



FLORIDA BUILDING COMMISSION

"STRONGER CODES THROUGH SCIENCE AND CONSENSUS"



FACILITATOR'S SUMMARY REPORT OF THE DECEMBER 13, 2016 FLORIDA BUILDING COMMISSION MEETING ST. PETE BEACH, FLORIDA

PROCESS DESIGN, CONSENSUS-BUILDING AND FACILITATION BY



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FLORIDA BUILDING COMMISSION
DECEMBER 13, 2016 FACILITATOR’S MEETING SUMMARY REPORT

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FLORIDA BUILDING COMMISSION
DECEMBER 13, 2016 FACILITATOR'S SUMMARY REPORT



FLORIDA BUILDING COMMISSION

"STRONGER CODES THROUGH SCIENCE AND CONSENSUS"

OVERVIEW OF COMMISSION'S KEY ACTIONS AND DECISIONS

TUESDAY, DECEMBER 13, 2016

I. PLENARY SESSION SUMMARY AND OVERVIEW

At the December 13, 2016 meeting conducted in St. Pete Beach 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, recommendations from the Commission's various committees. In addition the Commission heard a presentation from Commissioner Jim Schock regarding St. Johns County's investigations of damage from the impacts of Hurricane Matthew. Specific actions included voting unanimously: to authorize DBPR staff to schedule a special expedited concurrent Product Approval POC and Commission meeting on January 17, 2017 for the purpose of addressing previously approved applications that need to be revised as a result of the BCIS system glitch to ensure that all files submitted to support product approval applications are updated and correct; and to add the consideration of FL 21388 to the special expedited concurrent Product Approval POC and Commission meeting agenda.

(Attachment 1—Meeting Evaluation Results)

II. CHAIRMAN'S WELCOME

Chairman Browdy welcomed the Commission, DBPR staff and the public to St. Pete Beach and the December 13, 2016 plenary session of the Florida Building Commission. The Chair noted that the primary focus for the December 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: hearing a presentation from Jim Schock regarding the results of St. Johns County's investigations of damage from the impacts of Hurricane Matthew.

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.

III. COMMISSION ATTENDANCE

The following Commissioners attended the Tuesday, December 13, 2016 meeting:

Dick Browdy (Chair), Steve Bassett, James Batts, Oscar Calleja, Jay Carlson, David Compton, Nan Dean, Kevin Flanagan, Charles Frank, Shane Gerwig, David Gilson, Richard Goff, Jeff Gross, Robert Hamberger, Brian Langille, Darrell Phillips, Brad Schiffer, Frederick Schilling, Jim Schock, Drew Smith, Jeff Stone, and Brian Swope.

(22 of 27 seated Commissioners attended).

Absent Commissioners:

Hamid Bahadori, Bob Boyer, Donald Brown, Kelly Smith Burk, and Diana Worrall.

DBPR STAFF PRESENT

Norman Bellamy, Thomas Campbell, Jim Hammers, April Hammonds, Chris Howell, and Mo Madani.

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>

IV. AGENDA REVIEW AND APPROVAL

The Commission voted unanimously, 22 - 0 in favor, to approve the agenda for the December 13, 2016 meeting as posted/presented. Following are the key agenda items approved for consideration:

- To Consider Regular Procedural Issues: Agenda Approval and Approval of the October 13, 2016 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 Applications for Products & Product Approval Entities Approval.
- To Consider/Decide on Applications for Accreditor and Course Approval.
- To Consider/Decide on Legal Issues: Petitions for Declaratory Statements.
- To Consider/Decide on Technical Advisory Committees (TACs): Accessibility, Fire, Special Occupancy, and Structural TACs.
- Special Issue Meeting: Structural TAC concurrently with FBPE Structural Committee.
- 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—February 7, 2017 in Jacksonville, Florida.

Amendments to the Posted Agenda: There were no amendments offered.

(Attachment 4—December 13, 2016 Commission Agenda)

V. OCTOBER 13, 2016 FACILITATOR'S SUMMARY REPORT AND MEETING MINUTES APPROVAL

MOTION—The Commission voted unanimously, 22 - 0 in favor, to approve the October 13, 2016 Facilitator's Summary Report and Meeting Minutes as presented/posted.

Amendments: There were no amendments offered.

