



# FLORIDA BUILDING COMMISSION

"STRONGER CODES THROUGH SCIENCE AND CONSENSUS"

Florida Department of  
Business  
Professional  
Regulation

## FACILITATOR'S SUMMARY REPORT OF THE DECEMBER 13, 2013 FLORIDA BUILDING COMMISSION MEETING ST. PETE BEACH, FLORIDA

PROCESS DESIGN, CONSENSUS-BUILDING AND FACILITATION BY



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**FLORIDA BUILDING COMMISSION**  
**DECEMBER 13, 2013 FACILITATOR’S MEETING SUMMARY REPORT**

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# **FLORIDA BUILDING COMMISSION**

**"STRONGER CODES THROUGH SCIENCE AND CONSENSUS"**

## **OVERVIEW OF COMMISSION'S KEY ACTIONS AND DECISIONS**

### **FRIDAY, DECEMBER 13, 2013**

#### **WELCOME AND INTRODUCTIONS OF NEW AND REAPPOINTED COMMISSION MEMBERS**

Chairman Browdy welcomed the Commission, DBPR staff and the public to St. Pete Beach and the December 13, 2013 plenary session of the Florida Building Commission. The Chair noted the primary focus of 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 discussing the binding and non-binding interpretation processes and to take the next steps in rule development for the current rules under development.

The Chair noted that there were buff colored "*Public Comment Forms*" on the speakers' table to be used for providing written comments, and all written comments would be included in the Facilitator's Summary Report.

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.

## **FLORIDA BUILDING COMMISSION APPOINTMENTS**

The Chair noted that an additional appointment was made to the Commission in August and inadvertently left off of the list of new Commission appointments announced during the October 2013 meeting. The Chair announced the appointment of Commissioner David Compton noting he was appointed to represent Structural Engineers, and fills a vacant seat. David is from Lutz and is the vice president and senior structural engineer at Bracken Engineering. His term runs from August 27, 2013 to January 13, 2017. The Chair welcomed Commissioner Compton.

## **I. PLENARY SESSION SUMMARY AND OVERVIEW**

At the December 13, 2013 meeting the Commission considered and decided on Chair's issues and recommendations, product and entity approvals, applications for accreditor and course approvals, petitions for declaratory statements, accessibility waivers, and recommendations from the Commission's various committees. Specific actions included: discussion of the administration of the Binding and Non-Binding Interpretations of the Florida Building Code processes deciding stakeholders should pursue statutory changes to address stakeholder concerns pertaining to the binding interpretation process; conducted a rule development workshop on Rule 61G20-6.002, FAC, pertaining to Building Code Education for the purpose of revising the rule to allow the approval of courses that are based on Commission approved changes to the Code that are not yet formally adopted by rule; conducted a rule development workshop on Product Approval Rule 61G20-3.007 for the purpose of revising the payment screen as needed to correlate with approved changes in administration of the Product Approval System; conducted a rule development workshop on Product Approval Rule 61G20-3.015, FAC, Pertaining to Product Approval Equivalence of Standards, for the purpose of approving additional equivalent standards (FRSA/TRI 07320-5 is recognized as equivalent to FRSA/TRI Fifth Edition, and ANSI/DASMA 108-2012 is recognized as equivalent to ANSI/DASMA 108-2005 for determining Code compliance) and associated regulatory costs; and, approved funding of additional proposed research projects based on funding estimates provided, and research and administrative oversight from the University of Florida.

*(Attachment 1—Meeting Evaluation Results)*

## **II. COMMISSION ATTENDANCE**

The following Commissioners attended the Friday, December 13, 2013 meeting:

Dick Browdy (Chair), Hamid Bahadori, Steve Bassett, James Batts, Donald Brown, Oscar Calleja, David Compton, Jay Carlson, Nan Dean, Kevin Flanagan, Herminio Gonzalez, Jeff Gross, Robert Hamberger, Brian Langille, Beth Meyer, Darrell Phillips, Brad Schiffer, Jim Schock, Frederick Schilling, Jeff Stone, Brian Swope, and Tim Tolbert.

(22 of 25 seated Commissioners attended).

*Absent Commissioners:*

Bob Boyer, Charles Frank, and Drew Smith.

## **DBPR STAFF PRESENT**

Chris Burgwald, Jim Hammers, April Hammonds, Ila Jones, Mo Madani, Jim Richmond, and Chip Sellers.

## **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 in downloadable formats at the project webpage link (URL):

<http://consensus.fsu.edu/FBC/index.html>

Commission Webpage link (URL): <http://floridabuilding.org/c/default.aspx>

## **III. AGENDA REVIEW AND APPROVAL**

The Commission voted unanimously, 22 - 0 in favor, to approve the agenda for the December 13, 2013 meeting as posted/presented. Following are the key agenda items approved for consideration:

- To Consider Regular Procedural Issues: Agenda Approval and Approval of the December 13, 2013 Facilitator's Summary Report and Meeting Minutes.
- To Consider/Decide on Chair's Discussion Issues/Recommendations.
- To Consider/Decide on Accessibility Waiver Applications.
- To Consider/Decide on Approvals and Revocations of Products and Product Approval Entities.
- To Consider Applications for Accreditor and Course Approval.
- To Consider/Decide on Legal Issues: Petitions for Declaratory Statements.
- To Consider the Process for Binding and Non-Binding Interpretations of the Florida Building Code.
- To Conduct a Rule Development Workshop in relation to Rule 61G20-3.015, FAC, Pertaining to Product Approval, and Review Associated Regulatory Cost.
- To Conduct a Rule Development Workshop in relation to Rules 61G20-3.007, FAC, Pertaining to Product Approval, and Review Associated Regulatory Cost.
- To Conduct a Rule Development Workshop in relation to Rule 61G20-6.002, FAC, Pertaining to Building Code Education.
- To Consider/Decide on Technical Advisory Committees (TACs): Code Administration, Energy, Roofing, and Structural TAC Report/Recommendations.
- To Consider/Decide on Program Oversight Committees (POCs): Education and Product Approval POC Reports/Recommendations.
- To Receive Public Comment.
- To Discuss Commissioner Comments and Issues.
- To Review Committee Assignments and Issues for the Next Meeting—February 20 - 21, 2014 in St. Augustine, Florida.

*Amendments to the Posted Agenda:*

There were no amendments to the posted/presented Agenda.

*(Attachment 4—December 13, 2013 Commission Agenda)*

**IV. APPROVAL OF THE OCTOBER 18, 2013 FACILITATOR’S SUMMARY REPORT AND MEETING MINUTES**

**MOTION**—The Commission voted unanimously, 22 - 0 in favor, to approve the October 18, 2013 Facilitator’s Summary Report and Meeting Minutes as presented.

*Amendments:*

There were no amendments offered.

**V. CHAIR’S DISCUSSION ISSUES AND RECOMMENDATIONS**

**Commissioner Franz**

The Chair reported that he regretted to inform the Commission that newly appointed Commissioner Thomas Franz passed away suddenly on October 29, 2103 at his home in Melbourne. Tom was 55 years old. Our condolences and sympathies go out to Tom’s family and friends. Tom was recently appointed to represent residential contractors.

**VI. CONSIDERATION OF ACCESSIBILITY WAIVER APPLICATIONS**

April Hammonds, Accessibility Advisory Council legal advisor, presented the Accessibility Advisory Council’s recommendations for all applications, and the Commission reviewed and decided on the Waiver applications submitted for their consideration. A complete summary of accessibility waiver applications and Commission actions is included as an attachment to this Report.

*(Included as Attachment 6—Accessibility Waiver Summary Report)*

**VII. CONSIDERATION OF APPLICATIONS FOR PRODUCT AND ENTITY APPROVAL**

Commissioner Stone presented the Committee’s recommendations for entities and product approvals on the consent agenda for approval, and the recommendations for product approvals with comments and/or discussion. The complete results of Commission decisions regarding applications for product and entity approval are included as an attachment to this Report.

