

FLORIDA BUILDING COMMISSION
Hilton University of Florida Conference Center
1714 SW 34th Street
Gainesville, Florida 32607
Plenary Session
October 13, 2016
8:30 AM

COMMISSIONERS PRESENT:

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

Shane Gerwig
David Gilson
Richard Goff
Jeff Gross
Brian Langille
Darrell Phillips
Bradley W. Schiffer
Frederick Schilling
Drew Smith
Jeff Stone
Brian Swope
Diana Worrall

COMMISSIONERS NOT PRESENT:

James Batts
James Schock

Robert Hamberger

OTHERS PRESENT:

Drew Winters
Mo Madani
Chris Burgwald

Thomas Campbell
April Hammonds
Jim Hammers

MEETING FACILITATION:

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

Welcome:

Time: 8:31 am

Chairman Browdy welcomed Commissioners, staff, and members of the public to Gainesville and the October 13, 2016 plenary session of the Florida Building Commission. He stated that in addition to considering regular procedural issues including product and entity approvals, applications for accreditor and course approvals, petitions for declaratory statements, accessibility waivers, and recommendations from our various committees and workgroups, the primary focus of the October meeting is for the purpose of: conducting a supplemental rule adoption hearing for the Florida Building Code Rule 61G20-1.001; to approve the updated Workplan for the 2017 Code Update Process; and, to decide on the two deferred Energy Code modifications regarding the Energy Rating Index provisions for the 2017 Code Update.

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

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

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

Roll Call:

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

Agenda Review and Approval:

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

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

A motion was entered by Commissioner Schilling to approve the agenda as presented. The motion was seconded by Commissioner Schiffer. The motion passed unanimously 24-0 in favor.

Approval of the August 16-17 Facilitator's Summary Report and Meeting Minutes and September 21, 2016 Teleconference Meeting Minutes and Facilitator's Report:

Chairman Browdy requested a motion for approval of the August 16-17 Facilitator's Summary Report and Meeting Minutes and September 21, 2016 Teleconference Meeting Minutes and Facilitator's Report.

Commissioner Schilling entered a motion to approve the August 16-17 Facilitator's Summary Report and Meeting Minutes and September 21, 2016 Teleconference Meeting Minutes and Facilitators Report as presented with no amendments offered. The motion was seconded by Commissioner Schiffer. The motion passed unanimously with a vote of 24-0 in favor.

Chairman's Discussion Issues and Recommendations:

Florida Building Commission Appointments:

Chairman Browdy said that he was pleased to announce the appointment of Dr. Diana Worrall to the Commission to serve as the Persons with Disabilities Representative. He stated that the Commission will now have all 27 Commissioner Positions filled. Chairman Browdy stated that Dr. Worrall was the original Commissioner appointed to represent persons with disabilities and that we are delighted to have her return to the Commission. He said Diana is from Naples, and was the former ADA director for Miami-Dade County. Chairman Browdy advised she is appointed for a term beginning September 23, 2016 and ending February 7, 2017. Chairman Browdy welcomed Dr. Worrall.

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

TAC/POC Appointments:

Accessibility TAC:

Chairman Browdy stated he was appointing Commissioner Worrall to the Accessibility TAC to fill the position vacated when Beth Meyer resigned from her position on the Commission. He thanked Commissioner Worrall for agreeing to serve.

Roofing TAC:

Chairman Browdy said that although Mark Zehnal is currently on the Roofing TAC he was appointed at the request of FRSA. He further stated that Mark has taken a position with IBHS, and at IBHS' request I am appointing Mark Zehnal to replace Remington Brown on the Roofing TAC. Chairman Browdy thanked Mr. Brown for his service on the TAC.

Resignation of Executive Director:

Chairman Browdy announced that Jim Richmond had resigned as Executive Director of the Florida Building Commission, and taken a position as a lawyer at the Department of Education's (DOE) Commission for Independent Education. He said that Jim served as the Commission's legal advisor from 2002 – 2011 and as the Commission's Executive Director from 2012 – 2016. Chairman Browdy stated that Jim's desire was to return to the practice of law. He said that we will certainly miss Jim, appreciate his work with the Commission since 2002, and wish him well in his new position with the Department of Education.