VI. CHAIR'S DISCUSSION ISSUES AND RECOMMENDATIONS

Appointments/Reappointments

TAC/POC Appointments

The Chair announced the following TAC/POC appointments:

Code Administration TAC. Shane Gerwig to the Code Administration TAC. Shane was appointed to fill a vacant position. The Chair thanked Shane for agreeing to serve as a member of the TAC. Diana Worrall to the Code Administration TAC. Diana was appointed to fill a vacant position. The Chair thanked Diana for agreeing to serve as a member of the TAC.

Education POC. Don Brown to the Education POC. Don was appointed to fill a vacant position. The Chair thanked Don for agreeing to serve as a member of the POC.

Kelly Smith Burk to the Education POC. Kelly was appointed to fill a vacant position. The Chair thanked Kelly for agreeing to serve as a member of the POC.

Energy TAC. Scott Ranck to the Energy TAC. Scott was appointed to fill the position vacated with Brent Caldwell's resignation from the TAC. The Chair thanked Scott for agreeing to serve, and appreciated Brent for his over 6 years of outstanding service on the TAC.

Tim Grabowski to the Energy TAC. Tim was appointed to fill a vacant position. The Chair thanked Tim for agreeing to serve as a member of the TAC.

Plumbing TAC. James Batts to the Plumbing TAC. James was appointed to fill a vacant position. The Chair thanked James for agreeing to serve as a member of the TAC.

Roofing TAC. Richard Goff to the Roofing TAC. Richard was appointed to fill a vacant position. The Chair thanked Richard for agreeing to serve as a member of the TAC.

Burt Logan to the Roofing TAC. Burt was appointed to fill a vacant position. The Chair thanked Burt for agreeing to serve as a member of the TAC.

Swimming Pool TAC. Cris Fardelmann to the Swimming Pool TAC. Cris was appointed to replace the retiring Bill Dumbaugh. The Chair thanked Cris for agreeing to serve, and appreciated Bill for his over 6 years of outstanding service on the TAC.

Binding Interpretation Panel

The Chair reported that HB 535 expanded the Binding Interpretation Panel to 7 members by creating two additional positions, one for a licensed architect (licensed under chapter 481) and one for a licensed engineer (licensed under chapter 471). The Commission is required to coordinate with BOAF regarding the appointments. BOAF's Executive Committee recommended the appointment of Larry Cohan for the architect's position and Sam Greenberg for the engineer's position. The Chair noted that he supports the appointments, and no additional action was required of the Commission.

Construction Industry Workforce Task Force

The Chair noted that the Construction Workforce Taskforce was established via state legislation to address the shortage of skilled crafts people and inspector training in Florida. The Workforce Task Force specifically aims to:

- Address the critical shortage of individuals trained in building construction and inspection.
- Develop a consensus path for training the next generation of construction workers in the state.
- Determine the causes or the current shortage of a trained construction industry work force and address the impact of the shortages on the recovery of the real estate market.
- Review current methods and resources available for construction training.
- Review the state of construction training available in K-12 schools.
- Address training issues relating to building code inspectors to increase the number of qualified inspectors.

The Chair stated that although he attended the first meeting, he was unable to attend the next two meetings due to health issues. The Chair provided a summary of the Task Force's progress to date as follows:

At the end of our first meeting on July 27th, we were tasked with 2 responsibilities: identify training success stories and identifying legislative approaches being considered elsewhere. At the second meeting on September 29th, the Task Force heard informative presentations from around the country detailing various types of legislative approaches to the enhancement of Workforce Training. At the meeting held on October 24th the Task Force hosted an open forum discussion sponsored by the University of Florida and the National Center for Construction Education and Research. Our next meeting will be on January 20th at the FRSA Training Center in Winter Park and we will be moving towards finalizing our report timely. The Task Force is required to report their recommendations to the Governor and Legislature by February 1, 2017, and I will keep the Commission informed of the Task Force's progress.

Commission's Updated Milestones

The Chair reminded Commissioners and participants that the updated Commission Milestones document is linked to the October Commission agenda on the BCIS.

