

**SPECIAL OCCUPANCY TECHNICAL ADVISORY COMMITTEE
FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
2601 BLAIRSTONE ROAD,
BET CONFERENCE ROOM, B 259
TALLAHASSEE, FLORIDA
Monday, January 23, 2017
10:00 A.M. until completion**

Minutes

SPECIAL OCCUPANCY TAC PRESENT:

Darrell Phillips, Chairman
Ken Cureton
Crystal Meyers for James Ginis
Phillip Sanders
Scott Waltz

Gene Chalecki
Charlie Frank
Doug Melvin
Bob Vincent

Jeff Wasilewski (New member to be appointed at February Meeting attending observing but not a voting member at today's meeting)

SPECIAL OCCUPANCY TAC NOT PRESENT:

STAFF PRESENT:

Mo Madani
Thomas Campbell
Marlita Peters
Jim Hammers

April Hammonds
Nick Duval
Chris Howell

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: 10:02 am

Mr. Blair welcomed everyone to today's meeting of the Special Occupancy Technical Advisory Committee.

Roll Call:

Mr. Blair performed roll call for the Special Occupancy TAC. A quorum was met with 7 members present.

Agenda Approval:

Mr. Chalecki entered a motion to approve the agenda as posted. Mr. Waltz seconded the motion. The motion passed unanimously with a vote of 7 to 0.

Commissioner Frank joined the meeting showing a total of 8 members now present for the meeting.

Approval of Minutes December 2, 2016

Mr. Chalecki entered a motion to approve the minutes from December 2, 2016. Mr. Waltz seconded the motion. The motion passed unanimously with a vote of 8 to 0.

Provide comments to the Rule Development Workshop "Rule 61G20-1.001, Florida Administrative Code" of February 7, 2017 for the purpose of reviewing comments received regarding the proposed 6th Edition (2017) update to the Florida Building Code:

Mr. Blair explained the process of the Rule Development Workshop.

Comment #1: Submitted by Don Whitehead, AIA, Florida Department of Education:

Mr. Madani provided a brief overview of the comment.

Mr. Whitehead advised that there were strike through marks on the numbers 453.16.9.1 and those marks will need to be removed.

Mr. Chalecki entered a motion to approve the comment with the edits as stated by Mr. Whitehead. Mr. Waltz seconded the motion. The motion passed unanimously with a vote of 8 to 0.

Provide comments to the Rule Development Workshop “Rule 61G20-1.001, Florida Administrative Code” of February 7, 2017 for the purpose of reviewing comments received regarding the proposed 6th Edition (2017) update to the Florida Building Code (cont.):

Comment #2: Submitted by Doug Melvin, Department of Business and Professional Regulation:

Mr. Madani provided a brief overview of the Comment.

Mr. Melvin had no additional comments.

Mr. Waltz entered a motion to approve the comment. Mr. Chalecki seconded the motion. The motion passed unanimously with a vote of 8 to 0.

Comment #3: Submitted by Steve Martin, Florida Division of Emergency Management:

Mr. Madani provided a brief overview of the Comment.

Mr. Martin was not present at the meeting. Mr. Chalecki stated he was not involved in the actual comment but was aware of the editorial changes and had no objections to the comment.

Public Comment:

Robert Fine, Esq., Greenberg Traurig, had no objection.

Joe Belcher, Masonry Association of Florida, had no objection.

Mr. Chalecki entered a motion to approve the comment. Mr. Waltz seconded the motion. The motion passed unanimously with a vote of 8 to 0.

Comment #4: Submitted by Robert Fine, David, Ashburn, Carlos Diaz, Greenberg Traurig:

Mr. Madani provided an overview of the Comment and the changes being requested. He stated this was taken up by the Special Occupancy TAC in April 2016 and then by the Commission in August 2016 and the recommendation at those times was NAR or no action required.

Mr. Fine provided a detailed explanation of the recommendation of changes and the request for support of 6623.

Provide comments to the Rule Development Workshop “Rule 61G20-1.001, Florida Administrative Code” of February 7, 2017 for the purpose of reviewing comments received regarding the proposed 6th Edition (2017) update to the Florida Building Code (cont.):

Ms. Hammonds asked Mr. Fine if he had entered a code modification, he stated no, but had made comments.

