

FLORIDA BUILDING COMMISSION
Hilton University of Florida Conference Center
1714 SW 34th Street
Gainesville, Florida 32607
Plenary Session
June 8, 2016
8:30 AM

COMMISSIONERS PRESENT:

Dick Browdy, Chairman
Hamid Bahadori
Kelley Burk
Bob Boyer
Donald Brown
Oscar Calleja
Jay Carlson
David Compton
Nan Dean
Kevin Flanagan

Charles Frank
Shane Gerwig
David Gilson
Richard Goff
Jeff Gross
Robert Hamberger
Bradley W. Schiffer
Frederick Schilling
Jeff Stone
Brian Swope

COMMISSIONERS NOT PRESENT:

Steve Bassett
Brian Langille
James Schock

James Batts
Darrell Phillips
Drew Smith

OTHERS PRESENT:

Jim Richmond
April Hammonds
Jim Hammers

Mo Madani
Chris Burgwald
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/>

Welcome:

Time: 8:30 am

Chairman Browdy welcomed Commissioners, staff, and members of the public to Gainesville and the June 8, 2016 plenary session of the Florida Building Commission. He stated that 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 our various committees and workgroups, the primary focus of the June meeting for the purpose of receiving updates regarding the progress of the TACs' review of code modifications for the 2017 Code Update Process, and to approve the Summary of Issues for inclusion in the Commission's Fiscal Year 2015 - 2016 Annual Report.

Chairman Browdy stated that members of the public are requested to sign the attendance sheet on the speaker's table in the center of the room. In addition, we have a sign-up sheet for general public comment. He advised as always, we will provide an opportunity for public comment on each of the Commission's substantive discussion topics (actions that are not procedural or ministerial in content). Chairman Browdy stated that if they want to comment on a specific substantive Commission agenda item, please come to the speaker's table when the issue is up for consideration so we know you want to speak. He said that public input is welcome, but should be offered before there is a formal motion on the floor. Chairman Browdy asked that all please remember to keep all electronic devices turned off or in a silent mode and thanked them for their cooperation.

Chairman Browdy stated that there are also buff colored "*Public Comment Forms*" on the speakers' table that can be used to provide written comments. He said all written comments will be included in the Facilitator's Summary Report and asked that they please give their completed "*Public Comment Forms*" to Jeff Blair.

Chairman Browdy advised 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 and stated if your board participates you may sign-in on the kiosk laptop provided in the meeting room.

Roll Call:

Chairman Browdy asked that Jeff Blair performed roll call, a quorum was met with twenty members present.

Agenda Review and Approval:

Chairman Browdy requested that Jeff Blair cover the agenda items for the meeting today.

Jeff Blair welcomed participants to the June Plenary Session and introduced the agenda.

A motion was entered by Commissioner Schilling to approve the agenda as presented. The motion was seconded by Commissioner Schiffer. The motion passed unanimously 20-0 in favor.

Approval of the April 12, 2016 Facilitator's Summary Report and Meeting Minutes and May 16, 2016 teleconference meeting minutes:

Chairman Browdy requested a motion for the April 12, 2016 Facilitator's Summary Report and Meeting Minutes and May 16, 2016 teleconference meeting minutes.

Commissioner Schilling entered a motion to approve the April 12, 2016 Facilitator's Summary Report and Meeting Minutes and May 16, 2016 teleconference meeting minutes as presented with no amendments offered. The motion was seconded by Commissioner Schiffer. The motion passed unanimously with a vote of 20-0 in favor.

Chairman's Discussion Issues and Recommendations:

Chairman Browdy said that he was pleased to announce the appointment of Kelley Smith Burk to the Commission to represent the Florida Department of Agriculture's Energy Office. He stated that Ms. Burk is in Tallahassee and is the Director of the Office of Energy. Chairman Browdy said that Ms. Burk is filling the vacancy directed by the Legislature during the 2014 session and is appointed for a term beginning May 5, 2016 and ending October 31, 2018, Chairman Browdy welcomed Ms. Burk to the Florida Commission.

Chairman Browdy stated that he was sorry to report the resignation of Beth Meyer for family reasons and that the Commission will miss her. He thanked Beth for her services and advised she will be formally at the August meeting.