St. Johns County Post Damage Assessment Report (Hurricane Matthew)

Commissioner Jim Schock provided a PowerPoint presentation titled: *St. Johns County, Florida Hurricane Matthew SFMO-FEMA Site Visit*. Jim reported that the assessment revealed that there was structural damage to 2692 homes pursuant to St. Johns County seeking a presidential declaration to allow FEMA to respond to the disaster. Homes built on the beach had damage primarily caused by erosion from storm surge and flooding. Jim noted that with the implementation of the 2010 Florida Building Code flood resistant standards were placed in the Code, and just as the Commission has assessed the Code relative to hurricane storm damage (wind and water intrusion), the flood provisions of the Code should also now be assessed to determine how well they performed. Jim reported that storm surge armament designed to protect structures on the beach did not perform well when water was able to wash behind the wingwalls and erode the armament structures from the leeward side. Continuous armoring can be effective, but longer wingwalls would be required to work in many cases to prevent water from eroding the protective barriers. Jim noted that in general, steel sheet piling performed better than wood and vinyl storm surge armaments. Jim explained that dune erosion was extensive, and will be a key issue of concern since replacement of dunes is expensive, subject to environmental constraints and technically difficult. Septic systems on the beach are another problem, and trying to replace a septic tank and/or drain field where the property has eroded will be problematic and subject to the same types of economic, environmental and technical constraints as dune replacement. It is apparent that homeowners living on the coast will have difficulties rebuilding damaged homes in some cases.

Jim recommended that the Commission consider expanding the UF research contract to include research regarding flood damage assessment to structures, in addition to the research that is currently conducted in the wake of storms regarding damage from wind and wind driven water intrusion. Another recommendation is to consider convening a workgroup to evaluate the CCCL in Section 3109 of the FBC relative to the new FEMA mapping, for the purpose of assessing and updating the Florida Building Code for required design elevations to ensure they conform to the latest data.

VII. 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:

1. 241 Miami, LLC #175 - 241 77th Street, Miami Beach 33139

MOTION—The Commission voted unanimously, 22 – 0 in favor, to defer action on the waiver request and refer the waiver back to the Accessibility Advisory Council for consideration with the benefit of the appropriate documentation.

2. Courtside Grille #177 - 110 Fountain Pkwy N, St. Petersburg 33716

MOTION—The Commission voted unanimously, 22 – 0 in favor, to grant the waiver to the extent a waiver is required.

3. S2R Properties #203 - 33 E Pine St, Orlando 32801

MOTION—The Commission voted unanimously, 22 - 0 in favor, to grant the waiver based on the historical significance of the building and economic hardship.

4. The Atlantis Building #191 - 65 E Nasa Blvd Melbourne 32935

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

5. 1443 West Suites Hotel #192 - 1443 West Ave Miami Beach 33139

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

6. A&S Courier International, LLC #196 - 7620 NW 25TH Street, Suite-2 Miami 33122

MOTION—The Commission voted unanimously, 22 - 0 in favor, to defer action on the application for the additional information requested by the Council.

7. L. Fagan Enterprises Inc. D/B/A Village Bier Garten Restaurant #188 -415 Delannoy Avenue Cocoa 32922

MOTION—The Commission voted unanimously, 22 – 0 in favor, to deny the waiver request (based on the fact that the project is new construction).

8. The Guest House Ocala #199 - 3230 NE 55TH Avenue Silver Springs 34489

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

9. The Fontane #200 - 6495 Indian Creek Dr. Miami Beach 33141

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

10. Apopka Holdings LLC #198 - 1124 S. Park Ave. Apopka 32703

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

11. Elestial Sound Studios #187 - 1705 NE 16TH Ave Gainesville 32601

MOTION—The Commission voted unanimously, 22 - 0 in favor, to conditionally grant the waiver to the extent necessary, conditioned on a lift being installed.

12. Miami Lakes Office Center #201 - 6001 NW 151ST Street Miami Lakes 33014

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

VIII. CONSIDERATION OF APPLICATIONS FOR PRODUCT AND ENTITY APPROVAL

Commissioner Stone presented the Product Approval Oversight Committee's recommendations for entities and product approvals on consent agendas for approval, and Jeff Blair presented the recommendations for product approvals with comments and/or discussion.

Commission Actions on the Consent Agendas for Approval:

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

MOTION—The Commission voted unanimously, 20 - 0 in favor, conditionally approve the consent agenda of products (89) originally recommended for approval to the 2014 Code, conditioned on staff working with the applicants to ensure all of the uploaded files in support of the application are updated and correct.

