



FLORIDA BUILDING COMMISSION

"STRONGER CODES THROUGH SCIENCE AND CONSENSUS"



FACILITATOR'S SUMMARY REPORT OF THE FEBRUARY 7, 2017 FLORIDA BUILDING COMMISSION MEETING JACKSONVILLE, FLORIDA

PROCESS DESIGN, CONSENSUS-BUILDING AND FACILITATION BY



CONSENSUS CENTER

REPORT BY JEFF A. BLAIR
FCRC CONSENSUS CENTER
FLORIDA STATE UNIVERSITY



jblair@fsu.edu
[http:// consensus.fsu.edu](http://consensus.fsu.edu)

*This document is available in alternate formats upon request to DBPR, Florida Building Codes and Standards,
2601 Blair Stone Road, Tallahassee, FL 32399, (850) 487-1824.*

FLORIDA BUILDING COMMISSION

FEBRUARY 7, 2017 FACILITATOR’S MEETING SUMMARY REPORT

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FEBRUARY 7, 2017 FACILITATOR'S SUMMARY REPORT



FLORIDA BUILDING COMMISSION

"STRONGER CODES THROUGH SCIENCE AND CONSENSUS"

OVERVIEW OF COMMISSION'S KEY ACTIONS AND DECISIONS

TUESDAY, FEBRUARY 7, 2017

I. PLENARY SESSION SUMMARY AND OVERVIEW

At the February 7, 2017 meeting conducted in Jacksonville 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. Specific actions included voting unanimously: to approve the Commission's Legislative teleconference meeting schedule for 2017; to approve the Commission's meeting schedule for August, October and December 2017; and, to incorporate the Commission's approved actions on comments submitted regarding the Draft *Florida Building Code, 6th Edition (2017)*; to authorize staff to make editorial and correlation changes as needed, and to implement the integration of carried forward Florida Specific amendments for the 2017 Code Update; and, to continue with rule development.

(Attachment 1—Meeting Evaluation Results)

II. CHAIRMAN'S WELCOME

Chairman Browdy welcomed the Commission, DBPR staff and the public to Jacksonville and the February 7, 2017 plenary session of the Florida Building Commission. The Chair noted that the primary focus for the February 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: conducting a rule development workshop on the *Florida Building Code, 6th Edition (2017)*.

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, February 7, 2017 meeting:

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

(24 of 27 seated Commissioners attended).

Absent Commissioners:

Kelly Smith Burk, Robert Hamberger, and Diana Worrall.

DBPR STAFF PRESENT

Thomas Campbell, Nick DuVal, Jim Hammers, April Hammonds, Chris Howell, Mo Madani, and Marlita Peters.

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, 24 - 0 in favor, to approve the agenda for the February 7, 2017 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 7, 2016 and January 17, 2017 Facilitator's Summary Reports and Meeting Minutes.
- To Consider/Decide on Chair's Discussion Issues/Recommendations.
- To Consider/Decide on Executive Director Announcements and Discussions.
- 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 Hold a Rules Workshop on Rule 61G20-1.001, F.A.C. (Florida Building Code, Adopted).
- To Consider/Decide on Technical Advisory Committees (TACs): Accessibility, Code Administration, Electrical, Energy, Fire, Mechanical, Plumbing, Roofing, Special Occupancy, and Structural TACs.
- 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—April 4, 2017 in Ocala, Florida.

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

(Attachment 4—February 7, 2017 Commission Agenda)

V. DECEMBER 13, 2016 AND JANUARY 17, 2017 FACILITATOR'S SUMMARY REPORTS AND MEETING MINUTES APPROVAL

MOTION—The Commission voted unanimously, 24 - 0 in favor, to approve the December 13, 2016 and February 17, 2017 Facilitator's Summary Reports 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. The Chair appointed Michael Guerasio to the Code Administration TAC. Michael was appointed to fill a position vacated by the retiring Bill Dumbaugh. The Chair thanked Bill for his service and Michael for agreeing to serve as a member of the TAC.