TAC Appointments:

Chairman Browdy stated he was appointing Kelley Smith Burk to the Energy TAC to replace Ron Bailey who will effectively resign July 1 of this year. This appointment will become effective on July 1, 2016. Thanks to Kelley for agreeing to serve, and thanks to Ron for his service over the years.

Consideration of Accessibility Waiver Applications:

Chairman Browdy stated the Commission will now consider this month's requests for accessibility waivers. He advised April Hammonds will serve as legal counsel and present the Accessibility Advisory Council's recommendations. Chairman Browdy then asked Ms. Hammonds to present the waivers.

The Magell Inn #148 - 1410 Magellan Drive Sarasota, 34243 – Council recommended Deferral for additional information including a written cost estimate.

Commissioner Flanagan entered a motion to accept the recommendation of deferral. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 20-0.

Kaioen Coffee #150 - 254 North Division Street Oviedo, 32765 – Council recommended Denial for lack of actual compliance estimate; doesn't meet economic hardship threshold

Commissioner Schiffer entered a motion to accept the recommendation of denial. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 20-0.

Vystar ATM - 767 S. Nova Road - Tomoka Plaza #156 - 767 S. Nova Road Ormond Beach, 32174 – Council recommended Denial. This is Outside scope of jurisdiction, concerns ADA requirements.

Commissioner Schilling entered a motion to accept the recommendation of denial. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 20-0.

City of Miami Police Department Marine Patrol #158 - 1001 MacArthur Causeway Miami, 33132 (Withdrawn)

No Action needed

Consideration of Accessibility Waiver Applications (cont.):

McHardy Renovation #134 - 432 MLK Blvd Stuart, 34994 – Council recommended Deferral for further information i.e., project cost and compliance elevator cost estimates.

Commissioner Schilling entered a motion to accept the recommendation of deferral. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 20-0.

The Marlin Hotel #126 - 1200 Collins Avenue Miami Beach, 33139 – Council recommended granting, based on historical nature of the building and economic hardship.

Commissioner Schiffer entered a motion to accept the recommendation of granting the waiver based on historical nature of the building and economic hardship. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 20-0.

Young Life Southwind Dorm #130 - 18115 SE 95th Street Ocklawaha, 32179 – Council recommended denial due to insufficient information provided, i.e., why waiver is required & status as religious organization.

Commissioner Schiffer entered a motion to accept the recommendation of denial due to insufficient information provided, i.e., why waiver is required & status as religious organization. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 20-0.

Product and Entity Approval:

Chairman Browdy advised Commissioner Stone will present the POC's recommendations for entity approvals and the consent agenda for products recommended for approval, and Jeff Blair will present the POC's recommendations for product approvals with discussion and/or comments.

Commissioner Stone entered a motion to approve the consent agenda for the 25 product approval entities as posted. Commissioner Compton seconded the motion. The motion passed with a vote of 20 to 0.

Commissioner Stone advised that product 16543-R2 was withdraw by applicant as it was not ready for approval.

Commissioner Stone entered a motion to approve the modified consent agenda for the 130 products as posted with three pulled for individual consideration. Commissioner Compton seconded the motion. The motion passed with a vote of 20 to 0.

Applications for Accreditor and Course Approval:

Chairman Browdy advised that The Education POC did not have a quorum and as a result there will not be recommendations from the POC. Nan Dean will now present the Education Program Administrators recommendations regarding applications for accreditor and course approval.

Commissioner Dean presented course 792.0 for approval as recommended by the Administrator. Commission Flanagan seconded the motion. The motion passed 20-0.

Commissioner Dean presented course 791.0 for approval as recommended by the Administrator. Commission Flanagan seconded the motion. The motion passed 20-0.

Commissioner Dean presented the administratively approved self-affirmed course 525.1 for approval as recommended by the Administrator. Commission Flanagan seconded the motion. The motion passed 20-0.

Legal Update:

Chairman Browdy stated that prior to the declaratory statements; April Hammonds, Esq. will be providing information any legal matter to report.

Ms. Hammonds advised that the Commission had previously denied a petition for a declaratory statement filed by Julian Croteau was appealed and the Appellant Court has dismissed that appeal summarily.