Commission Actions Regarding Product Approval Applications With Comments:

MOTION—The Commission voted unanimously, 20 - 0 in favor, to conditionally approve products (13): FL 7640 R-7, FL 8871 R-7, FL 10975 R-6, FL 12161 R-1, FL 12166 R-1, FL 12169 R-1, FL 12184 R-1, FL 12186 R-1, FL 15211 R-4, FL 15099 R-6, FL 16853 R-4, FL 16854 R-4, and FL 21123, with the condition that staff is provided the opportunity to work with the applicants to ensure all of the files uploaded in support of the product applications are updated and correct.

MOTION—The Commission voted unanimously, 20 - 0 in favor, to conditionally approve product FL 13749 R-5 based on the conditions requested by the applicant.

MOTION—The Commission voted unanimously, 20 - 0 in favor, to conditionally approve product FL 17490 based on the conditions listed in DBPR staff's recommendation (to address the issues identified in the public comments submitted).

MOTION—The Commission voted unanimously, 20 - 0 in favor, to conditionally approve product FL 20766 R-1 based on the conditions listed in DBPR staff's recommendation (to address the issues identified in the public comments submitted).

MOTION—The Commission voted unanimously, 20 - 0 in favor, to conditionally approve product FL 21195 based on the conditions requested by the applicant.

MOTION—The Commission voted unanimously, 21 - 0 in favor, to conditionally approve product FL 21353 based on the conditions requested by the applicant.

MOTION—The Commission voted unanimously, 21 - 0 in favor, to conditionally approve product FL 21382 based on the conditions requested by the applicant.

Commission Actions Regarding DBPR Applications:

There was no Commission action required regarding the December 2016 DBPR Applications.

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

(See BCIS Website for Linked Committee Report)

IX. 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, 20* – 0 in favor, to approve advanced accredited course number 808.0.

**Commissioner Schiffer recused himself and abstained on the vote.*

MOTION—The Commission voted unanimously, 22 – 0 in favor, to approve advanced accredited courses numbers: 811.0, 810.0, 819.0, 818.0, 815.0, 814.0, and 812.0.

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

X. LEGAL REPORT

April Hammonds reported there were no new legal issues.

CONSIDERATION OF PETITIONS FOR DECLARATORY STATEMENTS

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.

1. DS 2016-076 by Kathleen Ann Wilks

Motion—The Commission voted unanimously, 22 - 0 in favor, to approve the Accessibility TAC's recommendation on the Petition (to approve staff's analysis that answering the petition for declaratory statement would be legally improper).

2. DS 2016 – 078 by Joseph Hauf of Conquest Firespray, LLC

Motion—The Commission voted unanimously, 22 - 0 in favor, to approve the Fire TAC's recommendation on the Petition (to approve staff's analysis for Q1 Option 2/staff analysis as amended by the TAC; for Q2 Option 2/staff analysis as amended by the TAC; for Q3 Option 2/staff analysis as amended by the TAC; and, for Q4 Option 2/staff analysis as amended by the TAC).

3. DS 2016 – 080 by Tom Files of Feasterco Construction, Inc.

Motion—The Commission voted unanimously, 22 - 0 in favor, to approve the Fire TAC's and Special Occupancy TAC's recommendation on the Petition (to approve Option 2/staff's analysis as presented/posted).

4. DS 2016 - 081 by Alan Gremillion of GL Homes and Douglas Buck of the Florida Home Builders Association

Motion—The Commission voted unanimously, 22 - 0 in favor, to approve the Fire TAC’s recommendation on the Petition (to approve staff’s analysis for Q1 Option 2 (staff) as presented/posted; for Q2 Option 2 (Staff) as presented/posted; and, for Q3 Option 2 (staff) as presented/posted).

The petitioners withdrew questions 4 and 5 during the meeting, and as a result the Commission did not take action on Q4 and Q5 of the Petition.

5. DS 2016 – 082 by Chris Glover of Palmwood Construction; James Friedrichs of Hernando County Building Division; and Douglas Buck of the Florida Home Builders Association

Motion—The Commission voted unanimously, 22 - 0 in favor, to approve the Fire TAC’s recommendation on the Petition (to approve Option 2/staff’s analysis as presented/posted).

6. DS 2016 – 083 by Paul Zilio of Bliss & Nyitray, Inc.

Motion—The Commission voted unanimously, 22 - 0 in favor, to approve the Structural TAC’s recommendation on the Petition (to approve Option 2/staff’s analysis as presented/posted).