Appointment of New FBC Executive Director:

Chairman Browdy stated that he was pleased to inform the Commission that they have a new executive director to replace Jim Richmond. He said that Thomas Campbell was hired from within DBPR and previously served as the Executive Director for the Board of Architecture and Interior Design and the Board of Pilot Commissioners. Chairman Browdy asked that they welcome Thomas as the Commission's new Executive Director.

Construction Industry Workforce Task Force

Chairman Browdy advised that The Construction Industry Workforce Task Force met for the second time in October but unfortunately he was unable to attend. He advised that he plans to attend the next meeting and will report to the Commission after that meeting occurs. Chairman Browdy stated that as he reported previously the Task Force was established by the 2016 Florida Legislature (HB 535) to look at the existing critical shortage of training individuals and develop a consensus path for training the next generation of construction workers. He said that The Task Force is required to report their recommendations to the Governor and Legislature by February 1, 2017, and he will keep the Commission informed of the Task Force's progress.

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

Recognition for Commissioner Jay Carlson:

Chairman Browdy announced that Commissioner Carlson, president of Carlson & Soforth in Punta Gorda, will be inducted by the Florida Home Builders Association into the Florida Housing Hall of Fame this November. He said this honor is for the dedication and improvements he has made to the building industry locally and throughout the state of Florida. Chairman Browdy stated that we are proud of Jay and want to congratulate him for this outstanding honor that he has earned as a result of his dedication to the advancement of the industry.

Commission's Consensus Building Process Overview:

Chairman Browdy advised that the Commission's consensus building process is the cornerstone of the relationship between the Commission, its committees and stakeholders. He said it is the fundamental reason the Commission was able to develop, adopt and implement the first ever state-wide building code for Florida, the Florida Building Code. Chairman Browdy stated it remains a critical component of why we are able to achieve consensus on the maintenance and updating the Florida Building Code and the Florida Building Code System. He asked Jeff Blair to review the fundamentals of our consensus process as a reminder for long-term commissioners and for the benefit of our newer commissioners.

Jeff provided a power point presentation for the Commissioners outlining the fundamentals of the process.

Commission Milestones Update: [Milestones](#)

Mr. Blair provided a full detailed review of the fundamentals of their consensus process as a reminder for long-term commissioners and for the benefit of our newer commissioners. He reminded the Commissioners that the full updated Commission Milestone report was linked to the agenda.

Hurricane Investigation Triage Team Deployed per DBPR Contract with UF:

Chairman Browdy advised that The Department has an annual contract with UF to investigate storm damage in the event a Category III hurricane impacts Florida (Titled: Survey and Investigation of Buildings Damaged by Category III Hurricanes). He said that UF has deployed their Building Codes Triage Team to investigate and collect buildings damage data from the impacts of Hurricane Matthew. Chairman Browdy said that the focus of the investigations is primarily of residential construction. He advised that Dr. David Prevatt was present to provide an overview of the Triage Team's findings.

Hurricane Investigation Triage Team Deployed per DBPR Contract with UF (cont.):

Dr. Prevatt provided a visual presentation with detail of the locations of the film and pictures. He explained that they used UAVs to take the aerial photos and still shots were obtained from some of the film. Dr. Prevatt advised that they were not able to access the interior of the structures as the owners were not present to give permission. He provided data with a scope of time that the construction of the homes in question took place; there were wide ranges of dates for these homes. He did state he would like to go back and visit with the homeowners to ask their take on the risk now versus prior to the storm. Dr. Prevatt asked for questions.

Commissioner Goff inquired if the windows that were damaged in the photos were impact windows and if they knew exactly what caused the damage such as wind, debris, etc.

Dr. Prevatt stated at this time he could not answer as they were not able to speak with the homeowners or enter the property.

Commissioner Swope inquired about the interior and other structure elements that may have failed during the Storm.

Dr. Prevatt again explained he was not able to get close to the properties only through UAV and would like to be able to conduct further studies that would include interior damage.

Commissioner Calleja asked if this information would be or could be used for insurance information.

Dr. Prevatt stated that this report is property of UF but public information.

Commissioner Gross asked if this study will be published to a website.

Dr. Prevatt provided the website www.windhazard.davidoprevatt.com and stated this is where the study would be published.

Arlene Stewart stated she would like to see an audio attached on the web to the study that would provide the explanation of the graphs and pictures.