Petitions for Declaratory Statement: [Legal Report](#)

[DS 2016 - 033 by Alfonso Fernandez-Fraga, P.E. of Initial Engineering, P.A.](#)

Ms. Hammonds read the petition from Alfonso Fernandez-Fraga, P.E. of Initial Engineering, P.A. with response.

Ms. Hammonds stated that the Energy TAC voted unanimously to recommend the Commission approve the TAC's recommendation on the Petition to approve staff's analysis Option 2 as presented/posted.

Commissioner Calleja entered a motion to accept the staff and Energy TAC recommendation. Commissioner Schiffer seconded the motion. The motion passed unanimously 20-0.

Petitions for Declaratory Statement (cont.):

[DS 2016-032 by David Gilson, Building Development Inspector IV, of City of Tarpon Springs Florida](#)

Ms. Hammonds read the petition from David Gilson, Building Development Inspector IV, of City of Tarpon Springs Florida with response.

Ms. Hammonds stated that the Plumbing TAC voted unanimously to recommend the Commission approve the TAC's recommendation on the Petition to approve staff's analysis for Q1 Option 2 as amended; and for Q2 Option 2 as presented/posted.

Commissioner Schiffer entered a motion to accept the staff and Plumbing TAC recommendation. Commissioner Schilling seconded the motion. The motion passed unanimously 19-0 with Commissioner Gilson abstaining.

Rule Development Workshop:

Chairman Browdy provided information on the Rules for discussion, action to be completed and the opportunity for the public to comment.

Chairman Browdy advised he will open and close the workshop and Mr. Blair will facilitate the discussions and serve as moderator for the public comment portion of the workshop. He then opened the workshop on Rule 61G20-1.001, Florida Building Code.

Chairman Browdy advised that relevant TACs have provided recommendations on the statutorily required Code changes and the files are linked to the Rule Development agenda item. He stated that staff will provide an overview of the materials as needed.

Chairman Browdy spoke to the public in attendance and advised of the process to speak on the Rules before the Commission.

Mr. Madani provided background and advised that TACs met on June -1, 2 and 7/2016.

Mr. Madani provided the information and updates on **Section 10 and 11** staff recommendations and the additional language provided from the Pool TAC action.

Rule Development Workshop (cont) :

Public Comment:

Jennifer Hatfield, Florida Swimming Pool Association supported TAC and staff recommendation and asked the Commission support.

Mr. Schiffer entered a motion to approve the Pool TACs recommendation with the comments from Ms. Hatfield. Mr. Schilling seconded the motion. The motion passed unanimously with a vote of 19-0.

Mr. Madani provided the information and updates on Section 14 with staff recommendations and additional language provided from the Pool TAC action provided by Brad Schiffer.

Public Comment:

Jennifer Hatfield, Florida Swimming Pool Association supported TAC and staff recommendation and asked the Commission support.

Commissioner Schiffer entered a motion to approve the TACs recommendation with the comments from Mr. Schiffer. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 20-0

Mr. Madani provided the information and updates on Section 17(15) with staff recommendations and Mechanical TAC recommendations that approved the staff proposal.

Commissioner Schiffer entered a motion to approve the Mechanical TACs recommendation to approved staff proposal. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 20-0.

Discussion followed on adding language. Clarification was provided by Mr. Richmond. Chairman Browdy provided information on the need for declaratory statements if there needed to be further clarification.

Mr. Madani provided the information and updates on **Section 17(19)** with staff recommendations and additional language provided from the Special Occupancy with comment added by Mr. Robert Fine.

Rule Development Workshop (cont) :

Public Comments:

Mr. Fine stated he provided comments and is support of the TACs recommendation.

Mr. Belcher stated he is also in support of the recommendation.

Commissioner Schiffer entered a motion to approve the staff and Special Occupancy TAC recommendations with addition of Mr. Fine's statement. Commissioner Gross seconded the motion. The motion passed with a vote of 18 in favor and 2 opposed.

There was some additional discussion among the Commission after the vote.

Mr. Madani provided the information and updates on **Section 19** with staff recommendations approved by the Code Administration TAC.