Special Occupancy TAC. The Chair appointed Jeff Wasilewski to the Special Occupancy TAC. Jeff was appointed to replace Frank Frail who rolled off of the TAC. The Chair thanked Frank for his service, and Jeff for agreeing to serve as a member of the TAC.

Accessibility Advisory Council

The Chair reported that Interim DBPR Secretary Matilde Miller appointed Susan Whitmire, from the Department of Education's Division of Vocational Rehabilitation, to the Accessibility Advisory Council.

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 Taskforce held three formal sessions to discuss the issues and developed a list of 10 recommendations for legislative consideration at their last meeting held at the FRSA Training Center in Winter Park on January 20, 2017. The Chair reported the Task Force's Legislative Recommendations as follows:

1. Expand the definition of LEA or Local Educational Agency – which is used in apprenticeship programs to include institutions other than public schools – this action would open up resources increasing the amount of available funds that would reach the trainers.
2. Create a legislative study to consider the appropriateness of moving apprenticeship programs from DOE to Department of Economic Opportunity.- this action would clarify how current apprenticeship programs are funded from the state to the Local Educational Agencies .
3. DOE should recognize NCCER curriculum or comparable curriculums as eligible for high school credits and state supported scholarships.
4. Additional CTE (Career and Technical Education) support should be directed toward K-12 Programs so that vocational education (shop” related programs are added back to the programs.
5. Extend the sunset of the Taskforce and provide \$ 100,000. Funding per year. Funding would be used to continue data collection, analysis, ongoing economic studies and implementation of recommendations.
6. Direct CareerSource Florida to set aside existing federal training dollars using the previous state-wide “Florida Rebuilds” program as an implementation model.
7. Provide funding from the DBPR Surcharge trust fund to better code compliance through recruitment and training of qualified workers.
8. Allow for alternative instructor certification process through DOE that does not require certification from a LEA.
9. Create a joint legislative audit committee to review the compliance of statute 553.80(7) regarding the use of building permit fees beyond the scope of supporting the local building departments.
10. Support the work of BOAF in the development of the following initiatives:
 - A. Alternative Internship Certification Program
 - B. Changes to Florida Statute 468 to add residential and plan examiner categories for all trades and do not restrict provisional 120 day period to newly hired or promoted staff.
 - C. Interagency service agreements for standard certified building officials across jurisdiction of populations of 50,000 or less.
 - D. Streamline BCAIB applications for certifications by providing on-line access to these processes.
 - E. Provide high school education guidance for construction related careers.
 - F. Support higher education code curriculum in engineering, architecture and construction management degrees.

G. Need for a comprehensive compensation study for building code compliance personnel.

Commission's Updated Milestones

The Chair reminded Commissioners and participants that the updated Commission Milestones document is linked to the February 7, 2017 Commission agenda on the BCIS.

VII. EXECUTIVE DIRECTOR ANNOUNCEMENTS AND DISCUSSIONS

Legislative Update

Tom Campbell, FBC Executive Director, reported on 2017 legislation of interest to the Commission as follows:

SB 7000: Requiring the commission to use the 6th edition (2017), and subsequent editions of the Florida Building Code as the foundation code for the development of updates to the code and requiring the commission to review rather than update the code every three years.

HB 559: Commissioner of Education shall grant requests from local school boards for exemptions from SREF requirements. Cost/benefit analysis must accompany the exemption request.

SB 514: Reducing permit fee surcharge from 1.5% to 1%.

SB 222 and HB 145: Creates standards for recovery care centers. The commission, with technical assistance from AHCA, is to update current special occupancy standards to include recovery care centers.

SB 306: Permitting a member of the Florida Building Commission to abstain from voting on a matter that would inure to any gain or loss of the commissioner, a principal of the commissioner, or a relative. Requiring a member to abstain from voting if the matter is brought pursuant to 120.569, 120.60 or 120.80.

HB 389: Revising provisions requiring the installation of carbon monoxide detectors in certain buildings.

SB 190: Local jurisdictions are to issue permits for low voltage electric fences like low voltage alarm systems.

HB 241: Local jurisdictions are to issue permits for low voltage electric fences like low voltage alarm systems. Changes definition of low voltage alarm system to include closed circuit TV and access controls.