XI. 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. Acceptance of a committee report does not approve any recommendations contained within the report. Committee reports are linked to the following URL (linked to Commission’s December 13, 2016 Agenda):
http://www.floridabuilding.org/fbc/commission/FBC_1216/index.htm.

Accessibility TAC

Commissioner Gross presented the TAC’s report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 22 – 0 in favor, to accept the TAC’s report as presented/posted (November 30, 2016).

(See Agenda for Linked Committee Report)

Education POC

Commissioner Dean presented the POC’s report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 22 – 0 in favor, to accept the POC’s report as presented/posted (November 28, 2016).

(See Agenda for Linked Committee Report)

Fire TAC

Mo Madani presented the TAC's reports and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 22 – 0 in favor, to accept the TAC's report as presented/posted (December 2, 2016).

(See Agenda for Linked Committee Report)

Product Approval POC

Commissioner Stone presented the Committee's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 22 – 0 in favor, to accept the POC's report as presented/posted (December 1, 2016).

MOTION—The Commission voted unanimously, 22 – 0 in favor, to authorize DBPR staff to schedule a special expedited concurrent Product Approval POC and Commission meeting on Tuesday, January 17, 2017 for the purpose of addressing previously approved applications that need to be revised as a result of the BCIS system glitch in order to ensure that all files submitted in support of product approval applications are updated and correct.

MOTION—The Commission voted unanimously, 22 – 0 in favor, to add the consideration of FL 21388 to the special expedited concurrent Product Approval POC and Commission meeting agenda.

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

Special Occupancy TAC

Commissioner Phillips presented the TAC's reports and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 22 – 0 in favor, to accept the TAC's report as presented/posted (December 2, 2016).

(See Agenda for Linked Committee Report)

Structural TAC

Commissioner Schock presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 22 – 0 in favor, to accept the TAC's report as presented/posted (December 2, 2016).

(See Agenda for Linked Committee Report)

Structural TAC Concurrent with Florida Board of Professional Engineer's (BPE) Structural Rules Committee

Commissioner Schock presented the report as follows:

The FBPE's Structural Rules Committee requested a concurrent meeting with the Commission's Structural TAC to discuss issues regarding the Commission's issuance of Declaratory Statement DS 2014-061 in 2014. Specifically, there is some confusion regarding issues related to whether professional engineers who do not have the FBPE's special inspector certification credentialing them to conduct inspections of threshold buildings can conduct any kind of limited structural inspections of threshold buildings. It was discussed that there are professional engineers who don't meet the design experience to

qualify as a threshold building inspector, but who have years of experience inspecting some structural components of threshold buildings such as the repair of balconies for existing threshold buildings, are no longer allowed by the AHJs to conduct these type of inspections on existing threshold buildings since some building officials are using the declaratory statement to help determine that only threshold inspectors are qualified to be a special inspector pursuant to Section 553.79 (5) (a) F.S. The law states that: “The enforcing agency shall require a special inspector to perform structural inspections on a threshold building pursuant to a structural inspection plan prepared by the engineer or architect of record.”

One of the key issues the Structural TAC, Structural Rules Committee and meeting participants (public) discussed was whether it was the intent of Sections 553.79 (5), (7), and (8) to apply to only new construction or to existing buildings as well. The participants agreed that new construction clearly requires special inspector certification, but there was some variance of perspective regarding whether it applies to all structural components/aspects for existing buildings, or only to existing threshold buildings that meet the definition of substantial structural damage or some other threshold criteria. Some participants believed that an effort should be made to accommodate professional engineers with substantial inspection experience and minimal design experience so they would be allowed to conduct certain limited types of structural inspections of existing threshold buildings. Others indicated that the Statute and intent are clear, and that the special inspector certification is required to inspect all structural aspects/components of threshold buildings.

By the end of the discussion it was identified that no agency including the Florida Building Commission has the authority to change statute, and rulemaking would not resolve the issue. Some participants felt that a stakeholder with a set of specific facts and circumstances on a prospective project should petition the Commission for a declaratory statement to the 2014 Florida Building Code since the declaratory statement in question (DS 2014-061) was issued relative to interpreting the 2010 Code. Some suggested that a process should be considered to develop recommendations to the Florida Legislature regarding criteria and scope of work for who should be authorized to conduct what level of threshold building inspections. Others felt that the intent of the law is clear, but if there was a process convened all of the impacted stakeholders including building officials and threshold inspectors who don't support allowing an engineer without a special inspector certification to conduct any inspections of threshold buildings whether new construction or for existing structures should be included.