Commissioner Schiffer entered a motion to approve the staff recommendation and approved by the Code Administration TAC. Commissioner Flanagan seconded the motion passed unanimously with a vote of 20- to 0.

Mr. Madani provided the information and updates on **Section 23(3c)** with staff recommendations. He stated the Code Administration TAC voted unanimously to accept staff recommendation.

Commissioner Schiffer entered a motion to approve the staff recommendation as approved by the Code Administration TAC. Commissioner Schilling seconded the motion passed unanimously with a vote of 20- to 0.

Mr. Madani provided the information and updates on **Section 23(4)** with staff recommendations. He stated the Mechanical TAC accepted staff proposal with exception added to 1620.6 and not delete but add to exception stating legislative language. Mr. Madani advised the Special Occupancy TAC voted unanimously to accept staff recommendation with the Structural TAC voted unanimously to accept staff proposal with exception added to 1620.6 and not delete but add to exception stating legislative language. He asked the Commission to support the staff recommendation with the addition from the Mechanical and Structural TACs.

Commissioner Compton entered a motion to approve the proposal as set by the Mechanical and Structural TACs. Commissioner Calleja seconded the motion. The motion passed unanimously with a vote of 19-0.

Rule Development Workshop (cont) :

Mr. Madani provided the information and updates on **Section 24** with staff recommendations. He stated the Fire TAC voted unanimously to approve staff recommendations.

Commissioner Schiffer entered a motion to accept the Fire TAC recommendation of staff proposal. Commissioner Frank seconded the motion. The motion passed unanimously with a vote of 20-0.

Mr. Madani provided the information and updates on **Section 25** with staff recommendations. He stated the Energy TAC and Mechanical TAC voted to accept staff recommendation.

Commissioner Calleja entered motion to accept the recommendation of the staff, Energy TAC and the Mechanical TAC. Commissioner Flanagan seconded the motion. The motion passed unanimously with a vote of 20-0.

Mr. Madani provided the information and updates on **Section 26** with staff recommendations. He stated the Energy TAC accepted staff recommendation with comment submitted by Arlene Stewart change to 402.4.1.2 by striking "Where required by the code official".

Commissioner Calleja entered a motion to accept staff and Energy TAC adding comment from Ms. Stewart. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 20-0.

Mr. Madani provided the information and updates on **Section 32** with staff recommendations. He advised the Fire TAC voted unanimously to accept staff recommendation.

Mr. Belcher stated he supported TAC recommendation.

Commissioner Boyer entered a motion to accept staff and Fire TAC recommendation. Commissioner Frank seconded the motion. The motion passed unanimously with a vote of 20-0.

Mr. Madani provided the information and updates on **Section 33** with staff recommendations. He advised the Fire TAC voted unanimously to accept staff recommendation.

Mr. Belcher stated he supported TAC recommendation.

Commissioner Hamberger entered a motion to accept staff and Fire TAC recommendation. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 20-0.

Rule Development Workshop (cont) :

Mr. Madani provided the information and updates on **Section 34** with staff recommendations. He advised the Energy TAC unanimously with the addition of comment from Arlene Stewart to add in accordance with Florida Statute 553.99 (Building Energy Efficiency Rating System: to R406.5”

Arlene Stewart asked for the Commissions support on this recommendation.

Eric Lacey also provided support for the recommendation.

Commissioner Calleja entered a motion to approve the staff and Energy TAC recommendation with comment from Ms. Stewart. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 20-0.

Mr. Blair **Section 34** as it relates to renewable power generation will be deferred to the Energy TAC report.

Mr. Madani provided the information and updates on **Section 35** with staff recommendations. He advised the Plumbing TAC voted unanimously to support staff recommendation.

Joe Belcher voiced support of the Plumbing TAC.

Commissioner Schilling entered a motion to approve the staff and Plumbing TAC recommendation. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 19-0.

Mr. Madani provided the information and updates on **Section 36** with staff recommendations. He advised the Fire TAC voted unanimously to support staff recommendation.

Joe Belcher voiced support of the Fire TAC.

Commissioner Schiffer entered a motion to approve the staff and Fire TAC recommendation. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 19-0.