Legislative Teleconference Commission Meetings

Chairman Browdy noted that each year the Commission schedules a series of teleconference meetings to receive updates and provide any needed guidance and/or recommendations to staff pertaining to proposed legislation of interest to the Commission. It will be important that Commissioners participate, and to ensure that the Commission has a quorum for each meeting. The Commission was thanked in advance for their commitment.

Following is the approved schedule for the 2017 Legislative Session Commission teleconference meetings schedule:

March 3, 2017, March 24, 2017, April 28, 2017 and a wrap up call May 12, 2017. All calls will be held at 2 p.m.

Commission Actions:

MOTION—The Commission voted unanimously, 24 – 0 in favor, to approve the Commission's Legislative teleconference meeting schedule for 2017.

Commission Meeting Dates and Location

Chairman Browdy reported to the Commission on the dates (already approved by the Commission) and locations for the April and June 2017 Commission meetings. The schedule will be posted to the BCIS and is as follows:

April 3 - 4, 2017. Hilton Hotel, Ocala, Florida.

June 12 - 13, 2017. Embassy Suites by Hilton Deerfield Beach Resort and Spa, Deerfield Beach, Florida.

Set meeting Dates for August, October and December 2017

Tom Campbell indicated that DBPR staff wanted to discuss and have the Commission approve the dates for the August, October and December 2017 Commission meetings. DBPR staff suggested the Commission pick a specific date for the weeks of:

August 7, 2017

October 9, 2017

December 11, 2017

The Commission expressed support for continuing to conduct plenary sessions on Tuesdays, and agreed to the specific meeting dates of August 8, October 10, and December 12, 2017.

Commission Actions:

MOTION—The Commission voted unanimously, 24 – 0 in favor, to approve the meeting schedule for the August – December 2017 meetings as follows: August 8, October 10, and December 12, 2017.

VIII. 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. 2700 Biscayne Blvd #165 - 2700 Biscayne Boulevard Miami 33137

MOTION—The Commission voted unanimously, 24 – 0 in favor, to grant the waiver based on economic hardship.

2. 1200 Ocean Drive Change of Use #210 - 1200 Ocean Drive Miami Beach 33139

MOTION—The Commission voted unanimously, 24 – 0 in favor, to defer action on the application to allow applicant to meet with the City for additional information.

3. Universal Orlando's Volcano Bay #209 - 6815 Turkey Lake Rd Orlando 32819

The application was withdrawn by the applicant.

MOTION—The Commission voted unanimously, 24 - 0 in favor, to allow the withdrawal.

4. Areda Construction Office Remodeling #181 - 5735-5737 NW 151 St. Miami Lakes 33014

MOTION—The Commission voted unanimously, 24 - 0 in favor, to defer action on the application to allow the applicant to obtain current cost estimates.

5. Vapiano Doral #217 - 3450 NW 83 Ave Suite 216 Doral 33122

MOTION—The Commission voted unanimously, 24 - 0 in favor, to deny the waiver request (based on the fact that the project is new construction).

6. 241 MIAMI LLC #175 - 241 77th Street Miami Beach 33139

MOTION—The Commission voted unanimously, 24 - 0 in favor, to defer action on the application to allow the applicant to obtain a full cost analysis.

7. 184 NE 50 Terrace Restaurant #202 - 184 N. E. 50th Terrace Miami 33137

MOTION—The Commission voted unanimously, 24 - 0 in favor, to grant the waiver based on economic hardship.

8. Kellie Alpert #219 - 506 Southard St. Key West 33040

MOTION—The Commission voted unanimously, 24 - 0 in favor, to defer action on the application to allow the applicant to obtain historical documentation.

9. & 10. The Galleria At Downtown Fort Pierce LLC 108 S. 2nd Street Retail Space 201 Fort Pierce 34950 [#9]; and The Galleria At Downtown Fort Pierce LLC #201 - 108 S. 2nd Street Retail Space 201 Fort Pierce 34950 [#10]

MOTION—The Commission voted, 7 - 17* in favor, to defer action on the application and refer it back to the Accessibility Waiver Council, to allow the applicant to provide the Council with a letter from the building official, full design documentation and costs estimates.