*(Included as Attachment 8—Product and Entity Approval Report)*

### VIII. CONSIDER APPLICATIONS FOR ACCREDITOR AND COURSE APPROVAL

Commissioner Dean presented the applications, and the Commission reviewed and decided on the accreditor and course applications submitted for their consideration as follows:

#### *Commission Actions:*

**MOTION**—The Commission voted unanimously, 22 – 0 in favor, to approve advanced course #614.0.

**MOTION**—The Commission voted unanimously, 22 – 0 in favor, to approve advanced course #615.0.

**MOTION**—The Commission voted unanimously, 22 – 0 in favor, to approve advanced course #624.0.

**MOTION**—The Commission voted unanimously, 22 – 0 in favor, to approve advanced course #629.0.

**MOTION**—The Commission voted unanimously, 22 – 0 in favor, to approve advanced course #627.0.

**MOTION**—The Commission voted unanimously, 22 – 0 in favor, to conditionally approve advanced course #631.0. With the condition of correcting the course title.

**MOTION**—The Commission voted unanimously, 22 – 0 in favor, to approve advanced course #633.0.

**MOTION**—The Commission voted unanimously, 22 – 0 in favor, to approve advanced course #628.0.

**MOTION**—The Commission voted unanimously, 22 – 0 in favor, to approve advanced course #625.0.

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

### IX. CONSIDERATION OF PETITIONS FOR DECLARATORY STATEMENTS

#### **Legal Report**

##### **Petitions For Declaratory Statements**

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

##### **DS 2013-046 by Sal Delfino of Peterson Aluminum Corp.**

The petitioner requested withdrawal of the petition.

Motion—The Commission voted unanimously, 22-0 in favor, to accept the withdrawal of the petition.

##### **DS 2013-089 by Timothy Krebs of T.A. Krebs, LLC**

Motion—The Commission voted, 21 - 1 in favor, to approve the Code Administration TACs' recommendation on the petition.

##### **DS 2013-092 by Scott Greenberg**

Motion—The Commission voted unanimously, 22-0 in favor, to approve an amended version of the Energy TACs' recommendation.



**DS 2013-103 by James Scott of J. Scott Drafting, Inc.**

Motion—The Commission voted unanimously, 22-0 in favor, to approve the Code Administration TACs' recommendation on the petition.

**DS 2013-104 by Mark Fairchild, P.E. of Milton Engineering Consultants, P.A.**

Motion—The Commission voted, 17 - 5 in favor, to approve the Structural TACs' recommendation on Question #1.

Motion—The Commission voted, 17 - 5 in favor, to approve the Structural TACs' recommendation on Question #2.

Motion—The Commission voted, 18 - 4 in favor, to approve the Structural TACs' recommendation on Question #3.

*(Included as Attachment 7—Legal Report)*

**X. BINDING AND NON-BINDING INTERPRETATIONS OF THE FLORIDA BUILDING CODE**

Chairman Browdy explained that the Building Officials Association of Florida (BOAF) has executed the processes for both binding and non-binding interpretations for several years including recently under a sub-contract with Building A Safer Florida, (BASF). In that subcontract with BASF, both binding and non-binding interpretation processes were contained in a single agreement. The administration of the processes was recently reviewed by the Department (DBPR) as a result of the recent litigation. In that review, the Department found some areas that required modification to ensure that the process complied with Florida law. BOAF does not believe that the modifications the Department requires for compliance were intended by the stakeholders that drafted the legislation creating the process. BOAF believes that the implementation of the modifications will be detrimental to BOAF and its participating members. As such, BOAF has refused to enter the contract for binding interpretations but would like to continue to perform non-binding interpretations.

As a result of BOAF's refusal to accept the requisite modifications to the binding interpretation process, the Commission must now make a decision with regard to the present and the future of these two Commission provided services. The Commission's authority to issue interpretations pursuant to Section 553.775, F.S. was established in 2005, and since that time, there have been over a thousand non-binding interpretations issued, while there have been an average of only 2 binding interpretations per year for a total of approximately fifteen applicants completing the process. It should be noted that while non-binding interpretations are free to the public, there is a fee for "binding interpretations."

The Chair reviewed the Commission's interpretative processes with the Commission and then remarked that he believed it was clear that the non-binding interpretation process is the preferred route for interpretations. It provides a more collaborative process for resolving code interpretation issues between the building official and the individual requesting the interpretation. In addition, declaratory statements are sometimes used to clarify a code interpretation in a more neutral manner than the binding interpretation process and without creating a potentially adversarial situation. The Chair explained that it is important to maintain the non-binding interpretation process that has proven so valuable, while the binding interpretation process has been little used.

Chairman Browdy continued, that based on BOAF's unwillingness to comply with the statutory requirements and the Commission's experiential history with the process, he would ask the Commission to consider seeking support for legislative authority to eliminate "binding interpretation" entirely as a Commission interpretive alternative; and further to make what legislative changes are necessary to eliminate any reference to a particular organization within any statute or rule affecting the Florida Building Commission's authority. The Chair explained that should there happen to be a petition for a binding interpretation in the interim, the Commission could designate the panel members in compliance with the statutory requirements and inform BOAF of the designated panel members. Because the statute already requires that the process be conducted through the Building Code Information System, staff can ensure administration of the process.

Members of the public addressed the Commission and indicated they would support the Commission in addressing concerns with the binding interpretation process. There was some support for retaining the process if stakeholder and administrator concerns could be addressed. It was suggested by Commissioner Calleja that perhaps a workgroup could be convened comprised of stakeholders to develop recommendations to the Commission. It was explained that a workgroup process would not be able to deliver recommendations in time for the 2014 Legislative Session. Jim Richmond suggested that perhaps stakeholders could work together to address concerns and seek any legislative changes required to enhance or eliminate the process.

Following questions and answers, public comment and discussion, the Commission decided to take no formal action on the matter pending stakeholder actions.

#### **XI. RULE DEVELOPMENT WORKSHOP, PRODUCT APPROVAL, RULE 61G20-3.007**

Chairman Browdy noted that at the October 18, 2013 meeting the Commission conducted a rule development workshop regarding Product Approval Rules 61G20-3.001 (Scope), 3.002 (Definitions), and 3.007 (Product Approval by the Commission), to move forward with required changes to the Product Approval System necessary to implement 2013 statutory changes to Section 553.842, F.S., Product Evaluation and Approval, requiring the Commission to initiate rulemaking to create a new category of products for Statewide Product Approval titled: "impact protective systems" (.001 Scope, and .002 Definitions). In addition, products submitted for approval by a product evaluation entity (Method 3) will be approved by DBPR using the 10-business day expedited approval process (.007, Product Approval by the Commission). The Commission voted to proceed with rule adoption for Product Rules 61G20-3.001 (Scope) and Rule 3.002 (Definitions), to approve the Statement of Estimated Regulatory Costs (SERC), and to conduct a rule adoption hearing only if requested. In addition, the Commission voted to conduct a rule development workshop on Rule 61G20-3.007 to revise the payment screen as needed to correlate with approved changes in the administration of the Product Approval System.

The Chair explained that the December 13, 2013 workshop was to provide an opportunity for public comment on Rule 61G20-3.007 pertaining to proposed revisions to the payment screen, prior to the Commission proceeding with rulemaking on the Product Approval Rule. The Chair noted that after the rule development workshop was opened and the Commission heard the Product Approval POC's recommendations and public comments, he would close the public comment portion of the workshop, and the Commission would then vote to proceed with rule adoption.

The Workshop was opened and Commissioner Stone presented the Product Approval POC's recommendation that the Commission amend Rule 61G20-3.007, (Product Approval by the Commission), to incorporate the proposed revised payment screen for product and entity approval applications into the Rule.

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

***Commission Actions:***

**MOTION**—The Commission voted unanimously, 22 - 0 in favor, to adopt the Product Approval POC's recommendation pertaining to Product Approval Rule 61G20-3.007, the SERC, and to proceed with rule adoption for Rule 61G20-3.007, Product Approval Rule, noting this action has no bearing on the Statement of Estimated Regulatory Costs approved in October, and to conduct a rule adoption hearing only if requested.

**XII. RULE DEVELOPMENT WORKSHOP, PRODUCT APPROVAL, RULES 61G20-3.015**

Chairman Browdy noted at the October 2013 meeting the Commission voted unanimously to open Rule 61G20.3015, Equivalence of Standards, to consider any standards determined to be equivalent to product approval compliance standards referenced in the Code.