Rule Development Workshop (cont) :

Mr. Madani provided the information and updates on **Section 37** with staff recommendations. He advised the Fire TAC voted unanimously to support staff recommendation moving the exception under item number two.

Commissioner Schiffer entered a motion to approve the staff and Fire TAC recommendation. Commissioner Frank seconded the motion. The motion passed unanimously with a vote of 20-0.

Mr. Madani provided the information and updates on **Section 39** with staff recommendations. He advised the Code Administration TAC voted unanimously to support staff recommendation.

Commissioner Carlson entered a motion to approve the staff and Code Administration TAC recommendation. Commissioner Hamberger seconded the motion. The motion passed unanimously with a vote of 20-0.

Senate Bill 1602:

Mr. Madani provided the information on the code fix for SB 1602. He advised this was reviewed by the Fire and Special Occupancy TACs and both unanimously approved staff recommendation.

Commissioner Schiffer entered a motion to approve the staff, Special Occupancy and Fire TAC recommendation. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 20-0.

Mr. Madani advised that there was a comment from a Building Official however, is outside the scope at this time.

Mr. Richmond stated we are under notice today and we would have to re-notice to allow this comment. He did advise of the tri-annual process and this may have an opportunity to be taking up during that time.

Rule 21G-1.001, F.A.C.

Chairman Browdy provided proposed language to this rule.

Chairman Browdy asked for motion to approve the proposed rule text for revisions to Rule 61G20-1.001, Florida Building Code, and to authorize the Department of Business and Professional Regulation to publish and notice proposed rule for to Rule 61G20-1.001 and proceed with adoption. He stated in addition to delegate authority to Jim Richmond to sign the rule making documents on his behalf as Chairman of the Florida Building Commission.

Rule 21G-1.001, F.A.C. (cont.):

Commissioner Schiffer entered said motion as stated by Chairman Browdy. Commissioner Frank seconded the motion. The motion passed unanimously with a vote of 20-0.

Mr. Richmond explained the rules process and that the language should be published before the second week of July.

Rule 61G20-3.008, F.A.C. Product Approval

Chairman Browdy provided proposed language to this rule.

Commissioner Stone advised that the Product Approval POC recommends approval of the language as presented.

Chairman Browdy requested a motion to approve the proposed rule text for revisions to Rule 61G20-3.008, Product Approval (Entities), and to authorize the Department of Business and Professional Regulation to publish and notice proposed rule for to Rule 61G20-3.008 and proceed with adoption. He stated in addition to delegate authority to Jim Richmond to sign the rule making documents on his behalf as Chairman of the Florida Building Commission.

Commissioner Schiffer entered said motion as stated by Chairman Browdy. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 20-0.

Review and approve changes for Energy Gauge USA for compliance with FBC, Energy Conservation, 5th Edition (2014).

Chairman Browdy Advised at the June 19, 2015 meeting the Commission voted to approve Energy Code Compliance Software for the 5th Edition (2014) Florida Building Code, Energy Conservation, specifically EnergyGauge Summit 5.1 for demonstrating compliance with commercial building energy requirements and EnergyGauge USA 4.0.01 for demonstrating compliance with residential building energy requirements. At the August 18, 2015 meeting the Commission voted to approve RES*check* for demonstrating compliance with residential building energy requirements. At the December 15, 2015 meeting the Commission voted to approve COM*check* for demonstrating compliance with commercial building energy requirements. In addition, at the February 10, 2016 meeting the Commission approved updates to approved Energy Code Compliance Software for the 5th Edition (2014) Florida Building Code, Energy Conservation, specifically EnergyGauge USA 5.0.03 for demonstrating compliance with residential building energy requirements, and EnergyGauge Summit 5.20 for demonstrating compliance with commercial building energy requirements.

Review and approve changes for Energy Gauge USA for compliance with FBC, Energy Conservation, 5th Edition (2014). (cont.)

Mr. Madani stated that the Energy TAC met and voted to support the update to the software.

Chairman Browdy ask for a motion to to approve the Energy Code Compliance Software update for the 5th Edition (2014) Florida Building Code, Energy Conservation, specifically EnergyGauge USA 5.1 for demonstrating compliance with residential building energy requirements.