Consideration of Accessibility Waiver Applications:

Chairman Browdy stated the Commission will now consider this month's requests for accessibility waivers. He advised that April Hammonds will serve as legal counsel and present the Accessibility Advisory Council's recommendations. Chairman Browdy then asked Ms. Hammonds to present the waivers.

Consideration of Accessibility Waiver Applications (cont.):

McHardy Renovation Waiver #134 Deferred- 432 MLK Blvd Stuart 34994 – Council recommended denial due to lack of proper response with actual estimates.

Commissioner Worrall entered a motion to accept the recommendation of denial due to lack of proper response with actual estimates. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 24 to 0.

22 Seminole Waiver #43 - 22 SE Seminole Street, Stuart 34994 – Council recommended granting the waiver based on the historical nature of the building noting that the waiver of parking and bathroom requests are not within the jurisdiction of the Council.

Commissioner Schiffer entered a motion to accept the recommendation of granting based on the historical nature of the building noting that the waiver of parking and bathroom requests are not within the jurisdiction of the Council. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 24 to 0.

241 MIAMI LLC Waiver # 175 - 241 77th Street, Miami Beach 33139 – Council recommended to defer to allow the applicant to supply requested documentation.

Commissioner Worrall entered a motion to accept the recommendation of deferral to allow the applicant to supply requested documentation. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 24 to 0.

Courtside Grille Waiver # 177 - 110 Fountain Pkwy N, St. Petersburg 33716 - Council recommended to defer to allow the applicant to supply requested documentation.

Commissioner Schilling entered a motion to accept the recommendation of deferral to allow the applicant to supply requested documentation. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 24 to 0.

Vero Millwork, Inc. Waiver # 172 - 4900 42nd Place, Vero Beach 32967 Council recommended granting the waiver to the extent necessary.

Commissioner Worrall entered a motion to accept the recommendation to grant the waiver to the extent necessary. Commissioner Schilling seconded the motion. The motion passed with a vote of 23 to 0 as one Commissioner was out of the meeting room at vote count.

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.

Commissioner Stone entered a motion to approve the consent agenda for the 18 product approval entities as posted. Commissioner Compton seconded the motion. The motion passed with a vote of 23 to 0 with one Commissioner out of the meeting room at vote count.

Commissioner Stone entered a motion to approve the consent agenda for the 120 products as posted with one pulled for individual consideration. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 24 to 0.

Commissioner Stone stated there were 18 products with comments. He advised Mr. Blair will present these products.

Mr. Blair presented the following products for discussion:

13280 – R-6– Commissioner Stone entered a motion to approve as recommended by the POC, Commissioner Compton seconded the motion passed unanimously with a vote of 24-0.

13624 – R-6 - Commissioner Stone entered a motion to approve as recommended by the POC; Commissioner Compton seconded the motion passed unanimously with a vote of 24-0.

15493 - R-2 - Commissioner Stone entered a motion to conditionally approve as recommended by the POC; Commissioner Compton seconded the motion passed unanimously with a vote of 24-0.

15539 – R-1 -- Commissioner Stone entered a motion to conditionally approve as recommended by the POC; Commissioner Compton seconded the motion passed unanimously with a vote of 24-0.

15560 – R-7 -- Commissioner Stone entered a motion to conditionally approve as recommended by the POC; Commissioner Compton seconded the motion passed unanimously with a vote of 24-0.

16925 – R-3 -- Commissioner Stone entered a motion to conditionally approve as recommended by the POC; Commissioner Compton seconded the motion passed unanimously with a vote of 24-0.

Product and Entity Approval (cont.):

17112 – R-2 -- Commissioner Stone entered a motion to conditionally approve as recommended by the POC; Commissioner Compton seconded the motion passed unanimously with a vote of 24-0.

19673 – R-1 - Commissioner Stone entered a motion to approve as recommended by the POC; Commissioner Compton seconded the motion passed unanimously with a vote of 24-0.

19665 – R-1 - Commissioner Stone entered a motion to approve as recommended by the POC; Commissioner Compton seconded the motion passed with a vote of 23-0 as one Commissioner was out of the meeting room at vote count.

19673 – R-1 - Commissioner Stone entered a motion to approve as recommended by the POC; Commissioner Compton seconded the motion passed unanimously with a vote of 24-0.

19683 – R-1 - Commissioner Stone entered a motion to approve as recommended by the POC; Commissioner Compton seconded the motion passed unanimously with a vote of 24-0.

