

**FLORIDA BUILDING COMMISSION  
LEGISLATIVE TELECONFERENCE MEETING  
CALL-IN NUMBER: United States: 1-(866) 899-4679  
WEB PARTICIPATION URL: <https://global.gotomeeting.com/join/272658565>  
MEETING ID/ACCESS CODE: 272-658-565  
March, 6, 2017  
2:00 p.m.**

## ***MINUTES***

### **COMMISSIONERS PRESENT:**

Chairman Browdy  
Seven Bassett  
James Batts  
Bob Boyer  
Donald Brown  
Kelly Smith Burk  
Oscar Calleja  
E.J. Carlson  
David Compton  
Nan Dean  
Kevin Flanagan  
Shane Gerwig

David Gilson  
Richard Goff  
Jeffrey Gross  
Brian Langille  
Darrell Phillips  
Brad Schiffer  
Fred Schilling  
Jim Schock  
Jeff Stone  
Brian Swope  
Diana Worrall

### **COMMISSIONERS NOT PRESENT:**

Hamid Bahadori  
Robert Hamberger

Charlie Frank  
Drew Smith

### **OTHERS PRESENT:**

Thomas Campbell  
April Hammonds  
Chris Howell

Mo Madani  
Nick Duval  
Jim Hammers

**Welcome:**

Ms. Howell opened the meeting at 2:00 p.m., Monday, March 6, 2017. Roll was called and a quorum was determined with 19 members present.

**Agenda:**

Chairman Browdy asked for a motion to approve the agenda as posted.

A motion was entered by Commissioner Boyer to approve the agenda as posted. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 19 to 0.

Chairman Browdy provided a brief introduction as to the purpose of the call today. He asked Mr. Campbell to provide the Legislative update for the Commission.

**Legislative Update and Bill Matrix: (ATTACHMENT A)**

Mr. Campbell began with the first bill on the matrix.

Mr. Campbell stated that **SB 7000 with companion HB 901** are bills that would require that the Commission use the 6<sup>th</sup> Edition as the foundation Code and also would require review rather than updating the code every three years. He stated currently there has been no action taken at this point on the bills.

Chairman Browdy stated what this means is the latest work product will become the template in which future editions of the building code will emerge rather than going back to the ICC. He said there has been lot of discussion, but no substitutes or additions at this time.

Commissioner Gilson, Commissioner Bassett, Commissioner Brown and Commissioner Goff joined the call increasing participating members to 23 on the teleconference.

Commissioner Calleja spoke on review and what the definition is as printed in the bill.

Commissioner Brown stated he would like to know if the staff has any budget implications if we are required to develop a Florida specific Code and how the impact will be felt.

Mr. Campbell stated they have done an analysis and it will not cause a substantial increase in budget and advised that we do not know what it will look like until it goes to committees.

**Legislative Update and Bill Matrix (cont.):**

Mr. Campbell stated **HB 559 with similar Bill SB 642** have been referred to some of their committees, advising the Commissioner of Education shall grant requests from local school boards for exemptions from SREF requirements. Cost/benefit analysis must accompany the exemption request. He stated these bills have not changed since he presented them at the February meeting.

There were no comments or questions.

Mr. Campbell stated **SB 514 companion HB 741, HB 1123 and SB 1442** all have propose to reduce the surcharge fee from 1.5% to 1%. He provided the differences in the bills.

Chairman Browdy asked if there was an estimate as to the savings.

Mr. Campbell stated he has not seen it in the savings category. He stated the only figures show how it affects the Commission's budget and the Commission is in good shape on their budget with this reduction.

Mr. Campbell continued with **SB 222 and companion HB 145** stating these bills create standards for recovery care centers. He said that The Commission with technical assistance from AHCA will update current special occupancy standards to include these centers. Mr. Campbell said these have bills have gone through one committee and were passed unanimously.

There were no comments or questions.

Mr. Campbell stated **SB 306** will permit a member of the Florida Building Commission to abstain from voting on a matter that would inure to any gain or loss of the commissioner, a principal of the commissioner, or a relative. He said this would also require a member to abstain from voting if the matter is brought pursuant to 120.569, 120.60 or 120.80. Mr. Campbell stated the Commission would be trained if this were to pass.

Chairman Browdy asked for the history of why this came about and why it is different from what we have been doing.

Mr. Campbell stated it is not a specific bill to the Commission, it is broad change to all of the ethics laws and it brings them into that because they are affected by these laws.

Ms. Hammonds stated the Commission is included in Chapter 119 and it changes the way it works and legal would give full training to the Commission on the changes and effects on the Commission.

**Legislative Update and Bill Matrix (cont.):**

Mr. Campbell said there was some specific language that would be removed but he did not have the language.

Ms. Hammonds stated the language was special private gain and it also does not specify who is to make the determination as the previous language did. She further stated that it could be the voter themselves or the Commission that would have to make that determination in each given situation or whether Counsel would have to advise.