Commissioner Calleja entered said motion as stated by Chairman Browdy. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 20-0.

Public Comment:

There were questions posed by Doug Buck, Amanda Hickman and Arlene Stewart.

Rob Vieira provided clarification and answered questions.

Work Plan adoption of Florida Building Code 6th Edition (2017).

Mr. Madani presented a review of the Work plan for the 2017 Code Update process for the 6th Edition FBC. with revisions to reflect a proposed change in the date for the rule development workshop for the Commission to consider the TAC's recommendation for proposed Code modifications.

Commissioner Gross asked the number of days that will be required at the August meeting.

Mr. Madani stated three days maybe four will be needed for the meeting in August.

Commissioner Schiffer entered a motion to approve the amended Workplan for the 2017 Code Update Process—6th Edition Florida Building Code (2017). Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 20 to 0.

Review and approval of Commission's Fiscal Year 2015-2016 Annual Report:

Chairman Browdy stated that the Commission received and approved a Summary of Issues and Recommendations for Inclusion in the Annual Report at the April meeting. Today the Commission will review and approve the Commission's Fiscal Year 2015 - 2016 Annual Report, and our plan as always, with your support and approval, is for the Chair to review and approve the final draft of the Annual Report, ensure completeness and accuracy, and approve the Report for submittal to the Legislature and Governor. He asked Mr. Blair to provide overview.

Review and approval of Commission's Fiscal Year 2015-2016 Annual Report (cont.):

Mr. Blair advised in the interest of time, the report was posted it is a draft and he will include any actions from the meeting today.

Chairman Browdy advised if there is no further discussion, he would ask for a motion to adopt the Commission's Fiscal Year 2015 – 2016 Annual Report, including any Commission actions taken today, and to charge him with reviewing and approving the final Report prior to submittal to the Legislature and Governor.

Commissioner Schiffer entered a motion to adopt the report. The motion was seconded by Commissioner Schilling. The motion passed unanimously with a vote of 20 to 0.

Committee Reports:

Code Administration Technical Advisory Committee; [April 12, 2016](#), [June 2, 2016](#)

Commissioner Carlson provided a brief summary of the Code Administration TAC meetings held April 12, 2016 and June 2, 2016 via teleconference.

Commissioner Carlson entered a motion to accept the Code Administration TAC reports from April 12 and June 2, 2016. The motion was seconded by Commissioner Boyer. The motion passed unanimously with a vote of 19 to 0.

Education Program Oversight Committee; [May 27, 2016](#)

Commissioner Dean stated the POC did not achieve a quorum no actions were taken for the May 27, 2016 meeting via teleconference.

Commissioner Dean entered a motion to accept the report. Commissioner Flanagan seconded the motion. The motion passed unanimously with a vote of 20 to 0.

Electrical Technical Advisory Committee; [April 29, 2016](#), [May 24, 2016](#)

Commissioner Flanagan stated he was not at the April 29th meeting. He advised on May 24th was a joint meeting with the Pool TAC via teleconference. Commissioner Flanagan advised the outcome of the meeting.

Commissioner Flanagan entered a motion to approve the reports of the Electrical TAC for April 29 and May 24. Commissioner Gerwig seconded the motion. The motion passed unanimously with a vote of 19 to 0.

Committee Reports (cont.):

Commissioner Flanagan entered a motion to accept the Electrical TAC's unanimous vote to recommend that the Commission convene the Calder Sloan Swimming Pool and Electrical Safety Task Force after July 1, 2017 and charges the Task Force with reviewing the issues identified by public comment provided during the May 24, 2016 teleconference meeting. Commissioner Gerwig seconded the motion. The motion passed unanimously with a vote of 20-0.

Energy Technical Advisory Committee; [May 26, 2016](#), [June 3, 2016](#), [June 7, 2016](#)

Commissioner Calleja provided a brief summary of the Energy TAC meetings held on May 26, June 3 via teleconference, and June 7, 2016 on site in Gainesville.

Commissioner Calleja entered a motion to accept the report of the TAC meetings held on May 26, June 3, and June 7, 2016. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 20 to 0.