19685 – R-1 - Commissioner Stone entered a motion to approve as recommended by the POC; Commissioner Compton seconded the motion passed unanimously with a vote of 24-0.

29867 – Commissioner Stone entered a motion to conditionally approve as recommended by the POC; Commissioner Compton seconded the motion passed unanimously with a vote of 22-0 as two Commissioners were out of the meeting room at vote count.

20877 – Commissioner Stone entered a motion to conditionally approve as recommended by the POC; Commissioner Compton seconded the motion passed unanimously with a vote of 23-0 as one Commissioner was out of the meeting room at vote count.

21041 – Commissioner Stone entered a motion to conditionally approve as recommended by the POC; Commissioner Compton seconded the motion passed unanimously with a vote of 24-0.

21051 – Commissioner Stone entered a motion to conditionally approve as recommended by the POC; Commissioner Compton seconded the motion passed unanimously with a vote of 24-0.

21058 – Commissioner Stone entered a motion to conditionally approve as recommended by the POC; Commissioner Compton seconded the motion passed unanimously with a vote of 24-0.

Product and Entity Approval (cont.):

20111 – Commissioner Stone entered a motion to conditionally approve as recommended by the POC; Commissioner Compton seconded the motion passed unanimously with a vote of 24-0.

Applications for Accreditor and Course Approval:

Chairman Browdy advised Commissioner Dean will now present the Education Program Administrators recommendations regarding applications for accreditor and course approval.

Commissioner Dean entered a motion to recommend courses 803.0 and 806.0 for approval as recommended by the POC. Commissioner Flanagan seconded the motion. The motion passed 22-0 as two Commissioners were out of the meeting room at the time of the vote.

Legal Update:

Chairman Browdy stated that prior to the declaratory statements; April Hammonds, Esq. will be providing information any legal matter to report.

Ms. Hammonds advised that there is a pending appeal. In addition, she provided the status of the national certification of the Florida Accessibility Code.

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

[DS 2016 – 056 by Kathleen Ann Wilks.](#)

Ms. Hammonds read the petition from Ms. Kathleen Ann Wilks with response. She advised that she had spoken with Ms. Wilks and that she was present on the teleconference call when the petition was considered by Accessibility TAC.

Ms. Hammonds explained that because the petition in question is requesting an answer based on past conduct/decision that the City of Pensacola already addressed and lack of jurisdiction due to the fact that it is an ADA requirement, answering this petition for declaratory statement would be legally improper.

Commissioner Worrall entered a motion to accept TAC's recommendation of the staff's analysis as presented and as recommended by the Council. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 24 to 0.

Commissioner Schiffer questioned using declaratory statement for appeals.

Ms. Hammonds advised that an appeal would go through a binding interpretation.

Petitions for Declaratory Statement (cont.):

Commissioner Worrall commented that there are some claims in the petition that may need further discussion within the Commission. She said that there seems to be some conflicting information and she would like to see discussion on these conflicts.

Chairman Browdy said that they cannot give opinion on declaratory statements. He asked if she was asking for a different venue for this petitioner.

Ms. Hammonds said it would be a DOJ complaint. She said she did speak with her and advised it was not legally sufficient and understands the frustration of disabled as her own mother is severely disabled it takes about three years to get a complaint heard through DOJ. Ms. Hammonds explained that local jurisdictions control permitting requirements for inspections.

Commissioner Worrall said there was conflicting language.

Mr. Madani explained the language and the way the drafting of the code for accessibility. He said it must be specific to a project and that it has not been through the local jurisdiction.

Ms. Hammonds stated the local jurisdiction can bring this before the Commission if they were unclear.

Commissioner Worrall stated this is an issue in Florida and it would behoove them to look at this as it is a statewide issue.

Chairman Browdy stated this could be taken before the TAC and brought back with more information that they could discuss and bring before legal.

[DS 2016-058 by Matt Spiak of Sprint Corporation](#)

Ms. Hammonds read the petition from Mr. Matt Spiak with response. Ms. Hammonds stated the Structural TAC recommendation to accept staff analysis on question 1 as presented and question 2 as revised.

Commissioner Compton entered a motion to accept staff's analysis on question 1 as presented and question 2 as revised and Structural TAC's recommendation of the same. Commissioner Boyer seconded. The motion passed unanimously with a vote of 24 to 0.