The Chair explained that the December 13, 2013 workshop was to provide an opportunity for the public to comment on any standards determined to be equivalent to product approval compliance standards referenced in the Code, specifically consideration of FRSA/TRI Florida High Wind Concrete and Clay Tile Installation Manual, Fifth Edition to be an equivalent standard to the FRSA/TRI 07320-5 Concrete and Clay Roof Tile Installation Manual, Fourth Edition, and ANSI/DASMA 108-2012 to be an equivalent standard to ANSI/DASMA 108-2005, prior to the Commission proceeding with rulemaking. The Chair noted that after the rule development workshop was opened and the Commission heard the Product Approval POC's and Structural TAC's recommendations and public comments, he would close the public comment portion of the workshop, and the Commission would then vote to proceed with rule adoption.

The Workshop was opened and Commissioner Stone presented the Product Approval POC's recommendation that the Commission amend Rule 61G20.3015, Equivalence of Standards, to recognize that FRSA/TRI 07320-5 be recognized as equivalent to FRSA/TRI Fifth Edition for determining Code compliance, and the Structural TAC's recommendation that ANSI/DASMA 108-2012 be recognized as equivalent to ANSI/DASMA 108-2005 for determining Code compliance.

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

***Commission Actions:***

**MOTION**—The Commission voted unanimously, 22 - 0 in favor, to adopt the Product Approval POC's recommendation for revisions to the Product Approval Rule specifically to amend Rule 61G20.3015, Equivalence of Standards, to recognize that FRSA/TRI 07320-5 be recognized as equivalent to FRSA/TRI Fifth Edition for determining Code compliance.

**MOTION**—The Commission voted unanimously, 22 - 0 in favor, to adopt the and Structural TAC’s recommendation for revisions to the Product Approval Rule specifically to amend Rule 61G20.3015, Equivalence of Standards, to recognize that ANSI/DASMA 108-2012 be recognized as equivalent to ANSI/DASMA 108-2005 for determining Code compliance.

**MOTION**—The Commission voted unanimously, 22 - 0 in favor, to adopt the Product Approval POC’s and Structural TAC’s recommendations for revisions to the Product Approval Rule specifically to amend Rule 61G20.3015, Equivalence of Standards, to recognize that FRSA/TRI 07320-5 be recognized as equivalent to FRSA/TRI Fifth Edition for determining Code compliance, and ANSI/DASMA 108-2012 be recognized as equivalent to ANSI/DASMA 108-2005 for determining Code compliance, the SERC, noting this action has no bearing on the Statement of Estimated Regulatory Costs approved in October, and to proceed with rule adoption for Rule 61G20-3.015, Equivalence of Standards, Product Approval.

### **XIII. RULE DEVELOPMENT WORKSHOP, RULE 61G20-6.002, COMMISSION APPROVAL AND ACCREDITATION OF ADVANCED BUILDING CODE TRAINING COURSES**

The Chair explained that at the August 23, 2013 meeting the Commission approved the Education POC’s proposed language changes to paragraphs (e), (g), (h), and (i), contained in Rule 61G20-6.002, F.A.C. At the October 18, 2013 meeting the Commission conducted a rule development workshop to receive public comment and to consider the Commission’s Education Program Oversight Committee (POC) recommendations for proceeding with the Rule. The POC recommended that the Commission conduct a supplemental rule development workshop providing time for the POC to work with stakeholders on proposed rule language to address issues pertaining to approving courses that are based on Commission approved changes to the Code that are not yet formally adopted by rule. The purpose of the December 13, 2013 rule development workshop was to receive public comments and to implement the rule revisions recommended by the Commission’s Education Program Oversight Committee (POC).

The Chair explained that the workshop was to provide an opportunity for public comment on proposed revisions to the Education Rule prior to the Commission proceeding with rulemaking. The Chair noted that after the rule development workshop was opened and the Commission heard the Education POC’s recommendations and public comments, he would close the public comment portion of the workshop, and the Commission would then vote to proceed with rule adoption.

The Workshop was opened and Commissioner Dean presented the Education POC’s recommendation that the Commission amend Rule 61G20-6.002, Education, to adopt the Education POC’s recommendations for revisions to the Education Rule, noting this action has no bearing on the Statement of Estimated Regulatory Costs approved in October, and to proceed with rule adoption for Rule 61G20-6.002, Commission Approval and Accreditation of Advanced Building Code Training Courses

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

#### ***Commission Actions:***

**MOTION**—The Commission voted unanimously, 22 - 0 in favor, to adopt the Education POC’s recommendations for revisions to the Education Rule, noting this action has no bearing on the

Statement of Estimated Regulatory Costs approved in October, and to proceed with rule adoption for Rule 61G20-6.002, Commission Approval and Accreditation of Advanced Building Code Training Courses, conducting a rule adoption hearing only if requested.

#### **XIV. COMMITTEE REPORTS AND RECOMMENDATIONS**

Chairman Browdy requested TAC and POC chairs confine their reports to a brief summary of any key recommendations, emphasizing any issues requiring an action from the Commission. The Chair requested if the TAC/POC requires Commission action, to frame the needed action in the form of a proposed motion. This will ensure that the Commission understands exactly what the TAC/POC's are recommending, and the subsequent action requested of the Commission. The Chair explained that the complete reports/minutes would be linked to the committees' subsequent agendas for approval by the respective committees. Committee reports are available at the following URL

(linked to Commission's December 13, 2013 Agenda):

[http://www.floridabuilding.org/fbc/commission/FBC\\_1213/index.htm](http://www.floridabuilding.org/fbc/commission/FBC_1213/index.htm)

#### **Code Administration TAC**

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

##### ***Commission Action:***

**MOTION**—The Commission voted unanimously, 22 – 0 in favor, to accept the TAC's report as presented/posted (December 4, 2013).

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

#### **Education POC**

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

##### ***Commission Action:***

**MOTION**—The Commission voted unanimously, 22 – 0 in favor, to accept the POC's report as presented/posted (December 5, 2013).

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

#### **Energy TAC**

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

##### ***Commission Action:***

**MOTION**—The Commission voted unanimously, 22 – 0 in favor, to approve the TAC's recommendation to fund the research project pertaining to *Home Airtightness and Ventilation Approaches*.

**MOTION**—The Commission voted unanimously, 22 – 0 in favor, to approve the TAC's recommendation to fund the research project pertaining to *Assessment of Energy Efficient Methods of Indoor Humidity Control Approaches*.

**MOTION**—The Commission voted unanimously, 22 – 0 in favor, to approve the TAC's recommendation to fund the research project pertaining to *Development of the Compliance Software Tool Assistance Manual for the 2014 Florida Building Energy Code*.

**MOTION**—The Commission voted unanimously, 22 – 0 in favor, to approve the TAC’s recommendation to fund the research project pertaining to *Duct Sealing and Equipment Replacement*.

**MOTION**—The Commission voted unanimously, 22 – 0 in favor, to accept the TAC’s report as presented/posted (December 3, 2013).

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

### **Product Approval POC**

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

#### ***Commission Action:***

**MOTION**—The Commission voted unanimously, 21 – 0 in favor, to accept the POC’s report as presented/posted (December 4, 2013).

**MOTION**—The Commission voted, 15 – 6 in favor (71% in favor; the motion failed as a result of not achieving the 75% or greater in favor threshold requirement for a consensus recommendation), to defer any action pertaining to this matter pending resolution of civil litigation between the parties, and to instruct Keystone Certifications, Inc. to remain involved in monitoring and reporting to the Commission on the resolution of quality assurance issues.

**MOTION**—The Commission voted, 17 – 4 in favor (81% in favor, the motion passed), to reconsider the previous motion.

**MOTION**—The Commission voted, 16 – 5 in favor (76% in favor; the motion passed), to defer any action pertaining to this matter pending resolution of civil litigation between the parties, and to instruct Keystone Certifications, Inc. to remain involved in monitoring and reporting to the Commission on the resolution of quality assurance issues.