**The Motion failed.*

MOTION—The Commission voted unanimously, 24 - 0 in favor, to table action on the application until later in the meeting when the documentation requested by the Council could be provided to Commissioners for review.

MOTION—The Commission voted unanimously, 24 - 0 in favor, to remove the application from the table for consideration.

MOTION—The Commission voted, 18 - 6* in favor, to grant the waiver based on economic hardship.

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

MOTION—The Commission voted unanimously, 24 - 0 in favor, to defer action on the application to allow the applicant to provide all costs with line items listed.

IX. 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 (17) as posted/presented.

MOTION—The Commission voted unanimously, 19 - 0 in favor, to approve the consent agenda of products (105) recommended for approval to the 2014 Code as posted/presented.

Commission Actions Regarding Product Approval Applications With Comments:

MOTION—The Commission voted unanimously, 20 – 0 in favor, to conditionally approve product FL 20766 R-2 based on the conditions requested by the applicant and recommended by DBPR staff.

Commission Actions Regarding DBPR Applications:

There was no Commission action required regarding the February 2017 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)

X. 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, 21 – 0 in favor, to approve advanced accredited courses numbers: 821.0 and 817.0.

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

XI. LEGAL REPORT

April Hammonds reported there were no new legal issues, and that the pending declaratory statement appeal will likely be dismissed as moot.

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 2016-092 by Mark C. Israel of Universal Engineering Sciences, Inc.

The Petitioner withdrew the petition.

2. DS 2016-098 by Abdolhamid Hemali of IBN Seena Academy, Inc.

Motion—The Commission voted unanimously, 24 - 0 in favor, to approve the Accessibility TAC’s recommendation on the Petition (to approve staff’s analysis for Q1 and Q2).

3. DS 2016-100 by Vince Veccharella of WCI Communities, Inc.

Motion—The Commission voted, 6 – 17* in favor, to approve to approve staff’s analysis and recommendation for Q1 – Q6 as presented/posted.

**The motion failed to achieve the required 51% approval threshold.*

Motion—The Commission voted, 19 – 4* in favor, to approve the Mechanical TAC’s recommendation on the Petition (to approve the petitioner’s recommended answer for Q1 – Q6 as presented/posted). The motion passed.

**Commissioner Calleja abstained from voting on the Petition.*

XII. RULE DEVELOPMENT WORKSHOP RULE 61G20-1.001, F.A.C., FLORIDA BUILDING CODE

The Chair indicated that the rule development workshop regarding Rule 61G20-1.001, Florida Building Code, was for the purpose of conducting a rule development workshop regarding the Commission’s adopted package of approved Code modifications for the *Florida Building Code, 6th Edition (2017)*. The Commission received public comments regarding the Draft Code, and the comments were evaluated and recommendations made by the respective TACs during meetings conducted in January and February of 2017. The TACs’ recommendations were subsequently posted to the BCIS, and were also reviewed during the Commission’s consideration of each proposed modification.

The Chair noted that the Workshop provided an additional opportunity for public comment before the Commission continues with rulemaking on the Florida Building Code. The Chair stated that once the rule development workshop was opened and public comment concluded, the Commission would vote to incorporate any of the changes they approve regarding proposed amendments into the Draft Code and to continue with rule development.

Jeff Blair provided the Commission and public with an overview of the process used during the Rule Development Workshop, noting that Chairman Browdy in consultation with DBPR staff decided not to implement the 3-minute time-limit for the respective legal representatives for the proponent and opponent on the proposed modification regarding the use of wood construction in public schools (# SP 6623). The proponent’s and opponent’s representative each had 15 minutes for their initial presentations and 5 minutes each for their respective rebuttals. The balance of public commenters were provided with 3 minutes per person as per the Commission’s adopted procedures for the 2017 Code Update process. Jeff noted that the Commission would be as flexible as possible based on the complexity of issues and the overall time constraints for completing the Commission’s agenda for the meeting. Jeff introduced the comments for each of the respective TACs’ recommendations by technical advisory committee topical issue areas in turn, and Mo Madani provided technical analysis for each. The public was then provided with an opportunity to comment in favor of or against the proposed amendment, followed by one collective rebuttal opportunity for and against the proposed amendment. Subsequently, the Commission discussed and took action on each proposed amendment.