Petitions for Declaratory Statement (cont.):

[DS2016-064 by Rune Lero of Innovative Construction Inspections, Inc.](#)

Prior to the introduction of the petitions Mr. Rune Lero appeared before the Commission and requested to withdraw both declaratory statement requests.

Commissioner Schilling entered a motion to accept the withdrawal of DS2016-063 and DS2016-064 as requested by the petitioner. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 24 to 0.

Supplemental Rule Hearing : [Rule 61G20-1.001](#)

Chairman Browdy stated that today's supplemental rule hearing regarding Rule 61G20-1.001, Florida Building Code, is to implement changes in the Florida Building Code, 5th Edition (2014) to include code language complying with ch. 553, F.S. within ch. 2016-129, s. 34 L.O.F. (HB 535) regarding onsite renewable power generation.

Chairman Browdy advised that The Commission will implement the statutorily required Code change to the Florida Building Code pursuant to the statutory criteria allowing adoption without Code development processes, using Chapter 120 rulemaking procedures pursuant to Section 553.73 (8) Florida Building Code (e.) Changes to or inconsistencies with federal or state law.

Chairman Browdy advised he will open and close the workshop and Mr. Blair will facilitate the discussions and serve as moderator for the public comment portion of the workshop. He then opened the workshop on Rule 61G20-1.001, Florida Building Code.

Chairman Browdy said that specifically the supplemental rule hearing is for the purpose of including the Energy Rating Index Workgroup's and Energy TAC's recommendations regarding code amendment language for Sections R406.2 and R406.4 regarding the Energy Rating Index (ERI) alternative path for demonstrating compliance with the energy provisions of the Florida Building Code, Energy Conservation. At the September 21, 2016 Teleconference meeting the Commission adopted the Energy Rating Index Workgroup's and Energy TAC's package of consensus recommendations, and voted to conduct a supplemental rule hearing on Rule 61G20-1.001 on October 13, 2016 regarding the inclusion of the recommended Code provisions into the Florida Building Code, 5th Edition (2014). The Energy TAC met on September 30, 2016 to provide comments on the proposed code modifications deferred for the ERI Workgroup's recommendations, and voted to implement the ERI Workgroup's recommendations as revised by DBPR staff's code language comment regarding Sections R406.2, and R406.4. The proposed code language for the FBC 5th Edition (2014) conforms to the same language proposed for the FBC 6th Edition (2017).

Supplemental Rule Hearing : [Rule 61G20-1.001](#) (cont.):

Chairman Browdy stated that Today's hearing provides an opportunity for public comment before the Commission proceeds with adoption of the Florida Building Code Rule. Once the rule hearing is opened and public comment concludes, the Commission will adopt the Code changes and move to proceed with rule adoption.

Chairman Browdy advised that he will open and close the hearing and Mr. Blair will facilitate the Commission's discussions and serve as the moderator for the public comment portion of the workshop. He said unless Commissioners have questions the supplemental rule hearing on Rule 61G20-1.001, Florida Building Code, is now open.

Chairman Browdy stated the Commission adopted the proposed code language at the September 21, 2016 meeting and the language has been posted as part of Commission's September 21, 2016 Report, and the ERI, Workgroup's and Energy TAC's reports. He advised that staff has provided comment for implementing the code provision and will provide an overview of the materials as needed.

Chairman Browdy spoke to the public in attendance and advised if they wished to speak on the proposed amendments to Rule 61G20-1.001, Florida Building Code, please come forward to the speaker's table, and when it is their turn, identify their name and representation for the record, as well as the specific component of the draft rule you wish to address. If you agree with other's statements please say so, add new points, and avoid repeating the same comments. The Commission is interested in hearing the full range of views, as well as whether you agree with what has already been stated, but prefers not to have the same idea(s) repeated without new points being added.

Mr. Madani provided staff comments and purpose for Rule 61G20-1.001.

Mr. Blair asked for public comment at this time.

Amanda Hickman representing InterCode stated they are in support the changes and staff comments.

Joe Belcher representing the Florida Home Builders Association stated they are in support of the staff comments.

Nancy Stewart representing Fenestration of Manufactures Association and AAMA stated they are in support of the staff comments and changes.

Lorraine Ross, Tech Consulting representing a vast group of Insulation Manufacturers and they are in support of the staff comments and changes.