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

### **Roofing TAC**

Commissioner Swope presented the TAC’s report and any recommendations.

#### ***Commission Actions:***

**MOTION**—The Commission voted unanimously, 21 – 0 in favor, to accept the TAC’s report as presented/posted (December 3, 2013).

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

### **Structural TAC**

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

#### ***Commission Action:***

**MOTION**—The Commission voted unanimously, 21 – 0 in favor, to accept the TAC’s report as presented/posted (December 3, 2013).

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

### **OTHER COMMISSION ACTION**

There were no additional Commission actions.

## **XV. 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 Stewart: thanked the Commission for their hard work.

## **XVI. 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:*

- Bassett: requested the BCIS website be revised to provide a menu link that clearly links to the technical advisory committees (TACs) webpages. It should be noted that currently there is a menu link titled "Program Committee Agenda and Reports" that links to TAC and POC items.
- Stone: wished everyone a Happy New Year.
- Browdy: thanked DBPR staff for the hard work and great job they are doing for the Commission. Thanked Jeff Blair for providing process guidance to the Commission. Welcomed and thanked all of the new and continuing Commission members.

## **XVII. NEXT COMMISSION MEETING OVERVIEW AND ISSUES**

The February 20 - 21, 2013 Commission meeting in St. Augustine, Florida will focus on routine Commission procedural matters including Chair's issues and recommendations, updates of the Workplan, product and entity approvals, applications for accreditor and course approvals, petitions for declaratory statements, accessibility waivers, and recommendations from the Commission's various committees. In addition, the Commission will conduct any needed rule development initiatives (e.g., Product Approval and Education Rules).

## **STAFF ASSIGNMENTS FROM JUNE AND OCTOBER 2013 MEETING**

- Schedule Commission discussion regarding paperless permitting.
- Draft a letter encouraging building departments to support staff participation in code development.
- Update Commission on DBPR's efforts to ensure the Accessibility Waiver Advisory Council is populated with members who are willing to participate in the teleconference meetings.

## **ADJOURNMENT**

The Chair thanked Commission members and the public for their attendance and participation, and adjourned the meeting at 12:30 PM on Friday, December 12, 2013.

**ATTACHMENT 1**  
**FLORIDA BUILDING COMMISSION MEETING EVALUATION RESULTS**

**DECEMBER 13, 2013—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: 17 of 20 Commissioners present completed meeting evaluations.**

**1. OVERALL MEETING ASSESSMENT.**

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

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

- 9.7 Chairs Issues and Recommendations.
- 9.8 Accessibility Waiver Applications.
- 9.8 Approvals and Revocations of Products and Product Approval Entities.
- 9.8 Applications for Accreditor and Course Approvals.
- 9.7 Petitions for Requests for Declaratory Statements.
- 9.3 Process for Binding & Non-Binding Interpretations of the Florida Building Code Decision.
- 9.7 Rule Development Workshop Rule 61G20-3.015, Prod. App. (Equivalence of Standards).
- 9.7 Rule Development Workshop Rule 61G20-3.007, Product Approval (Payment Screen).
- 9.7 Rule Development Workshop on Rule 61G20-6.002, FAC, Building Code Education.
- 9.7 TAC, POC and/or Committee Reports and Recommendations.

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

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

**4. MEMBERS LEVEL OF SATISFACTION WITH THE MEETING.**

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

**5. HOW WELL THE NEXT STEPS WERE COMMUNICATED.**

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



**6. WHAT MEMBERS LIKED BEST ABOUT THE MEETING.**

- The collaborative approach to business.
- Meeting kept on schedule.
- The completeness of the handout materials.
- Nice Facility.
- I like meetings held in the Tampa Bay area. Good area.
- Good sound system.

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

- Should not have to hold down push button on the microphone to speak.
- E-mail calendar updates are useful.
- Bathroom breaks.

**8. OTHER GENERAL COMMENTS.**

*None were offered.*

**COMMENTS ON SPECIFIC AGENDA ITEMS**

*None were offered.*

**PUBLIC-MEETING EVALUATION AND COMMENT RESULTS**

*None were offered.*

**ATTACHMENT 2**  
**KEY TO COMMON ACRONYMS**

ACRONYM	DEFINITION
ADA	Americans With Disabilities Act
ADAAG	ADA Accessibility Guidelines for Buildings and Facilities
BCSA	Florida Building Code System Assessment
BOAF	Building Officials Association of Florida
DACS or FDACS	Florida Department of Agriculture and Consumer Services
DBPR	Department of Business and Professional Regulations
DCA	Department of Community Affairs
DEP or FDEP	Florida Department of Environmental Protection
DOH or FDoH	Florida Department of Health
EPA	U.S. Environmental Protection Agency
FACBC	Florida Accessibility Code for Building Construction
FAR	Florida Administrative Register (previously FAW)
FBC	Florida Building Code
FBC	Florida Building Commission
FECC	Florida Energy and Conservation Code
IBC	International Building Code
ICC	International Code Council
POC	Program Oversight Committee (Education and Product Approval)
SAD	ADA Standards for Accessibility Design
TAC	Technical Advisory Committee

## ATTACHMENT 3

### FLORIDA BUILDING COMMISSION HISTORY AND OVERVIEW

#### **HISTORY**

Following Hurricane Andrew in 1992, Florida experienced record-breaking insurance losses resulting in a crisis affecting every homeowner in the state. The Governor appointed a Building Code Study Commission, The Florida Conflict Resolution Consortium designed and facilitated a two-year study and deliberation process with the 28 members representing a range of interests in the public and private sectors, through which the Commission evaluated the building code system.

The study revealed that building code adoption and enforcement was inconsistent throughout the state and even local codes thought to be the strongest proved inadequate when tested by major hurricane events. The consequences were devastation to lives and economies and a statewide property insurance crisis. The Commission recommended reform of the state building construction system which placed emphasis on uniformity and accountability.

The legislature enacted the consensus recommendations into law in 1998. In late 1998, the Consortium was asked by the Commission's chair to assist the newly created Florida Building Commission in its effort to build consensus for a uniform building code proposal. A complex consensus building process was put in place that included designing and facilitating meetings of 12 balanced technical advisory groups of 11 members each appointed by the Commission, as well as the Commission's meetings. The Consortium continues to work with the Commission by providing facilitation and consensus-building services.

#### **OVERVIEW**

The Florida Building Commission is a 25 member Governor appointed representative stakeholder group who successfully created, implemented, and maintains the new statewide Florida Building Code. The Commission is comprised of the Governor's Chair, and 24 members appointed according to criteria established by the American National Standards Institute (ANSI) for representation. They are as follows: in the general interest category: four code officials, two state government representatives, a local government representative, a representative of persons with disability; in the consumer category: an architect, a structural engineer, a mechanical engineer, representatives of fire protection technology, the building management industry, and the insurance industry; and in the producer category: 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, and a representative of the green building industry.

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% acceptance or support is not achievable, final decisions require at least 75% 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, most substantive issues before the Commission go through a workgroup process where consensus recommendations are developed by appointed representative stakeholder groups, providing additional opportunities for public input. Workgroup recommendations approved by the Commission usually require rule development to implement, affording at least two additional entry points for public comment.

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, many 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 of experts, the Commission has always developed its decisions on the results of the best engineering-based science available. 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.

In summary, the Florida Building Commission provides a forum for stakeholders representing key interests to participate in a consensus-building process where issues affecting the construction industry are discussed and evaluated on their technical merits and cost-benefits to the citizens of the State of Florida. In addition, as a result of the Commission's proven consensus-building process and success in developing consensus on tough issues, the Florida Legislature annually assigns policy issues to the Commission for evaluation and implementation.