Commission Schock asked if there was a companion bill.

Mr. Campbell stated no.

Mr. Campbell stated on **HB 389** the language is revising provisions requiring installation of carbon monoxide detectors in certain buildings. He said this has been referred to committee but has not been heard yet.

Commissioner Calleja asked what kind of buildings is the bill referring to.

Mr. Campbell stated residential garages and commercial garages.

Mr. Madani stated the bill specifically speaks to garages residential.

Chairman Browdy asked if this is single family home garages.

Mr. Madani stated the language is broad and there is no language that directs specific garages.

Commissioner Calleja asked if it widens the scope for detectors.

Mr. Madani states this is a clarification bill.

Chairman Browdy stated there really needs to be more clarity to the bill as it goes through committees.

Joe Belcher, FHBA stated he will make sure this is brought to Doug Buck's attention and see what the intent is.

Commissioner Schock stated that there is no companion bill.

**Legislative Update and Bill Matrix (cont.):**

Mr. Campbell stated **CS/SB 190 and CS/HB 241** speak to permits to be issued on low voltage electric fences like low voltage alarms and he advised the HB includes changes to the definition of low voltage alarms to include closed circuit TV and access controls. He said these bills are making their way through the committees at this time.

There were no comments.

Mr. Campbell stated **HB 727 and companion SB 1398** require DBPR to establish a program to license ADA compliance experts. ADA compliance experts perform inspections of places of public accommodation to determine compliance with subchapter III, 42 U.S.C. s. 12182, of the American with Disabilities Act. He further stated that it requires DBPR to create a registry to store remediation plans and certificates of conformity. Mr. Campbell continued stating the bill requires courts of this state to use remediation plans when determining if a suit for a violation of Title III of the ADA was brought in good faith and the appropriateness of attorney's fees.

Mr. Campbell stated the media releases that went along with both of these bills emphasized the fact it that the bills are being brought forth to combat drive by ADA lawsuits.

Chairman Browdy asked the BOAF and Building Officials if they felt given the requirement in this proposed bill would find themselves in compliance to conduct ADA inspections.

Commissioner Schock responded stating that as a rule they conduct those inspections now. He stated his concern is it will pit ADA experts against the licensed inspectors and their inspection process and could cause trivial complaints.

Chairman Browdy stated he is concerned that private inspectors pitted against the local building inspectors.

Commissioner Worrall said that Chairman Browdy is correct, she further said anyone with a legitimate complaint can file Title III law suit in Federal Court and did not feel this would be necessary. She said this could cause a big problem.

Commissioner Gross said he spoke with Representative Leek's office in regards to this issue and it is to try and curb lawsuits out there, however, these are all federal lawsuits and this would be a state law. He further said there have been bills proposed at the federal level that would give a certain amount of time to repair or fix things and he feels this would be a better method and shares the concern of the Chairman and other Commissioners.

Chairman Browdy stated he understands the intent but does not feel this is the way to get there.

**Legislative Update and Bill Matrix (cont.):**

Commissioner Worrall added that she does not feel the filing of a remediation plan is needed to meet compliance anyway. She asked Mr. Campbell what happens with their comments.

Mr. Campbell advised he takes the comments to the department and if there are conversations with staff at either of the Senate or House, he will make sure that their opinions about bills are being expressed. He said the most important thing is if you see concern in a bill they should take their concerns to their industry groups so that they can lobby the legislature in the appropriate way which is not through the department.

Mr. Campbell stated **SB 860 and similar HB 909** create an internship path to certification as a building inspector or plans examiner. He said “Adds definition of “residential plans examiner”. Mr. Campbell advised that this bill adds performing plan reviews as a building official under an interagency service agreement to the definition of “building code administrator”. Mr. Campbell said this bill has been sent to committee but is not on the calendar yet in either of the houses.

Commissioner Schock stated he is happy to see an internship path in the program, but is concerned about adding plans examiners and expressed that the reason is it might create problems.

Mr. Campbell stated **HB 691** provides any technical amendment related to water conservation practices shall be carried forward into subsequent editions of the code. He said the amendments are subject to review pursuant to Section 553.73, Florida Statutes.

Commissioner Schock stated he has an uneasy feeling as this could cause change in statutory language and he feels this could happen with this bill.

Commissioner Bassett stated Representative Jacobs is from Broward County and is speaking to local amendments pertaining to water conservation. He said it is excessive to have to meet every three years on this issue.

Commissioner Schilling stated he echoed Commissioner Bassett’s comments and would be in favor of this bill being adopted.