Supplemental Rule Hearing : [Rule 61G20-1.001](#) (cont.):

There were no further comments from the public and Chairman Browdy closed the hearing.

Chairman Browdy asked for comments from the Commission, there being none, he asked for a motion to approve the proposed rule text for revisions to Rule 61G20-1.001, Florida Building Code Adopted, in response to comments received from the Energy Rating Index Workgroup and the public; and, to authorize the Department of Business & Professional Regulation to publish a Notice of Change for Rule 61G20-1.001, and to proceed with the adoption of Rule 61G20-1.001; and, to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Chairman of the Florida Building Commission.

Commissioner Brown entered a motion to approve the proposed rule text for revisions to Rule 61G20-1.001, Florida Building Code Adopted, in response to comments received from the Energy Rating Index Workgroup and the public; and, to authorize the Department of Business & Professional Regulation to publish a Notice of Change for Rule 61G20-1.001, and to proceed with the adoption of Rule 61G20-1.001; and, to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Chairman of the Florida Building Commission.

Commissioner Bahadori seconded the motion. The motion passed unanimously with a vote of 24 to 0.

Revised Work Plan schedule for the Code update process for the Florida Building Code 6th Edition (2017).

Chairman Browdy advised that Mr. Madani will now provide a review of the amended Workplan for the 2017 Code Update Process 6th Edition Florida Building Code (2017). Specifically, the Workplan has been revised to reflect moving the rule development workshop on the 6th Edition Florida Building Code (2017) update process from December 13, 2016 to February 7, 2017.

Mr. Madani provided the revised work plan.

Commissioner Schiffer entered a motion to approve the amended Workplan for the 2017 Code Update Process – 6th Edition Florida Building Code (2017). Commissioner Bahadori seconded the motion. The motion passed unanimously with a vote of 24 to 0.

Consideration of proposed Modification (EN 6727 and 6933) to the 2015 International Codes for inclusion in the Florida Building Code, 6th Edition (2017)

Chairman Browdy explained that Proposed Code modifications to the Florida Building Code were reviewed by the Commission's TACs in meetings conducted in April 2016. He further stated that the TAC's recommendations regarding proposed Code modifications were posted to

Consideration of proposed Modification (EN 6727 and 6933) to the 2015 International Codes for inclusion in the Florida Building Code, 6th Edition (2017) (cont.):

the Commission's website for a minimum of 45 days and the public was provided an opportunity to comment on the TACs recommendations during this time-frame the second 45-day review period. Chairman Browdy advised that the TACs met in June 2016 to review the public comments, and provided TAC comments to the Commission regarding whether the submitted public comments address their concerns relative to their original recommendations on proposed Code modifications. He said at that time the Energy TAC voted to recommend that the Commission defer action on proposed Energy Code modifications EN 6727 and EN 6933.

Chairman Browdy stated that at the August 16 – 17, 2016 meeting the Commission considered and adopted code modifications for the Florida Building Code, 6th Edition (2017), and in that process, at the recommendation of the Energy TAC, deferred action on two modifications proposed for the Energy Code, EN 6727 and EN 6933, pending a recommendation from the Energy Rating Index Workgroup. He advised that the Energy TAC met on September 30, 2016 to provide comments on the two proposed code modifications deferred for the ERI Workgroup's recommendations, and voted by their comment to implement the ERI Workgroup's recommendations pursuant to staff's code language comment regarding Sections R406.2, R406.3, R406.3.1 and R406.4.

Chairman Browdy stated that the Commission will now consider the TAC's recommendations and comments on public comments regarding proposed modifications EN 6727 and EN 6933 for the Florida Building Code, 6th Edition (2017).

Chairman Browdy advised that subsequent to today's adoption of the two remaining proposed Code modifications the Commission will conduct a rule development workshop on February 7, 2017, and conduct a rule adoption hearing on the final version of the Code on June 8, 2017. The TACs will review proposed Glitch amendments after the Code's effective date of December 31, 2017, if needed.

Mr. Blair will explain the process of proposed Code modification and the motion process, and served as moderator for public.

Mr. Blair provided the language used in the statutory requirements based on findings A-I and stated that would need to be a motion to accept these findings for the two modifications.

Chairman Browdy asked for a motion to accept the standing statutory requirements based on findings A-I.