The meeting concluded with Commissioner Schock suggesting that the FBPE's Structural Rules Committee and the FBC's Structural TAC should continue to contemplate the issue and make a recommendation regarding what might be a reasonable course of action going forward, and that the Declaratory Statement process may be used as an avenue to further clarify some of the issues of concern.

Commission Action:

MOTION—The Commission voted unanimously, 22 – 0 in favor, to accept the TAC's report as presented/posted (December 12, 2016).

(See Agenda for Linked Committee Report)

OTHER COMMISSION ACTIONS

There were no additional Commission actions taken during the December 13, 2016 meeting.

XII. 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:

- Arlene Stuart, ACS Consulting: thanked the Commission for approving her energy education course. Noted that the \$25 fee to park for the meeting was excessive.
- Larry Schneider, AIA: indicated that he is not retired and is still working. Thanked the Commission for their work and wished everyone a Happy New Year.
- Robert Fine, GreenbergTraurig: stated that it has been a long year with many issues before the Commission, and appreciated the Commission's time and commitment. Noted that the legal staff at DBPR do a great job and are consistently cooperative and professional.

XIII. 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:

- Steve Bassett: wished everyone Happy Holidays.
- Dick Browdy: appreciated the public and Commission for their commitment and service to the State of Florida. Appreciated the staff at DBPR for doing an excellent job that is timely, efficient and technically accurate. Welcomed Thomas Campbell as the new executive director of the Florida Building Commission.

XIV. NEXT COMMISSION MEETING OVERVIEW AND ISSUES

The February 7, 2017 meeting in Jacksonville will focus on the Commission's regular procedural and substantive issues, and conducting a rule development workshop on the 6th Edition Florida Building Code (2017) [Rule 61G20-1.001, Florida Building Code Adopted].

(Attachment 5—Commission Meeting Schedule)

ADJOURNMENT

The Chair thanked Commission members, staff and the public for their attendance and participation, and adjourned the meeting at 11:31 A.M. on Tuesday, December 13, 2016.

ATTACHMENT 1
FLORIDA BUILDING COMMISSION MEETING EVALUATION RESULTS

DECEMBER 13, 2016—ST. PETE BEACH, FLORIDA

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

Number of Respondents: 20 of 22 (91%) Commissioners present completed meeting evaluations.

1. OVERALL MEETING ASSESSMENT.

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

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

- 9.9 Chair's Issues and Recommendations.
- 9.8 Applications for Accessibility Waiver Applications Approvals.
- 9.8 Applications for Products and Product Approval Entities Approvals.
- 9.8 Applications for Accreditor and Course Approvals.
- 9.9 Petitions for Requests for Declaratory Statements—Legal Report.
- 9.8 TAC, POC, Committee, and/or Workgroup Reports and Recommendations.

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

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

4. MEMBERS LEVEL OF SATISFACTION WITH THE MEETING.

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

5. HOW WELL THE NEXT STEPS WERE COMMUNICATED.

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

6. WHAT MEMBERS LIKED BEST ABOUT THE MEETING.

- Great job Jeff Blair.
- On time and on Agenda.
- Everything.

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

- Coffee in room.

8. OTHER GENERAL COMMENTS.

- Merry Christmas and Happy New Year.
- Venue accommodations are subpar at best. Hotel dirty, charges for late checkout, etc. I would not stay here again.
- The parking fee of \$25 is very high. Could this possibly negotiated in the future?
- The \$25.00 parking charge was a bit excessive.

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 (Abolished 2011)
DEP or FDEP	Florida Department of Environmental Protection
DOH or FDOH	Florida Department of Health
DOJ	U.S. Department of Justice
EPA	U.S. Environmental Protection Agency
FACBC	Florida Accessibility Code for Building Construction
FAR	Florida Administrative Register (previously FAW)
FBC	Florida Building Code
FBC	Florida Building Commission
FECC	Florida Energy and Conservation Code
IBC	International Building Code
ICC	International Code Council
POC	Program Oversight Committee (Education and Product Approval)
SAD	ADA Standards for Accessibility Design
TAC	Technical Advisory Committee

ATTACHMENT 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.