**ATTACHMENT 4  
DECEMBER 13, 2013 MEETING AGENDA**

**FLORIDA BUILDING COMMISSION  
DECEMBER 13, 2013  
TRADEWINDS ISLAND RESORT SANDPIPER  
5500 GULF BOULEVARD, ST. PETE BEACH, FL 33706**

**OBJECTIVES**

- To Consider Regular Procedural Issues: Agenda Approval and Approval of the October 18, 2013 Facilitator’s Summary Report and Meeting Minutes.
- To Consider/Decide on Chair's Discussion Issues/Recommendations.
- To Consider/Decide on Accessibility Waiver Applications.
- To Consider/Decide on Approvals and Revocations of Products and Product Approval Entities.
- To Consider Applications for Accreditor and Course Approval.
- To Consider/Decide on Legal Issues: Petitions for Declaratory Statements.
- To Consider the Process for Binding and Non-Binding Interpretations of the Florida Building Code.
- To Conduct a Rule Development Workshop in relation to Rule 61G20-3.015, FAC, Pertaining to Product Approval, and Review Associated Regulatory Cost.
- To Conduct a Rule Development Workshop in relation to Rules 61G20-3.007, FAC, Pertaining to Product Approval, and Review Associated Regulatory Cost.
- To Conduct a Rule Development Workshop in relation to Rule 61G20-6.002, FAC, Pertaining to Building Code Education.
- To Consider/Decide on Technical Advisory Committees (TACs): Accessibility; Code Administration, Energy, Roofing, and Structural TAC Report/Recommendations.
- To Consider/Decide on Program Oversight Committees (POCs): Education and Product Approval POC Reports/Recommendations.
- To Receive Public Comment.
- To Discuss Commissioner Comments and Issues.
- To Review Committee Assignments and Issues for the Next Meeting—February 20 - 21, 2014 in St. Augustine, Florida.

***MEETING AGENDA—FRIDAY, DECEMBER 13, 2013***

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

<b>8:30</b>	<b>1.)</b>	<b>Welcome and Opening, Roll Call</b>
	<b>2.)</b>	<b>Review and Approval of Meeting Agenda</b>
	<b>3.)</b>	<b>Review and Approval of Previous Meeting Minutes: Minutes, October 18, 2013 Facilitator’s Summary Report, October 18, 2013</b>
	<b>4.)</b>	<b>Chairs Discussion Issues</b>
		<b>Commissioner Tom Franz</b>

	5.)	<b>Accessibility Waiver Applications</b>
		<ul style="list-style-type: none"> <li>a. The Alamo Hotel – 4121 Indian Creek, Miami Beach</li> <li>b. South Beach 18 LLC, 125 18 Street, Miami Beach</li> <li>c. AXIS, 1437-1439 Washington Avenue, Miami Beach</li> <li>d. One Story Retail Building, 7350 Biscayne Boulevard, Miami</li> <li>e. 2501 Riverside Avenue Renovation, 2501 Riverside Avenue, Jacksonville</li> <li>f. Emotions AP LLC – Hotel/Rooming House, 927 Jefferson Avenue, Miami Beach</li> <li>g. Space D, 1471 Capital Circle, Tallahassee</li> <li>h. Dewey’s Indoor Golf and Sports Grill, 7720 Turkey Lake Road, Orlando</li> </ul>
	6.)	<b>Applications for Product and Entity Approval</b>
	7.)	<b>Applications for Accreditor and Course Approval</b>
	8.)	<b>Petitions for Declaratory Statement</b>
		<ul style="list-style-type: none"> <li>a. DS 2013-046 by Sal Delfino of Petersen Aluminum Corp. (Deferred from the October meeting)</li> <li>b. DS 2013-089 by Timothy Krebs of T.A. Krebs, LLC</li> <li>c. DS 2013-092 by Scott Greenberg</li> <li>d. DS 2013-103 by James Scott of J. Scott Drafting, Inc.</li> <li>e. DS 2013-104 by Mark Fairchild, P.E. Milton Engineering Consultants, P.A.</li> </ul>
	9.)	<b>Binding and Nonbinding Interpretations of the Florida Building Code</b>
	10.)	<b>Rules</b>
		<ul style="list-style-type: none"> <li>a. 61G20-3, Product Approval  <u>61G20-3.007</u>  <u>61G20-3.015</u>  61G20-3.001, and .002  <u>SERC61G20-3_015 Payment Page 2</u></li> <li>b. 61G20-6, Building Code Training Program <u>61G20-6.002</u></li> </ul>
	11.)	<b>Committee Reports</b>
		<ul style="list-style-type: none"> <li>a. Code Administration Technical Advisory Committee</li> <li>b. Education Program Oversight Committee</li> <li>c. Energy Technical Advisory Committee</li> <li>d. Product Approval Program Oversight Committee</li> <li>e. Roofing Technical Advisory Committee</li> <li>f. Structural Technical Advisory Committee</li> </ul>
	12.)	<b>Public Comment</b>
	13.)	<b>Commissioner Comment</b>
	14.)	<i>Adjourn</i>

**ATTACHMENT 5**  
**COMMISSION'S UPDATED MEETING SCHEDULE AND WORKPLAN**

**(UPDATED AUGUST 23, 2013)**

**COMMISSION MEETING SCHEDULE**

<b>2013</b>	<b>LOCATION</b>	<b>RATE</b>
February 4 – 5, 2013	St. Pete Beach (Tradewinds: 1.727.367.6461)	\$145
April 8 – 9, 2013	Saint Augustine (World Golf Village: 1.904.940.8000) 500 South Legacy Trail; St. Augustine, Florida 32092	\$149
June 10 – 11, 2013	Daytona Beach (Hilton Daytona Beach: 1.386.947.8061)	\$ 99
August 22 - 23, 2013	Fort Lauderdale (Hilton Fort Lauderdale Beach Resort: 1.954.414.2222)	\$129
October 17 – 18, 2013	Kissimmee (Gaylord Palms)	\$145
December 12–13, 2013	St. Pete Beach (Tradewinds Islands)	\$159
<b>2014</b>	<b>LOCATION</b>	<b>RATE</b>
February 20 - 21, 2014	St. Augustine (World Golf Village)	
April 16 – 17, 2014	Kissimmee (Gaylord Palms)	
June 19 - 20, 2014	Daytona Beach (Hilton Daytona Beach)	
August		
October		
December		

## 2013 FBC CODE UPDATE DEVELOPMENT TASKS

### 12. 2013 UPDATE TO THE FLORIDA BUILDING CODE—COMBINE PRIMARY UPDATE AND GLITCH REVISIONS IN A SINGLE RULE PROCEEDING

TASK	SCHEDULE
<b><i>Primary Code Development Phase:</i></b>	
2011 NEC published and available to the public;	01/2011
2012 International Codes published and available to the public;	09/2011
Commission selects 2012 I Codes and 2011 NEC as foundation for 2013 FBC <i>(Note: The 6 month delay between I Codes available to public and Commission selection as base for the next Florida Building Code edition was removed from law in 2010)</i>	12/6/2011
Staff evaluates Florida amendments resulting from direction of the Legislature and Commission initiatives to propose for inclusion in the 2013 FBC	1/2012 – 6/2012
Period for public to propose modifications to the 2012 I Codes	7/1/2012 – 8/1/2012
TACs consider proposed modifications (1 <sup>st</sup> 45 day comment period)	10/9-11/2012
Commission considers TAC recommendations (2 <sup>nd</sup> 45 day comment period)	2/4-5/2013
Draft 2013 (Florida Supplement plus I Codes) posted online	3/1/2013
<b><i>Glitch Correction Phase:</i></b>	
Period to propose glitch modifications to draft 2013 FBC	4/1/2013 – 5/1/2013
Post Tracking/Detail reports online	6/24/2013
TACs consider proposed glitch modifications and develop public comment via conference call/Webinars	<b>6/12-17/2013</b>
Commission considers proposed glitch mods and TAC comments (Rule Development Workshop)	<b>8/22-23/2013</b>
Draft 2013 FBC posted online	<b>10/1/2013</b>
Provide Supplements to ICC for integration into the 2012 I-Code	
<b><i>Final Rule Hearing</i></b> on 2013 FBC/Commission approves final version of Code <b>In lieu of the hearing, we should have a workshop. Postpone hearing until the updated FFPC is available and adopted (June – August 2014).</b>	<b>12/12-13/2013</b>
Rule Submitted to Secretary of State and Supplement posted online – subject to addressing all JAPC’s concerns	<b>TBD</b>
Printed Code available - subject to negotiation with ICC	<b>TBD</b>
2013 FBC ( <b>5<sup>th</sup> edition</b> ) effective date (6 – months after publication)	<b>12/31/14 midnight</b>
<b>SUB-TASKS</b>	
<b>a. Amend BCIS Forms and Commission Rule for Code Modification Proposals</b>	
Authorize initiation of rule amendment	<b>12/6/11</b>
Rule development workshop	<b>1/31/12</b>
<b>b. Review 2012 I Codes and 2012 NFPA 1 and NFPA 101 for Conflicts</b>	
553.73(7)(e) A rule updating the Florida Building Code in accordance with this subsection shall take effect <u>no sooner than 6 months</u> after publication of the updated code. Any amendment to the Florida Building Code which is adopted upon a finding by the commission that the amendment is necessary to protect the public from immediate threat of harm takes effect immediately.	