Consideration of proposed Modification (EN 6727 and 6933) to the 2015 International Codes for inclusion in the Florida Building Code, 6th Edition (2017) (cont.):

Commissioner Schiffer entered the motion to accept the standing statutory requirements based on findings A-I. Commissioner Calleja seconded the motion. The motion passed unanimously with a vote of 24 to 0.

EN 6727:

Mr. Madani provided staff comments on the proposed modifications and staff recommendation with the background on the modification.

Amanda Hickman, InterCode stated she is in support of all of the language except where the staff has recommended striking the 2015 International Energy conservation Code and replacing it with “this code” under 406.2 in the second and third sentence and the last sentence of the first paragraph and requested that this be amended to add the stricken language back as it was.

Discussion followed and Mr. Madani stated this could be done.

Joe Belcher, FHBA stated his comments mirrored Ms. Hickman and he is requesting the same changes.

Commissioner Smith entered a motion to approve proposed modification EN 6727 that received public comment, and as recommended by the energy Technical Advisory Committee (TAC), and amended by the FBC, based on the findings (A – I), with the changes requested in section 406.2 under 406.2 in the second and third sentence and the last sentence of the first paragraph and requested that this be amended to add the stricken language back as it was. Commissioner Calleja seconded the motion. The motion passed unanimously with a vote of 24-0.

EN 6933:

Mr. Madani provided staff comments on the proposed modifications and staff recommendation with the background on the modification.

Mr. Madani provided staff comments on the proposed modifications and staff recommendation with the background on the modification.

Joe Belcher, FHBA stated they are in favor of NAR on EN 6933.

Amanda Hickman, InterCode stated they are in favor of NAR on EN 6933.

EN 6933 (cont.):

Commissioner Calleja entered a motion to approve the recommendation of NAR on proposed modification EN 6933 that received public comment, and as recommended by the Energy Technical Advisory Committee (TAC), and amended by the FBC, based on the findings (A – I) Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 24 to 0.

Chairman Browdy then asked for a motion to amend the Commission's adopted package of recommendations of approved Code modifications for the Florida Building Code, 6th Edition (2017) to include the Commission's action on EN 6727 and EN 6933; to proceed with rule making; and, to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Chairman of the Florida Building Commission

Commissioner Schiffer entered a motion to amend the Commission's adopted package of recommendations of approved Code modifications for the Florida Building Code, 6th Edition (2017) to include the Commission's action on EN 6727 and EN 6933; to proceed with rule making; and, to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Chairman of the Florida Building Commission. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 24 to 0.

Committee Reports:

Accessibility TAC [October 4, 2016](#)

Commissioner Gross provided a brief summary of the Accessibility TAC meeting held October 4, 2016 via teleconference.

Commissioner Gross entered a motion to accept the Accessibility TAC report from the October 4, 2016 teleconference. Commissioner Worrall seconded the motion. The motion passed unanimously with a vote of 24 to 0.

Commissioner Worrall inquired about adding an item to the next agenda; she was advised to work with staff to get this subject added for discussion.

Code Administration Technical Advisory Committee; [October 4, 2016](#)

Commissioner Carlson provided a brief summary of the Code Administration TAC meetings held October 4, 2016 via teleconference.

Committee Reports (cont.):

Commissioner Carlson entered a motion to accept the Code Administration TAC report from October 4, 2016 teleconference. The motion was seconded by Commissioner Brown. The motion passed unanimously with a vote of 24 to 0.

Education Program Oversight Committee; [September 30, 2016](#)

Commissioner Dean provided a brief summary of the Education POC September 30, 2016 teleconference meeting.

Commissioner Dean entered a motion to accept the report from the September 30, 2016 teleconference meeting. Commissioner Flanagan seconded the motion. The motion passed unanimously with a vote of 24 to 0.

Energy Rating Index Work Group; [August 17 Summary Report](#) [Facilitators Report](#)

Mr. Blair provided the Energy Rating Index Workgroup's report and minutes.

Commissioner Calleja entered a motion to accept the Energy Rating Index Workgroup's report and minutes. Commissioner Burk seconded the motion. The motion passed unanimously with a vote of 24 to 0.

Energy Technical Advisory Committee; [September 12, 2016](#), [September 30, 2016](#)

Commissioner Smith provided a brief summary of the Energy TAC meetings held on September 12th and 30th, 2016 via teleconference.