Following are the Commission’s actions regarding comments received and reviewed by the respective technical advisory committees:

Comments received by the Electrical TAC:

Comment #1: **Motion**—The Commission voted, 8 – 16* in favor, for approval of the comment.

**The motion failed to achieve the 75% or greater in support threshold required for approval.*

Comments received by the Energy TAC:

Comment #1: **Motion**—The Commission voted unanimously, 22 - 0 in favor, to approve the comment as revised by the Energy TAC.

Comments received by the Fire TAC:

Comment #1: *Motion*—The Commission voted unanimously, 23 - 0 in favor, to approve the comment.
Comment #1: *Motion*—The Commission voted unanimously, 24 - 0 in favor, to approve the comment.
Comment #2: *Motion*—The Commission voted unanimously, 23 - 0 in favor, to approve the comment.
Comment #3: *Motion*—The Commission voted unanimously, 23 - 0 in favor, to approve the comment.
Comment #4: *Motion*—The Commission voted unanimously, 24 - 0 in favor, to approve the comment.
Comment #5: *Motion*—The Commission voted unanimously, 23 - 0 in favor, to approve the comment.

Comments received by the Mechanical TAC:

Comment #1: *Motion*—The Commission voted unanimously, 23 - 0 in favor, to approve the comment.

Comments received by the Plumbing TAC:

Comment #1: *Motion*—The Commission voted, 18 - 6 in favor, to approve the comment as revised by the Plumbing TAC.

Comments received by the Structural TAC:

Comment #1: *Motion*—The Commission voted unanimously, 23 - 0 in favor, to approve the comment.
Comment #2: *Motion*—The Commission voted unanimously, 23 - 0 in favor, to approve the comment.
Comment #3: *Motion*—The Commission voted unanimously, 22 - 0 in favor, to approve the comment.
Comment #4: *Motion*—The Commission voted, 0 – 24* in favor, for approval of the comment.

**The motion failed to achieve the 75% or greater in support threshold required for approval.*

Comments received by the Structural TAC and the Roofing TAC:

Comment #5: *Motion*—The Commission voted, 5 – 19* in favor, for approval of the comment.

**The motion failed to achieve the 75% or greater in support threshold required for approval.*

Comment #6: *Motion*—The Commission voted, 14 – 10* in favor, for approval of the comment.

**The motion failed to achieve the 75% or greater in support threshold required for approval.*

Comments received by the Special Occupancy TAC:

Comment #1: *Motion*—The Commission voted unanimously, 24 - 0 in favor, to approve the comment.

Comment #2: *Motion*—The Commission voted unanimously, 24 - 0 in favor, to approve the comment.

Comment #3: *Motion*—The Commission voted unanimously, 23 - 0 in favor, to approve the comment.

Comment #4: *Motion*—The Commission voted, 11 – 13* in favor, for approval of the comment.

**The motion failed to achieve the 75% or greater in support threshold required for approval.*

Members of the public were subsequently invited to comment on any of the Commission's approved code modifications incorporated into the draft *Florida Building Code, 6th Edition (2017)*. There were no additional public comments offered and the Rule Development Workshop closed.

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

Commission Actions:

MOTION—The Commission voted unanimously, 24 – 0 in favor, to incorporate the Commission's approved actions on comments submitted regarding the Draft *Florida Building Code, 6th Edition (2017)*; to authorize staff to make editorial and correlation changes as needed, and to implement the integration of carried forward Florida Specific amendments for the 2017 Code Update; and, to continue with rule development.

XIII. 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 February 7, 2017 Agenda):
http://www.floridabuilding.org/fbc/commission/FBC_0117/index.htm.