**ATTACHMENT 6**  
**ACCESSIBILITY WAIVER SUMMARY**

**WAIVERS FROM ACCESSIBILITY CODE REQUIREMENTS—DECEMBER 13, 2013**

The Council met via webinar on December 2, 2013 at 2:00 p.m.

The Council reviewed and made recommendations for disposition of waivers for the following projects.

The Commission took the following actions regarding waivers.

**A. The Alamo Hotel, 4121 Indian Creek, Miami Beach**

**Recommendation:** Grant the waiver request for disproportionate cost and technical infeasibility.

**COMMISSION ACTION:** Commission voted (22 - 0 in favor) to grant the waiver request based on disproportionate cost and technical infeasibility.

**B. South Beach 18 LLC, 125 18 Street, Miami Beach**

**Recommendation:** Grant for technical infeasibility.

**COMMISSION ACTION:** Commission voted (22 - 0 in favor) to grant the waiver request based on technical infeasibility.

**C. AXIS, 1437-1439 Washington Avenue, Miami Beach**

**Recommendation:** Grant for disproportionate cost.

**COMMISSION ACTION:** Commission voted (22 - 0 in favor) to grant the waiver request based on disproportionate cost.

**D. One Story Retail Building, 7350 Biscayne Boulevard, Miami**

**Recommendation:** Grant based on disproportionate cost, conditioned on providing clear signage.

**COMMISSION ACTION:** Commission voted (22 - 0 in favor) to conditionally grant the waiver based on disproportionate cost, conditioned on providing clear signage per the Council's recommendation.

**E. 2501 Riverside Avenue Renovation, 2501 Riverside Avenue, Jacksonville**

**Recommendation:** Grant for disproportionate cost.

**COMMISSION ACTION:** Commission voted (22 - 0 in favor) to grant the waiver request based on disproportionate cost.

**F. Emotions AP LLC – Hotel/Rooming House, 927 Jefferson Avenue, Miami Beach**

**Recommendation:** Grant based on disproportionate cost, conditioned on all guests being treated the same.

**COMMISSION ACTION:** Commission voted (22 - 0 in favor) to conditionally grant the waiver based on disproportionate cost, conditioned on all guests being treated the same.

**G. Space D, 1471 Capital Circle, Tallahassee**

**Recommendation:** Grant for disproportionate cost.

**COMMISSION ACTION:** Commission voted (22 - 0 in favor) to grant the waiver request based on disproportionate cost.

**H. Dewey’s Indoor Golf and Sports Grill, 7720 Turkey Lake Road, Orlando**

**Recommendation:** Grant for disproportionate cost, on the condition that a vertical lift is installed.

**COMMISSION ACTION:** Commission voted (22 - 0 in favor) to conditionally grant the waiver request based on disproportionate cost, on the condition that a vertical lift is installed.

ATTACHMENT 7  
LEGAL REPORT

**DECLARATORY STATEMENTS**

**PETITIONS FOR DECLARATORY STATEMENTS—OCTOBER 18, 2013**

**A. DS 2013-046 by Sal Delfino of Petersen Aluminum Corp. (Withdrawn)**

**COMMISSION ACTION:** The Commission voted unanimously, 22 - 0 in favor, to accept the withdrawal of the petition (at the request of the Petitioner).

**B. DS 2013-089 by Timothy Krebs of T.A. Krebs, LLC**

**Code Administration TAC's Recommendations:**

**To the question:** Is the applicant for a single-family residence remodeling/addition complying with FBC-Residential required to demonstrate compliance with the FBC-Existing Buildings?

**The answer is:** Yes. According to Section R101.2 Exception 2 of the *2010 Florida Building Code, Residential*, Existing buildings undergoing repair, alteration or additions, and change of occupancy shall comply with the *Florida Building Code, Existing Building*.

**COMMISSION ACTION:** The Commission voted unanimously, 22-0 in favor, to approve the Code Administration TACs' recommendation on the petition.

**C. DS 2013-092 by Scott Greenberg**

**Energy TAC's Recommendations:**

**Question 1:** *In Section 101.4.7.1.2, does HB 269 overturn the code requirements for heat load calculations [for total equipment replacement]?*

**The answer is:** YES, HB 269 preempts system sizing for replacement of existing equipment.

**Question 2:** *In Section 101.4.7.1.2, Is the Design Star heat load calculation program an approved method, for existing residential change outs?* The answer is that the code does not approve specific calculation methods; approval is by the code official.

*And is it approved for all brands of a/c units (presently used for Rheem and Carrier)?*

**The answer is:** that approval is by the code official.

*If it is an approved method, is its acceptance to be statewide (all building departments)?*

**The answer is:** that its acceptance is not statewide, but is reserved to the code official of the Authority Having Jurisdiction.

*Can a local building department not allow it if ruled accepted?*

**The answer is:** YES, the code official has the authority to not accept a given sizing calculation program

**Question 3:** *Does HB 269 overturn the code requirements for duct sealing as stated in 101.4.6.1.1?*

**The answer is:** YES, if the duct system itself is not replaced, HB 269 overturns the code requirements for duct sealing as stated in Section 101.4.6.1.1.

To the question *Is the duct sealing certification/form still required for existing residential change outs?*

**The answer is:** YES, if the duct system itself is not replaced, HB 269 overturns the code requirements for duct sealing as stated in Section 101.4.6.1.1.

**COMMISSION ACTION:** The Commission voted unanimously, 22-0 in favor, to approve the Energy TAC's recommendation as amended on the petition.

#### **D. DS 2013-103 by James Scott of J. Scott Drafting, Inc.**

##### **Code Administration TAC's Recommendations:**

**To the question:** For the building containing structural elements exceeding the FBC-R limits or otherwise nonconforming to the code, but designed in accordance with the accepted engineering practice, does the FBC-R require the complete set of plans and specification to be certified by an Architect or Engineer as being designed to comply with the structural portion of the Building Code for wind and gravity loads?

**The answer is:** According to Section 107.1 of the 2010 FBC, Building, determination of whether a set of construction documents is required to be certified by an architect or engineer is subject to the provisions of Section 107.1 and Chapters 471 or 481 of Florida Statutes as applicable.

(Note: the petitioner should be advised to contact the State Board of Architecture and Interior Design, or the Florida Board of Professional Engineers regarding this matter.)

**COMMISSION ACTION:** The Commission voted unanimously, 22-0 in favor, to approve the Code Administration TAC's recommendation on the petition.

#### **E. DS 2013-104 by Mark Fairchild, P.E. of Milton Engineering Consultants, P.A.**

##### **Structural TAC's Recommendations:**

**Question 1.** Does the 2010 FBC-B specify that the calculation of wind loads under Section 1609.1.1 Exception 7 applies solely to luminaires located within a public right-of-way?

**Answer: Yes,** according to the technical scope of the AASHTO LTS-4 standard as referenced in the Florida Building Code, Building, the wind loads calculation of the said standard are limited in scope to luminaires that are located within highways that are open to the public.

**Question 2.** Is it the intent of the 2010 FBC-B to limit the calculation of wind loads under Section 1609.1.1 Exception 7 solely to luminaires located within a public right-of-way?

**Answer: Yes,** calculation of wind loads under Section 1609.1.1 Exception 7 is limited in scope to luminaires that are located within highways that are open to the public.