Commissioner Smith entered a motion to accept the report of the Energy TAC meetings held on September 12th and 30th, 2016 via teleconference. Commissioner Burk seconded the motion. The motion passed unanimously with a vote of 24 to 0.

Product Approval Program Oversight Committee; [October 3, 2016](#)

Commissioner Stone provided a brief summary of the Product Approval POC meetings held October 3, 2016 via teleconference.

Commissioner Stone entered a motion to approve the report of the Product Approval POC meetings held October 3, 2016. Commissioner Compton seconded the motion. The motion passed unanimously with of vote of 24 to 0.

Committee Reports (cont.):

Structural Technical Advisory Committee; [October 4, 2016](#)

Commissioner Compton provided a brief summary of the Structural TAC meetings on October 4, 2106 via teleconference.

Commissioner Compton entered a motion to accept the Structural TAC report for the meetings on October 4, 2016. The motion was seconded by Commissioner Phillips. The motion passed unanimously with a vote of 24 to 0.

Commission Member Comments and Issues:

Chairman Browdy advised if anyone wished to address the Commission and had not yet signed the speaker's list please do so now. He said that the Commission welcomes their comments on its actions or any other topic under the Commission's purview and authority.

Public Comment:

Arlene Stewart, AZS Consulting wanted to thank everyone for their hard work.

Amanda Hickman, InterCode requested clarification on EN 6727 and that the language will be changed.

Mr. Madani advised yes the language will be changed back as the motion indicated.

Commission Comments:

Commissioner Bassett stated they have spent a lot of time making sure we have a backstop in the building of buildings and they don't take into account the fact that putting solar collectors where the costs are so much greater than putting insulation in the walls or anything else in the building will question who is going to put more solar collectors just to have less insulation in the walls. He said that we have spent a lot of wasted time to do something which economically will never happen.

Commissioner Schiffer stated since we are revising the 2014 5th Edition to include the 2015 reference in Energy can this be made available on the site so that all could have access to it.

Mr. Madani stated yes, and the supplement is out on the site and will be revised and added to the site.

Commission Comments (cont.):

Commissioner Brown stated going back to the Consensus Process and the Milestones report he said for someone who has not been with the Commission that long it was pretty impressive to the extent that this process has been developed and he continues to be impressed with the final product. He said it is looked at universally as one of the best Codes and with that said he is still receiving information from the field that causes some concern about whether or not we are capturing the full benefit of the Florida Building Code through the enforcement process. Commissioner Brown continued by saying at some point and time we may need to examine the extent to which the Commission can be involved in improving that.

Commission Member Comments and Issues:

He said additionally the UF damage report that was viewed this morning was incredibly interesting, but the one thing that struck him from the report not to mention the value added for the Commission is the high altitude perspective and the lack of detailed view of some of the damage as we could see only at a distance with no close examination and what caused failures. He said the two declaratory statements withdrawn this morning and the use of technology used for inspection purpose and the challenge of new technologies and cautioned that with the new technologies we don't ever discount the value of a person looking directly at and confirming compliance of the Florida Building Code.

Chairman Browdy agreed with Commissioner Brown with the importance of hands on investigation of these issues. He also stated that the Commission does not have legal authority and did not get to address as the declaratory statement was withdrawn.

Commissioner Calleja asked if they addressed the time frame from the ERIW Work group and if the statute was 3 or 6 years and our recommendation. He said he would like to apply the Consensus to the Legislature.

Mr. Madani stated yes, and it is six years and should be consistent with the Code changes.

Mr. Madani addressed the comments made by Commissioner Brown on the UF report and that the interior inspections were not a part of this particular study.

Commissioner Bassett said we did not address if we wanted additional work on the storm damage and the need to get this done before the damage has been repaired. He said he would like to make a motion that UF goes back to those homes for an onsite inspection of the damages physically.

Commission Member Comments and Issues (cont.):

Chairman Browdy stated he was not sure procedurally this can be done.

Mr. Winters stated they will meet with staff and let them know.

No motion was needed.

Doug Buck, FHBA stated FEMA teams are conducting damage assessments in relation to IA and he thinks this information should be available shortly and give an indication of what is being seen. He said the Department may follow-up and obtain the information.

Commissioner Flanagan asked for the dates of the next meeting. The dates were provided.

Adjournment 10:59 a.m.