Accessibility TAC

Commissioner Gross presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 23 – 0 in favor, to accept the TAC's report as presented/posted (January 27, 2017).

(See Agenda for Linked Committee Report)

Code Administration TAC

Commissioner Carlson presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 23 – 0 in favor, to accept the TAC's report as presented/posted (January 24, 2017).

(See Agenda for Linked Committee Report)

Education POC

Commissioner Dean presented the POC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 23 – 0 in favor, to accept the POC's report as presented/posted (January 26, 2017).

(See Agenda for Linked Committee Report)

Electrical TAC

Commissioner Flanagan presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 23 – 0 in favor, to accept the TAC's report as presented/posted (January 24, 2017).

(See Agenda for Linked Committee Report)

Energy TAC

Commissioner Smith presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 23 – 0 in favor, to accept the TAC's report as presented/posted (January 25, 2017).

(See Agenda for Linked Committee Report)

Fire TAC

Commissioner Bahadori presented the TAC's reports and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 23 – 0 in favor, to accept the TAC's report as presented/posted (January 25, 2017).

(See Agenda for Linked Committee Report)

Mechanical TAC

Commissioner Bassett presented the TAC's reports and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 23 – 0 in favor, to accept the TAC's report as presented/posted (January 27, 2017).

(See Agenda for Linked Committee Report)

Plumbing TAC

Commissioner Schilling presented the TAC's reports and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 23 – 0 in favor, to accept the TAC's report as presented/posted (January 24, 2017).

(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, 23 – 0 in favor, to accept the POC's report as presented/posted (January 17, 2017).

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

Product Approval POC concurrently with the Florida Building Commission

Commissioner Stone presented the Committee's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 23 – 0 in favor, to accept the POC's report as presented/posted (January 17, 2017).

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

Roofing TAC concurrently with Structural TAC

Commissioner Swope presented the TAC's reports and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 23 – 0 in favor, to accept the TAC's report as presented/posted (February 6, 2017).

(See 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 (January 23, 2017).

(See Agenda for Linked Committee Report)

Structural TAC concurrently with Roofing TAC

Commissioner Schock presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 23 – 0 in favor, to accept the TAC's report as presented/posted (February 6, 2017).

(See Agenda for Linked Committee Report)

OTHER COMMISSION ACTIONS

There were no additional Commission actions taken during the February 7, 2017 meeting.

XIV. 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:

- Larry Dickee, AIA: expressed support for BOAF's position paper regarding SB 7000.
- Andrew Lowenstein, FSEA: expressed support for BOAF's position paper regarding SB 7000.
- Doug Buck, FHBA: noted that the premise behind SB 7000 is to make the Florida Building Code the foundation code and not the IBC. The goal of the proposed legislation is to empower the Florida Building Commission, and not an outside entity.
- Steve Bassett: the goal of SB 7000 could be accomplished by adopting the South Florida Building Code as the foundation code for the FBC.

XV. COMMISSION MEMBER COMMENTS 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:

- Jim Schock: handed out a document and provided an overview of concerns with SB 7000 from a FEMA funding and ISO ratings perspective.
- Steve Bassett: expressed thanks to DBPR staff for the meeting location, and noted that the building vibrated.
- Oscar Calleja: indicated that some people may like the building's vibrations.
- Dick Browdy: appreciated the public and Commission for their commitment and service to the State of Florida.

XVI. NEXT COMMISSION MEETING OVERVIEW AND ISSUES

The April 3 - 4, 2017 meeting in Ocala will focus on the Commission's regular procedural and substantive issues, and conducting a second rule development workshop on the *Florida Building Code, 6th Edition (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 2:34 P.M. on Tuesday, February 17, 2017.

ATTACHMENT 1
FLORIDA BUILDING COMMISSION MEETING EVALUATION RESULTS

FEBRUARY 7, 2017—JACKSONVILLE, FLORIDA

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

Number of Respondents: 20 of 24 (83%) Commissioners present completed meeting evaluations.

