 (1) F.S., to add a 27th member representing the Department of Agriculture and Consumer Services' Office of Energy, effective July 1, 2014.*

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 58 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 4
OCTOBER 14, 2014 MEETING AGENDA

FLORIDA BUILDING COMMISSION
PLENARY SESSION

OCTOBER 14, 2014
THE PLAZA HISTORIC BEACH RESORT AND SPA
600 NORTH ATLANTIC BOULEVARD
DAYTONA BEACH, FLORIDA

MEETING OBJECTIVES

- To Approve Regular Procedural Topics (Agenda and 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 Receive and Consider an Update on the 5th Edition of the Florida Building Code.
- To Consider Energy Code Compliance Software Accreditation Application.
- To Receive/Decide on Reports and Recommendations from Committees.
- To Hear Public Comment
- To Identify Needed Next Steps, Assignments, and Agenda Items For Next Meeting

Committee and Workgroup Meetings held in conjunction with the Plenary Session

Meetings are held by teleconference and webinar unless otherwise indicated by site identification

October 2	10:00 a.m.	Product Approval Program Oversight Committee
October 2	1:00 p.m.	Special Occupancy Technical Advisory Committee
October 3	9:00 a.m.	Building Structural Technical Advisory Committee
October 3	1:00 p.m.	Electrical Technical Advisory Committee
October 3	2:30 p.m.	Energy Technical Advisory Committee
October 6	10:00 a.m.	Education Program Oversight Committee
October 6	2:00 p.m.	Accessibility Advisory Council
October 9	8:30 a.m.	Energy Technical Advisory Committee

MEETING AGENDA—OCTOBER 14, 2014

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

8:30a.m.	1.)	Welcome and Opening, Roll Call
	2.)	Review and Approval of Meeting Agenda
	3.)	Review and Approval of Previous Meeting Minutes Minutes: August 22, 2014

		Facilitator's Summary Report, August 22, 2014
	4.)	Chair's Discussion Issues: Energy Code Compliance Forms
	5.)	Accessibility Waiver Applications
		a. Alpha Gamma Delta Porch Enclosure, 517 West Park Avenue, Tallahassee b. Venezia Hotel, 3865 Indian Creek Drive, Miami Beach c. Life Group Office/Warehouse Remodeling, 9565 N. W. 40th Street Road, Doral d. Through the Years Vintage Market, 102 East Alfred, Tavares e. William F. Schlitt, 1605 19th Place, Vero Beach f. Watermark Clubhouse, 924 Seider Road, Winter Garden g. Palm Beach County Convention Center Hotel & Garage, 901 Florida Avenue, West Palm Beach h. Samantha Hotel, 235 39th Street and 240 31st Street, Miami Beach
	6.)	Applications for Product and Entity Approval
	7.)	Applications for Accreditor and Course Approval
	8.)	Petitions for Declaratory Statement
		DS2014-097 by David G. Karins, Karins Engineering Group, Inc. DS2014-115 by Carolina Drake Albano of Nichiha USA, Inc. DS2014-116 by Robert S. Fine, Esq. representing HFZ Capital Group d/b/a The Shore Club
	9.)	NORESCO's Florida Building Commission Software Tool Accreditation Application for REM/Rate™ v15.0
	10.)	Update on the adoption of the 5th Edition of the Florida Building Code
	11.)	Committee Reports
		a. Building Structural Technical Advisory Committee b. Education Program Oversight Committee c. Electrical Technical Advisory Committee d. Energy Technical Advisory Committee e. Product Approval Program Oversight Committee f. Special Occupancy Technical Advisory Committee
	12.)	Public Comment
	13.)	Commissioner Comment
	14.)	<i>Adjourn</i>

ATTACHMENT 5
COMMISSION'S UPDATED MEETING SCHEDULE AND WORKPLAN

(UPDATED OCTOBER 14, 2014)

COMMISSION MEETING SCHEDULE

2014	LOCATION
February 21, 2014	St. Augustine (World Golf Village)
April 17, 2014	Kissimmee (Gaylord Palms)
June 19 - 20, 2014	St. Augustine (World Golf Village)
August 22, 2014	St. Pete Beach (Tradewinds Island Resort)
October 14, 2014	Daytona Beach (The Plaza Resort)
December 12, 2013	Daytona Beach (The Plaza Resort)
2015	LOCATION
February 20, 2015	Tampa (Holiday Inn Westshore)
April 14, 2015	Gainesville (Hilton)
June 19, 2015	Gainesville (Hilton)
August 2015	TBD
October 2015	TBD
December 2015	TBD

ACCESSIBILITY COUNCIL	EDUCATION POC	PRODUCT APPROVAL POC
December 1, 2014	December 4, 2014	December 1, 2014
February 9, 2015	February 12, 2015	February 5, 2015
April 6, 2015	April 9, 2015	April 2, 2015
June 8, 2015	June 11, 2015	June 4, 2015