**Question 3.** If the answers to Questions 1 and 2 are both "No," are there any site-specific locations or conditions where the calculation of wind loads for luminaires would be disallowed under the provisions of the 2010 FBC-B Section 1609.1.1 Exception 7?

**Answer:** No answer is needed since the answers to questions 1 and 2 are in the affirmative.

Note: Wind loads calculation for luminaires that fall outside the technical scope of AASHTO LTS-4 (i.e. outside the public right-of-way/highway) are subject to the design criteria of ASCE 7 as applicable).

**COMMISSION ACTIONS:** The Commission voted, 17 - 5 in favor, to approve the Structural TACs' recommendation on Question #1 of the petition.

The Commission voted, 17 - 5 in favor, to approve the Structural TACs' recommendation on Question #2 of the petition.

The Commission voted, 18 - 4 in favor, to approve the Structural TACs' recommendation on Question #3 of the petition.

**ATTACHMENT 8**

**PRODUCT AND ENTITY APPROVAL REPORT**

<b>ID</b>	<b>Manufacturer</b>	<b>Category</b>	<b>Subcategory</b>	<b>TBA</b>	<b>POC</b>	<b>FBC</b>	<b>Comments</b>	
<b>Evaluation by Engineer/ Architect Method - POC Recommends Approval</b>								
984-R10	Firestone Building Products Company, LLC.	Roofing	Modified Bitumen Roof System	a	a	a	Recommend Approval	Revision
2833-R5	Firestone Metal Products, LLC.	Structural Components	Roof Deck	a	a	a	Recommend Approval	Editorial Change
2920-R8	Sealoflex, Inc.	Roofing	Waterproofing	a	a	a	Recommend Approval	Editorial Change
2948-R8	Johns Manville	Roofing	Modified Bitumen Roof System	a	a	a	Recommend Approval	Revision
3443-R8	GAF	Roofing	Single Ply Roof Systems	a	a	a	Recommend Approval	Revision
3481-R4	CENTRIA	Structural Components	Structural Wall	a	a	a	Recommend Approval	Revision
3915-R11	Soprema, Inc.	Roofing	Modified Bitumen Roof System	a	a	a	Recommend Approval	Revision
5293-R11	GAF	Roofing	Single Ply Roof Systems	a	a	a	Recommend Approval	Revision
5302-R5	Amarr Garage Doors	Exterior Doors	Sectional Exterior Door Assemblies	a	a	a	Recommend Approval	Revision
5680-R10	GAF	Roofing	Modified Bitumen Roof System	a	a	a	Recommend Approval	Revision

	America	Doors	Exterior Door Assemblies				Approval	
7249-R2	Tampa Roofing Company Inc	Roofing	Metal Roofing	a	a	a	Recommend Approval	Revision
7256	Gardner Asphalt Corp.	Roofing	Cements-Adhesives-Coatings	a	a	a	Recommend Approval	New
7395-R3	ACI Building Systems, LLC	Panel Walls	Siding	a	a	a	Recommend Approval	Revision
7396-R3	ACI Building Systems, LLC	Structural Components	Roof Deck	a	a	a	Recommend Approval	Revision
8781-R7	Wayne-Dalton, a division of Overhead Door Corporation	Shutters	Roll-up	a	a	a	Recommend Approval	Revision
9820-R3	Sun Metals Systems, Inc.	Windows	Casement	a	a	a	Recommend Approval	Revision
9834-R9	Alside Window Company	Windows	Fixed	a	a	a	Recommend Approval	Revision
9886-R9	Gentek Building Products	Windows	Fixed	a	a	a	Recommend Approval	Revision
9890-R9	Revere Building Products	Windows	Fixed	a	a	a	Recommend Approval	Revision
9909-R9	Associated Materials Inc.	Windows	Fixed	a	a	a	Recommend Approval	Revision
10272-R4	Custom Window Systems Inc.	Exterior Doors	Sliding Exterior Door Assemblies	a	a	a	Recommend Approval	Revision
10291-R7	POLYGLASS USA	Roofing	Cements-Adhesives-Coatings	a	a	a	Recommend Approval	Revision
10342-R2	Siplast / Icopal	Roofing	Modified Bitumen Roof System	a	a	a	Recommend Approval	Revision
11480-R4	Solatube International,	Sky Lights	Skylight	a	a	a	Recommend Approval	Revision

	Inc							
12772-R2	Mule-Hide Products Co., Inc.	Roofing	Single Ply Roof Systems	a	a	a	Recommend Approval	Revision
12856-R4	Town and Country Industries,	Shutters	Storm Panels	a	a	a	Recommend Approval	Revision
13510-R1	Sun Metals Systems, Inc.	Windows	Horizontal Slider	a	a	a	Recommend Approval	Revision
13629-R3	Firestone Building Products Company, LLC.	Roofing	Metal Roofing	a	a	a	Recommend Approval	Revision
13757-R4	Town and Country Industries,	Shutters	Accordion	a	a	a	Recommend Approval	Revision
13806-R5	Soprema, Inc.	Roofing	Liquid Applied Roof Systems	a	a	a	Recommend Approval	Revision
14083-R5	Carlisle SynTec Incorporated	Roofing	Single Ply Roof Systems	a	a	a	Recommend Approval	Revision
14148-R3	Hope's Windows, Inc.	Windows	Fixed	a	a	a	Recommend Approval	Revision
14150-R3	Hope's Windows, Inc.	Windows	Fixed	a	a	a	Recommend Approval	Revision
14151-R2	Hope's Windows, Inc.	Windows	Fixed	a	a	a	Recommend Approval	Revision
14152-R2	Hope's Windows, Inc.	Windows	Projected	a	a	a	Recommend Approval	Revision
14153-R2	Hope's Windows, Inc.	Windows	Casement	a	a	a	Recommend Approval	Revision
14207-R5	Versico Incorporated	Roofing	Single Ply Roof Systems	a	a	a	Recommend Approval	Revision
14215-R4	Soprema, Inc.	Roofing	Waterproofing	a	a	a	Recommend Approval	Editorial Change
14235-R3	Town and Country Industries,	Shutters	Roll-up	a	a	a	Recommend Approval	Revision



14285-R3	Andersen Corporation	Exterior Doors	Swinging Exterior Door Assemblies	a	a	a	Recommend Approval	Revision
14317-R5	Boral Roofing / MonierLifetile	Roofing	Underlayments	a	a	a	Recommend Approval	Revision
14363-R2	Hope's Windows, Inc.	Exterior Doors	Swinging Exterior Door Assemblies	a	a	a	Recommend Approval	Revision
14429-R3	Andersen Corporation	Exterior Doors	Sliding Exterior Door Assemblies	a	a	a	Recommend Approval	Revision
14473-R2	Hope's Windows, Inc.	Windows	Projected	a	a	a	Recommend Approval	Revision
14474-R3	Hope's Windows, Inc.	Windows	Casement	a	a	a	Recommend Approval	Revision
14475-R3	Hope's Windows, Inc.	Exterior Doors	Swinging Exterior Door Assemblies	a	a	a	Recommend Approval	Revision
14904-R2	Fleetwood Windows and Doors	Windows	Casement	a	a	a	Recommend Approval	Revision
14907-R3	Fleetwood Windows and Doors	Windows	Awning	a	a	a	Recommend Approval	Revision
14911-R5	Silverline Building Products Corp.	Windows	Single Hung	a	a	a	Recommend Approval	Revision
14996-R1	Silverline Building Products Corp.	Windows	Double Hung	a	a	a	Recommend Approval	Revision
15127-R1	TRULITE GLASS & ALUMINUM SOLUTIONS	Panel Walls	Storefronts	a	a	a	Recommend Approval	Revision
15217-R2	MI Windows and Doors	Windows	Single Hung	a	a	a	Recommend Approval	Revision
15230-R1	Ultratek	Shutters	Storm Panels	a	a	a	Recommend	Revision