1. OVERALL MEETING ASSESSMENT.

- 9.9 The background information was very useful.
- 9.9 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 Executive Director Announcements and Discussions.
- 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 Declaratory Statements, and Legal Issues.
- 9.9 Rule Development Workshop: Rule 61G20-1.001, F.A.C. (Florida Building Code, Adopted).
- 9.9 TAC, POC, Committee, and 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.
- 9.9 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.
- 9.8 I was very satisfied with the services provided by the Facilitator.
- 9.9 I am satisfied with the outcome of the meeting.

5. HOW WELL THE NEXT STEPS WERE COMMUNICATED.

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

6. WHAT MEMBERS LIKED BEST ABOUT THE MEETING.

- The time that was spent on the topics.
- Everything.

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

- Coffee.
- Coffee in the room.

8. OTHER GENERAL COMMENTS.

- Jeff Blair is doing a great job.
- Great job of moderator (facilitator) keeping meeting on track and keeping the difficult issues to the time limits and discussions.

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 64 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
FEBRUARY 7, 2017 MEETING AGENDA**

**FLORIDA BUILDING COMMISSION
PLENARY SESSION
FEBRUARY 7, 2017
HYATT REGENCY JACKSONVILLE RIVERFRONT
225 EAST COASTLINE DRIVE
JACKSONVILLE, FLORIDA**

MEETING OBJECTIVES

To Approve Regular Procedural Topics (Agenda and Minutes).

-
- To Consider/Decide on Chair's Discussion Issues/Recommendations.
- To Consider/Decide on Executive Director Announcements and Discussions.
- 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 Petitions for Declaratory Statement.
- To Hold a Rules Workshop on Rules.
- 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

January 17, 2017	10:00 a.m.	FBC concurrent with Product Approval Program Oversight Committee
January 23, 2017	10:00 a.m.	Special Occupancy Technical Advisory Committee
January 24, 2017	10:00 a.m.	Electrical Technical Advisory Committee
January 24, 2017	1:00 p.m.	Code Administration Technical Advisory Committee
January 24, 2017	3:00 p.m.	Plumbing Technical Advisory Committee
January 25, 2017	10:00 a.m.	Energy Technical Advisory Committee
January 25, 2017	1:00 p.m.	Fire Technical Advisory Committee
January 26, 2017	9:00 a.m.	Education Program Oversight Committee
January 26, 2017	10:00 a.m.	Product Approval Program Oversight Committee
January 26, 2017	2:00 p.m.	Accessibility Council
January 27, 2017	10:00 a.m.	Mechanical Technical Advisory Committee
January 27, 2017	1:00 p.m.	Accessibility Technical Advisory Committee
February 6, 2017	1:0 p.m.	Structural Technical Advisory Committee concurrently with Roofing Technical Advisory Committee ***

****Onsite in conjunction with the Commission Meeting in Jacksonville, Florida*

<i>All Agenda Times—including Adjournment—are Approximate and Subject to Change</i>		
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 <u>Minutes and Facilitator’s Summary Reports: December 7, 2016 and January 17, 2017</u>
	4.)	Chair’s Discussion Issues: Workforce Taskforce Report TAC and POC appointments
	5.)	Executive Director announcements and discussions: Legislative Update (report): Bill Matrix , HB 559 , SB 514 , SB7000 Proposed legislative calls: March 3, 2017, March 24, 2017, April 28, 2017 and a wrap up call May 12, 2017. All calls to be held at 2 p.m. Meeting locations and dates: April 4, 2017, Hilton Hotel, Ocala, Florida June 13, 2017. Embassy Suites by Hilton Deerfield Beach Resort and Spa, Deerfield Beach, Florida Set meeting Dates for August, October and December 2017
	6.)	Accessibility Waiver Applications (<u>Accessibility Advisory Council Report</u>)
		<ol style="list-style-type: none"> 1. 2700 Biscayne Blvd #165 - 2700 Biscayne Boulevard Miami 33137 2. 1200 Ocean Drive Change of Use #210 - 1200 Ocean Drive Miami Beach 33139 3. Universal Orlando's Volcano Bay #209 - 6815 Turkey Lake Rd Orlando 32819 4. Areda Construction Office Remodeling #181 - 5735-5737 NW 151th Street Miami Lakes 33014 5. Vapiano Doral #217 - 3450 NW 83 Ave Suite 216 Doral 33122 6. 241 MIAMI LLC #175 - 241 77th Street Miami Beach 33139 7. 184 NE 50 Terrace Restaurant #202 - 184 N. E. 50th Terrace Miami 33137 8. Kellie Alpert #219 - 506 Southard St. Key West 33040 9. The Galleria At Downtown Fort Pierce LLC #221 - 100 S. 2nd Street Retail Space 201 Fort Pierce 34950 10. The Galleria At Downtown Fort Pierce LLC #222 - 100 S. 2nd Street Retail Space 201 Fort Pierce 34950 11. A&S Courier International, LLC #196 - 7620 NW 25th Street, Suite-2 Miami 33122
	7.)	Applications for <u>Product and Entity Approval</u>
	8.)	Applications for Accreditor and Course Approval
	9.)	Petitions for Declaratory Statement \ <u>Legal Report</u>