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 59 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
DECEMBER 13, 2016 MEETING AGENDA**

**FLORIDA BUILDING COMMISSION
PLENARY SESSION
DECEMBER 13, 2016

THE TRADEWINDS ISLAND GRAND
5500 GULF BOULEVARD
ST. PETE 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/Decide on Petitions for Declaratory Statement.
- To Consider Applications for Accreditor and Course Approval.
- 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.

Meetings are held by teleconference and webinar unless otherwise indicated

November 28, 2016	10:00 a.m.	Education Program Oversight Committee
November 30, 2016	1:00 p.m.	Accessibility Technical Advisory Committee
December 1, 2016	10:00 a.m.	Product Approval Program Oversight Committee
December 1, 2016	2:00 p.m.	Accessibility Advisory Council
December 2, 2016	10:00 a.m.	Structural Technical Advisory Committee
December 2, 2016	1:00 p.m.	Fire Technical Advisory Committee concurrently with the Special Occupancy Technical Advisory Committee
December 12, 2016	1:00 p.m.	Structural Technical Advisory Committee concurrently with FBPE Structural Committee***

***Onsite in conjunction with the Commission Meeting in St. Petersburg Beach, Fl.

MEETING AGENDA—DECEMBER 13, 2016

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

8:30 a.m.	1.)	Welcome and Opening, Roll Call
	2.)	Review and Approval of Meeting Agenda
	3.)	Review and Approval of Previous Meeting Minutes Minutes and Facilitator's Summary Reports: October 13, 2016

4.)	Chair's Discussion Issues: Post Matthew Storm Damage, St. Johns County <i>PPT Presentation</i>
5.)	Accessibility Waiver Applications (Accessibility Advisory Council Report)
	<ol style="list-style-type: none"> 1. 241 Miami LLC #175 - 241 77TH Street Miami Beach 33139 (Deferred) 2. Courtside Grille #177-110 Fountain Pkwy N St. Petersburg 33716 (Deferred) 3. S2R PROPERTIES #203 - 33 E PINE St, Orlando 32801 4. The Atlantis Building #191 - 65 E Nasa Blvd Melbourne 32935 5. 1443 West SUITES HOTEL #192 - 1443 West Ave Miami Beach 33139 6. A&S Courier International, LLC #196 - 7620 NW 25TH Street, Suite-2 Miami 33122 7. L.Fagan Enterprises Inc. D/B/A Village Bier Garten Restaurant #188 -415 Delannoy Avenue Cocoa 32922 8. The Guest House Ocala #199 - 3230 NE 55TH Avenue Silver Springs 34489 9. The Fontane #200 - 6495 Indian Creek Dr. Miami Beach 33141 10. Apopka Holdings LLC #198 - 1124 S. Park Ave. Apopka 32703 11. Elestial Sound Studios #187 - 1705 NE 16TH Ave Gainesville 32601 12. Miami Lakes Office Center #201 - 6001 NW 151ST Street Miami Lakes 33014
6.)	Applications for Product and Entity Approval
7.)	Applications for Accreditor and Course Approval
8.)	Petitions for Declaratory Statement \ Legal Report
	<ol style="list-style-type: none"> 1. DS 2016-076 by Kathleen Ann Wilks 2. DS 2016 – 078 by Joseph Hauf of Conquest Firespray. LLC 3. DS 2016 – 080 by Tom Files of Feasterco Construction, Inc. 4. DS 2016 - 081 by Alan Gremillion of GL Homes and Douglas Buck of the Florida Home Builders Association 5. DS 2016 – 082 by Chris Glover of Palmwood Construction; James Friedrichs of Hernando County Building Division; and Douglas Buck of the Florida Home Builders Association 6. DS 2016 – 083 by Paul Zilio of Bliss & Nyitray, Inc.
9.)	Committee Reports:
	<ol style="list-style-type: none"> a.) Accessibility Technical Advisory Committee; b.) Education Program Oversight Committee; c.) Fire Technical Advisory Committee; d.) Product Approval Program Oversight Committee; e.) Special Occupancy Technical Advisory Committee; f.) Structural Technical Advisory Committee; g.) Structural Technical Advisory Committee/FBPE Structural Committee;
10.)	Public Comment
11.)	Commissioner Comment
12.)	<i>Adjourn</i>

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

(DECEMBER OCTOBER 13, 2016)