Mr. Campbell advised that **HB 1021 similar SB 1312** provides funding for the continuation of the Construction Industry Workforce Task Force. He said it requires the Commission to amend the Florida Building Code to remove from the Florida Building Code-Energy Conservation

**Legislative Update and Bill Matrix (cont.):**

duplicative commissioning requirements, to allow commissioning reports to be prepared by licensed design professionals, electrical engineers and mechanical engineers and to prohibit the adoption of ASHRAE Standard 90.1-2013 9.4.1.1(g). He further advised it requires the DOE and the DEO to commission a study implementing several of the legislative recommendations from the Construction Workforce Task Force.

Mr. Campbell then took the Commission through the actual bill and explained the impact, effect and possible changes that could take place should these bills be passed.

There were no further comments.

Chairman Browdy stated the next call will be March 24, 2017 at 2:00 p.m.

**Public Comments: None**

Chairman Browdy called for the closing roll call.

Ms. Howell performed the exiting roll call; there were 22 of the 23 Commissioners remaining on the call.

**Note:** Commissioner Swope notified staff at 2:40 p.m. that he had to drop from the call.

**Adjournment:**

Chairman Browdy thanked everyone for joining the call and stated there was no further business and therefore adjourned the meeting at 2:51 p.m.

**ATTACHMENT – A**

Bill #	Sponsor	Summary	Committees of Reference	Recent Activity
SB 7000  HB 901 (Identical)	Comm. Affairs  McClain	Requiring the commission to use the 6 <sup>th</sup> edition (2017), and subsequent editions of the Florida Building Code as the foundation code for the development of updates to the code and requiring the commission to review rather than update the code every three years.	Appropriations Subco. Gen. Gov. Appropriations  Careers and Comp. Subco. Commerce Committee	Referred to committees and Subcommittees
HB 559  SB 642 (Similar)	Duran  Garcia	Commissioner of Education shall grant requests from local school boards for exemptions from SREF requirements. Cost/benefit analysis must accompany the exemption request.	Prek-12 Appropriations Subco. PreK-12 Quality Subco. Appropriations Committee  Education Appropriations Subco. K-12 Ed. Appropriations	Referred to committees and subcommittees.
SB 514  HB 741 (Identical)  HB 1123  SB 1442	Stargel  Trumbull  Drake  Broxson	Reduce permit fee surcharge from 1.5% to 1%.	Regulated Industries Appropriations Subco. Gen. Gov. Appropriations  Careers and Comp Subco. Government Ops Subco. Commerce Committee  Not referred.  Not referred	Referred to committees and subcommittees.



SB 222	Steube	Creates standards for recovery care centers. The commission, with technical assistance from AHCA, is to update current special occupancy standards to include recovery care centers.	Health Policy Community Affairs Appropriations Subco. for HHS Appropriations	
HB 145 (Identical)	Fitzhegan		<del>Health Innovation Subco.</del> Health Appropriations Subco. Health and Human Services	Health Innovation Subco. voted in favor of HB 145 15-0.
SB 306	Clemens	Permitting a member of the Florida Building Commission to abstain from voting on a matter that would inure to any gain or loss of the commissioner, a principal of the commissioner, or a relative. Requiring a member to abstain from voting if the matter is brought pursuant to 120.569, 120.60 or 120.80.	Ethics and Elections Government Oversight Community Affairs Rules	Referred to committees and subcommittees.
HB 389	Willhite	Revising provisions requiring the installation of carbon monoxide detectors in certain buildings.	Careers and Competition Subco. Commerce Committee	Referred to committees and subcommittees.
CS/SB 190	Artiles	Local jurisdictions are to issue permits for low voltage electric fences like low voltage alarm systems.	<del>Regulated Industries</del> Community Affairs Rules	Regulated Industries voted in favor of CS/SB 190 8-0.
CS/HB 241	Williamson	Local jurisdictions are to issue permits for low voltage electric fences like low voltage alarm systems. Changes definition of low voltage alarm system to include closed circuit tv and access controls.	<del>Agriculture and Property Rights Subco.</del> Local, Federal and Veterans Affairs Subco. Commerce Committee	CS/HB Agriculture and Property Rights Subco., voted in favor of CS 241 14-0.
HB 727	Leek,	Requires DBPR to establish a program to license ADA	Careers and Comp Subco. Gov. Ops.	Referred to committees and



		code. The amendments are subject to review pursuant to Section 553.73, Florida Statutes.		
HB 1021	Avila	Provides funding for the continuation of the Construction Industry Workforce Task Force. Requires the Commission to amend the Florida Building Code to remove from the Florida Building Code-Energy Conservation duplicative commissioning requirements, to allow commissioning reports to be prepared by licensed design professionals, electrical engineers and mechanical engineers and to prohibit the adoption of ASHRAE Standard 90.1-2013 9.4.1.1(g). Requires the DOE and the DEO to commission a study implementing several of the legislative recommendations from the Construction Workforce Task Force.	Careers and Comp. Subco. Appropriations Committee Commerce Committee	Referred to committees and subcommittees.
SB 1312 (Similar)	Perry		Not referred	