Public comment:

Paul Coates, American Wood Council, stated that he is in full agreement with Mr. Fine’s presentation.

Ms. Hammonds asked Mr. Coates if Mr. Fine was representing AWC and him.

Mr. Coates stated yes.

Ms. Hammonds asked Mr. Fine if it was permissible for Mr. Coates to respond.

Mr. Fine stated yes.

Mr. Coates stated he is in full support of the comments by Mr. Fine.

Joe Belcher, MAF, stated that the memo provided in today’s meeting was sent to each TAC member; however, Mr. Dudley failed to send to staff.

Ms. Hammonds stated that for the record she was going to be cautious speaking to Mr. Belcher as he is being represented by legal counsel, Mr. Dudley which could violate her ethics as he is a represented party.

Mr. Fine entered an objection to the written memorandum being presented today as a written comment for the record.

Ms. Hammonds stated Mr. Belcher will be reading it into the record.

Mr. Belcher started to read the memorandum into the record. He stated Mr. Dudley was not able to attend today due to medical issues.

Ms. Hammonds asked Mr. Belcher if he had comments he could make that are substantive to this?

Mr. Belcher stated yes.

Provide comments to the Rule Development Workshop “Rule 61G20-1.001, Florida Administrative Code” of February 7, 2017 for the purpose of reviewing comments received regarding the proposed 6th Edition (2017) update to the Florida Building Code (cont.):

Ms. Hammonds asked Mr. Belcher if he would consider this document as an attachment to his comments.

Mr. Belcher responded yes and would rather go straight to the summary of conclusion in lieu of reading the whole document.

Ms. Hammonds inquired if Mr. Fine received a copy and he stated yes.

Mr. Belcher continued with his explanation of opposition to Mr. Fine’s comments.

Don Whitehead, Department of Education spoke in opposition to Mr. Fine’s comments and provided a brief summary of why he opposed the comments.

Mr. Fine provided his rebuttal to the arguments against his comments and requested changes.

Mr. Belcher responded to Mr. Fine’s final comments.

Mr. Blair then asked Legal to provide their analysis and then the TAC will have time for comments and decision.

Ms. Hammonds stated that at this time she would leave this for the TAC as there are two legal arguments being made. She further stated that the facts show pending litigation on one side or the other therefore she would like to reserve her remarks should it be necessary to represent the TAC and the Commission in that capacity.

Mr. Blair stated that the TAC can make their decision based on their technical analyst.

TAC Comments:

There was discussion among the TAC members, questions and answers to the proponents and opponents.

Mr. Blair explained the motion process for this issue as there are no motions to deny this would be only by negative roll call.

Provide comments to the Rule Development Workshop “Rule 61G20-1.001, Florida Administrative Code” of February 7, 2017 for the purpose of reviewing comments received regarding the proposed 6th Edition (2017) update to the Florida Building Code (cont.):

Mr. Cureton entered a motion for a negative roll. Mr. Frank seconded the motion.

Mr. Madani stated there needs to be a clear statement as to why the motion was made with reasoning.

Mr. Cureton stated the reason he is entering a negative roll call is the requirement of masonry and non-combustible construction for schools has been in place for quite some time and the number of schools districts that are against keep concrete is very small and the vast majority want to keep concrete for safety and his opinion the best value for the tax dollar. He continued by stating it is more complicated system to make wood perform the same as concrete or masonry and the potential of off gassing. He stated putting all of this together he feels it is better to leave the type three out of 453.3.

Mr. Blair asked Mr. Frank if he wanted to add any additional comments to the motion statement.

Mr. Frank stated no, he felt that it had been covered.

Mr. Blair called for the vote.

The TAC voted 8 to 0 in opposition.

Mr. Blair provided a summary of the meeting stating there were 4 comments submitted, the TAC voted unanimously to recommend approval of 1, 2 and 3 and to recommend denial on the 4th comment. He stated these recommendations will be provided to the Commission at the February 7, 2017 meeting in Jacksonville.

Adjournment:

There were no further comments and no further business before the TAC.

Mr. Phillips, Chairman adjourned the meeting at 11:07 a.m.