		<ol style="list-style-type: none"> 1. DS 2016-092 by Mark C. Israel of Universal Engineering Sciences, Inc. 2. DS 2016-098 by Abdolhamid Hemali of IBN Seena Academy, Inc. 3. DS 2016-100 by Vince Veccharella of WCI Communities, Inc.
	10.)	<p>Rule Development Workshop: Rule 61G20-1.001, F.A.C. (6th Edition (2017) Update to the Florida Building Code)</p> <p>Comments reviewed by the Electrical Technical Advisory Committee: Comment(s): Attachment 1</p> <p>Comments reviewed by the Energy Technical Advisory Committee: Comment(s):</p> <p>Comments reviewed by the Fire Technical Advisory Committee: Comment(s):</p> <p>Comments reviewed by the Mechanical Technical Advisory Committee: Comment(s):</p> <p>Comments reviewed by the Plumbing Technical Advisory Committee: Comment(s):</p> <p>Structural Technical Advisory Committee: Comment(s): Attachment 1</p> <p>Comments reviewed by the Structural/Roofing Technical Advisory Committees: Comment(s):</p> <p>Comments reviewed by the Special Occupancy Technical Advisory Committee: Comment(s): Attachment 1 Attachment 2</p> <p>Additional Comments:</p>
	11.)	<p>Committee Reports:</p>
		<ol style="list-style-type: none"> a.) Accessibility Technical Advisory Committee b.) Code Administration Technical Advisory Committee c.) Education Program Oversight Committee d.) Electrical Technical Advisory Committee e.) Energy Technical Advisory Committee f.) Fire Technical Advisory Committee g.) Mechanical Technical Advisory Committee h.) Plumbing Technical Advisory Committee i.) Product Approval Program Oversight Committee j.) Product Approval Program Oversight Committee concurrently with the Florida Building Commission k.) Roofing Technical Advisory Committee concurrently with Structural Technical Advisory Committee l.) Special Occupancy Technical Advisory Committee m.) Structural Technical Advisory Committee concurrently with Roofing Technical Advisory Committee
	12.)	Public Comment
	13.)	Commissioner Comment
	14.)	<i>Adjourn</i>

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

(UPDATED FEBRUARY 7, 2017)

COMMISSION APPROVED 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	Jacksonville (Hyatt Regency Jacksonville Riverfront)
April 3 - 4, 2017	Ocala (Ocala Hilton)
June 12 - 13, 2017	Deerfield Beach (Embassy Suites by Hilton Resort and Spa)

FY 2017-2018	LOCATION
August 8, 2017	TBD
October 10, 2017	TBD
December 12, 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. 6TH 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 comment period and adopt recommendations TACs meetings - 4-day on-site meetings in conjunction with the April 2016 Commission meeting	4/1-15/2016
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. <i>TACs meetings – 4-day meetings [2-day on-site (Gainesville) and 2 – day via conference/webinar]</i>	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	9/19/2016
Rule Development Workshop	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
Glitch Correction Phase: after effective date, if needed	
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

<i>Final Rule Hearing</i> 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