	Worldwide						Approval	
15254-R1	Eagle Window and Door, Inc	Exterior Doors	Swinging Exterior Door Assemblies	a	a	a	Recommend Approval	Revision
15278-R1	MI Windows and Doors	Windows	Fixed	a	a	a	Recommend Approval	Revision
15288-R1	MI Windows and Doors	Windows	Horizontal Slider	a	a	a	Recommend Approval	Revision
15289-R1	MI Windows and Doors	Windows	Casement	a	a	a	Recommend Approval	Revision
15333-R1	MI Windows and Doors	Windows	Mullions	a	a	a	Recommend Approval	Revision
15752-R1	Andersen Corporation	Windows	Double Hung	a	a	a	Recommend Approval	Revision
15768-R2	Soft-Lite LLC	Windows	Fixed	a	a	a	Recommend Approval	Revision
15780-R3	Soft-Lite LLC	Windows	Double Hung	a	a	a	Recommend Approval	Revision
15781-R2	Soft-Lite LLC	Windows	Horizontal Slider	a	a	a	Recommend Approval	Revision
15936-R1	API (American Products Inc.)	Panel Walls	Storefronts	a	a	a	Recommend Approval	Revision
16216-R4	Wincore Window Company, LLC	Exterior Doors	Sliding Exterior Door Assemblies	a	a	a	Recommend Approval	Revision
16234	Tradewood Windows and Doors Inc.	Exterior Doors	Exterior Door Components	a	a	a	Recommend Approval	New
16290-R1	Derbigum Americas, Inc.	Roofing	Modified Bitumen Roof System	a	a	a	Recommend Approval	Revision
16305-R2	Atlas Roofing Corporation	Roofing	Asphalt Shingles	a	a	a	Recommend Approval	Revision
16358	Coral Industries, Inc	Exterior Doors	Swinging Exterior Door Assemblies	a	a	a	Recommend Approval	New
16440-R1	Carlisle SynTec	Roofing	Single Ply	a	a	a	Recommend	Revision

	Incorporated		Roof Systems				Approval	
16443-R1	Versico Incorporated	Roofing	Single Ply Roof Systems	a	a	a	Recommend Approval	Revision
16460-R1	JELD-WEN	Windows	Fixed	a	a	a	Recommend Approval	Revision
16471-R1	Door Innovations, inc.	Exterior Doors	Swinging Exterior Door Assemblies	a	a	a	Recommend Approval	Revision
16494	Megamet Industries, Inc.	Exterior Doors	Swinging Exterior Door Assemblies	a	a	a	Recommend Approval	New
16538	Amarr Garage Doors	Exterior Doors	Sectional Exterior Door Assemblies	a	a	a	Recommend Approval	New
16542	Wincore Window Company, LLC	Windows	Mullions	a	a	a	Recommend Approval	New
16554	YKK AP America	Exterior Doors	Swinging Exterior Door Assemblies	a	a	a	Recommend Approval	New
16559	TRULITE GLASS & ALUMINUM SOLUTIONS	Exterior Doors	Swinging Exterior Door Assemblies	a	a	a	Recommend Approval	New
16570	OGT Window Systems LLC.	Panel Walls	Curtain Walls	a	a	a	Recommend Approval	New
16593	Hope's Windows, Inc.	Exterior Doors	Sliding Exterior Door Assemblies	a	a	a	Recommend Approval	New
16599	KAPCA Ventures, LLC	Shutters	Fabric Storm Panel	a	a	a	Recommend Approval	New
16611	Metal Sales Manufacturing Corporation	Roofing	Metal Roofing	a	a	a	Recommend Approval	New
16622	Tradewood Windows and Doors Inc.	Windows	Single Hung	a	a	a	Recommend Approval	New

16624	LL Building Products, Inc sub of GAFMC	Roofing	Roofing Accessories that are an Integral Part of the Roofing System	a	a	a	Recommend Approval	New
16625	Eagle View Windows	Windows	Single Hung	a	a	a	Recommend Approval	New
16626	Eagle View Windows	Windows	Horizontal Slider	a	a	a	Recommend Approval	New
16627	Eagle View Windows	Windows	Fixed	a	a	a	Recommend Approval	New
16628	Wayne-Dalton, a division of Overhead Door Corporation	Exterior Doors	Roll-Up Exterior Door Assemblies	a	a	a	Recommend Approval	New
16629	CGI Windows and Doors	Windows	Single Hung	a	a	a	Recommend Approval	New
16630	CGI Windows and Doors	Windows	Horizontal Slider	a	a	a	Recommend Approval	New
16631	CGI Windows and Doors	Windows	Casement	a	a	a	Recommend Approval	New
16632	CGI Windows and Doors	Windows	Projected	a	a	a	Recommend Approval	New
16633	CGI Windows and Doors	Windows	Fixed	a	a	a	Recommend Approval	New
16634	Endura Products	Exterior Doors	Exterior Door Components	a	a	a	Recommend Approval	New
16637	CAOBA Doors	Exterior Doors	Swinging Exterior Door Assemblies	a	a	a	Recommend Approval	New
16638	Owens Corning	Roofing	Asphalt Shingles	a	a	a	Recommend Approval	New
16639	Drexel Metals, Inc.	Roofing	Metal Roofing	a	a	a	Recommend Approval	New
16644	IMETCO	Panel Walls	Siding	a	a	a	Recommend Approval	New

16645	The Garland Company, Inc.	Panel Walls	Siding	a	a	a	Recommend Approval	New
16646	Gulf Coast Supply & Manufacturing, LLC.	Roofing	Metal Roofing	a	a	a	Recommend Approval	New
16649	Overholt Metal Sales	Roofing	Metal Roofing	a	a	a	Recommend Approval	New
16650	Haas Door Company	Exterior Doors	Sectional Exterior Door Assemblies	a	a	a	Recommend Approval	New
16663	Clark Hall Iron Doors, Inc.	Exterior Doors	Swinging Exterior Door Assemblies	a	a	a	Recommend Approval	New
16667	L.V. Thompson, Inc. dba Thompson Architectural Metals Company (TAMCO)	Roofing	Metal Roofing	a	a	a	Recommend Approval	New
16672	Window Mart	Windows	Mullions	a	a	a	Recommend Approval	New
<b>Entities - POC Recommends Approval</b>								
QUA1963	Timber Products Inspection, Inc.	Product Quality Assurance		a	a	a	Recommend Approval	Revision
QUA2515	Window and Door Manufacturers Association-QA	Product Quality Assurance		a	a	a	Recommend Approval	Revision
QUA7309	Smith Emery Laboratories	Product Quality Assurance		a	a	a	Recommend Approval	Revision
TST1589	National Certified	Product Testing		a	a	a	Recommend Approval	Revision

	Testing Laboratories, Inc.	Laboratory						
TST1910	Architectural Testing, Inc. - Texas	Product Testing Laboratory		a	a	a	Recommend Approval	Revision
TST2469	IBA Consultants	Product Testing Laboratory		a	a	a	Recommend Approval	Revision
TST3782	American Test Lab of South Florida Inc.	Product Testing Laboratory		a	a	a	Recommend Approval	Revision
TST9341	National Certified Testing Laboratories Northwest	Product Testing Laboratory		a	a	a	Recommend Approval	Revision
TST9808	QAI Laboraotories Inc.	Product Testing Laboratory		a	a	a	Recommend Approval	Revision
TST10209	NGC Testing Service	Product Testing Laboratory		a	a	a	Recommend Approval	New
VAL7396	Architectural Testing, Inc - Certification Services	Product Validation Entity		a	a	a	Recommend Approval	Revision
VAL7690	ICC Evaluation Service, LLC.	Product Validation Entity		a	a	a	Recommend Approval	Revision
<b>Discussion Items</b>								
16468-R2	JELD-WEN	Exterior Doors	Swinging Exterior Door Assemblies	a	a	a	Application was missing hardcopy of executed validation	Revision

							<p>checklist at time of agenda posting. Evaluator's office emailed track of delivery and application was posted as a discussion item. Validation checklist was received several days after.</p> <p><u>Recommend Approval.</u></p>	
16675	JELD-WEN	Exterior Doors	Swinging Exterior Door Assemblies	a	a	a	<p>Application was missing hardcopy of executed validation checklist at time of agenda posting. Evaluator's office emailed track of delivery and application was posted as a discussion item. Validation</p>	New

							checklist was received several days after. <u>Recommend Approval.</u>	
<b>Public Comments</b>								
							The are no public comments	