COMMISSION MEETING SCHEDULE

FY 2016-2017	LOCATION
August 15-17, 2016	Fort Lauderdale (Embassy Suites)
October 13, 2016	Gainesville (Hilton)
December 12 - 13, 2016	St. Pete Beach (Trade Winds Island Resort)
February 7, 2017	TBD
April 4, 2017	TBD
June 13, 2017	TBD

COMMISSION’S UPDATED CODE UPDATE WORKPLAN

6TH EDITION (2017) FBC CODE UPDATE DEVELOPMENT TASKS
ADOPTED UNANIMOUSLY AUGUST 18, 2016
REVISED JUNE 8, 2016 AND OCTOBER 13, 2016

Hold Glitch Correction Phase after the Effective Date of the 6th Edition (2017) FBC, if needed - Rulemaking via Integrated Code

12. 6 TH EDITION (2017) UPDATE TO THE FLORIDA BUILDING CODE	
TASK	SCHEDULE
<i>Primary Code Development Phase:</i>	
2014 NEC published and available to the public;	08/2013
2015 International Codes published and available to the public;	05/2014
Commission selects 2015 I Codes and 2014 NEC as foundation for 6 th Edition (2017) FBC (<i>April 2015 Commission meeting</i>)	04/14/2015
Staff evaluates Florida amendments resulting from direction of the Legislature and Commission initiatives to propose for inclusion in the 6 th Edition (2017) FBC and publish “ Preliminary Supplement ”. Amendments are compiled in 2015 I – Codes format.	3/2015 – 6/2015
2015 I Codes plus the Preliminary Supplement – posted online	6/30/2015
Period for public to propose modifications to the 2015 I Codes and the Preliminary Supplement	7/1/2015 – 1/3/2016
Proposed amendments reviewed by staff and posted to the Commission website	1/13/2016
1 st 45 day comment period ends (<i>By law -45 day min before TAC review</i>)	2/25/2016
Staff post on Commission website proposed code changes (Tracking Charts and Detail Reports)	3/21/2016
TACs consider proposed modifications including comments from the 1 st 45 day	4/1-15/2016

comment period and adopt recommendations TACs meetings - 4-day on-site meetings in conjunction with the April 2016 Commission meeting	
TACs recommendations posted to the website	5/6/2016
2 nd 45 day comment period ends (<i>by law – 45 day min before Commission review</i>)	6/21/2016
Staff post on Commission website proposed code changes with comments (Tracking Chats and Details Reports)	6/30/2016
TACs consider public comments on their actions and prepare public comment for consideration by the Commission. TACs meetings – 4-day meetings [2-day on-site (Gainesville) and 2 – day via conference/webinar]	7/18-21/2016
Staff post on Commission website TACs consideration of public comments	8/1/2016
Commission considers TAC recommendations at Rule development Workshops - Commission – 2-day meeting	8/16-17/2016
Draft 6 th Edition (2017) FBC (Florida Supplement plus I Codes) posted online Provide Supplements to ICC for integration into the 2015 I-Code Rule Development Workshop	9/19/2016 12/13/2016 2/7/2017
Integrated Draft 6 th Edition (2017) FBC – Posted online	4/21/2017
Final Rule Hearing on 6 th Edition (2017) FBC/Commission approves final version of Code 6 th Edition (2017) Florida Fire Prevention Code available in final format	6/8/2017
Rule Submitted to Secretary of State and Supplement/Integrated posted online – subject to addressing all JAPC’s concerns	TBD
Printed Code available - subject to negotiation with ICC	TBD
2017 FBC (6th Edition) Effective Date (6 – months after publication)	12/31/2017
<i>Glitch Correction Phase: after effective date, if needed</i>	
Period to propose glitch modifications to draft 6 th Edition (2017) FBC	TBD
Post Tracking/Detail reports online	TBD
TACs consider proposed glitch modifications and develop public comment via conference call/Webinars	TBD
Commission considers proposed glitch mods and TAC comments (Rule Development Workshop) Commission – 2-day meeting	TBD
Draft Supplement to the 6 th Edition (2017) FBC posted online	TBD
Final Rule Hearing on adoption of the Supplement to the 6 th Edition (2017) FBC/Commission	TBD
Rule Submitted to Secretary of State and Supplement posted online – subject to addressing all JAPC’s concerns	TBD
Final supplement available for download	TBD
Supplement to 2017 FBC (6th edition) effective date	TBD