Commissioner Calleja entered a motion to accept the Energy TACs unanimous vote to recommend that the Commission convene the Energy Rating Index Workgroup. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 20 to 0.

Chairman Browdy addressed the Commission regarding the receipt of correspondence from outside parties. He stated he would like Mr. Richmond to speak on this issue and then Commissioner Brown.

Mr. Richmond spoke to the Commission on the process of correspondence and communication being placed on the agenda and the time constraints. He provided the guidelines for sending communication by mail or e-mail.

Chairman Browdy addressed the letter received by a Senator.

Commissioner Brown addressed the intent. He said he has no knowledge of the intent of a criminal action but in legislative intent, retrospective expressions of intent by a single member or multiple members of the legislature might have some value from a political perspective and they might ultimately be determined to be correct. Commissioner Brown continued by saying they should not be relied upon as the actual expression of the legislature, the courts have determined that the plain language is examined for intent and if that does not render a conclusive indication of what the intent was then an exam of the full and complete record of the legislation (recordings, committee meetings, testimony, etc.) would be examined next and that forms the basis of determination of intent, the expression of one member or multiple members retrospectively does not necessarily reflect legislative intent. Commissioner Brown advised

Committee Reports (cont.):

when you get communications like that without value in that they may be reflective of a single or multiple members' wishes but from a legal perspective you have to be careful about assuming that that is in fact what the courts would determine intent to have been. He said as we get communications like this he felt it was important to have this information.

Mr. Richmond stated they would be following up on the letter received and will respond to them with information from the meeting today.

Ms. Hammonds confirmed that Commissioner Brown is correct in his statement and is legally accurate. She stated there is case law dating back to 1939 from the FL Supreme Court and most recently out of the first DCA in 2015 actually regarding the Department and Pari-Mutuel Wagering. Ms. Hammonds thanked the Commissioner for his explanation.

2:21:06

Fire Technical Advisory Committee; [June 1, 2016](#), [June 3, 2016](#)

Commissioner Bahadori provided a brief summary of the Fire TAC meeting held on June 1 and June 3, 2016 via teleconference.

Commissioner Bahadori entered a motion to accept the report of the two meetings. Commissioner Frank seconded the motion. The motion passed unanimously with a vote of 20 to 0.

Mechanical Technical Advisory Committee; [April 13, 2016](#), [June 2, 2016](#), [June 3, 2016](#)

Commissioner Calleja provided a brief summary of the Mechanical TAC meeting held on April 13, June 2 and June 3, 2016 via teleconference.

Commissioner Calleja entered a motion to accept the report of the two meetings. Commissioner Gross seconded the motion. The motion passed unanimously with a vote of 20 to 0.

Plumbing Technical Advisory Committee; [April 13, 2016](#), [May 26, 2016](#), [June 2, 2016](#)

Commissioner Schilling provided a brief summary of the Plumbing TAC meetings held April 13, May 26, and June 2, 2016 via teleconference.

Commissioner Schilling entered a motion to accept the report of the Plumbing TAC meetings held April 13, May 26, and June 2, 2016. Commissioner Bahadori seconded the motion. The motion passed unanimously with of vote of 20 to 0.

Committee Reports (cont.):

Product Approval Program Oversight Committee; [May 26, 2016](#)

Commissioner Stone provided a brief summary of the Product Approval POC meetings held May 26, 2016 via teleconference.

Commissioner Stone entered a motion to approve the report of the Product Approval POC meetings held May 26, 2016. Commissioner Compton seconded the motion. The motion passed unanimously with of vote of 20 to 0.

Special Occupancy Technical Advisory Committee; [June 1, 2016](#)

Mr. Madani provided a brief summary of the Special Occupancy TAC meeting held June 1, 2016 via teleconference.

A motion was entered by Commissioner Hamberger to accept the Special Occupancy TAC report. The motion was seconded by Commissioner Flanagan. The motion passed unanimously with a vote of 20 to 0.

Structural Technical Advisory Committee; [April 14, 2016](#), [June 2, 2016](#)

Commissioner Compton provided a brief summary of the Structural TAC meetings on April 14 2106 and June 2, 2016 via teleconference.

A motion was entered by Commissioner Compton to accept the Structural TAC report for the meetings on April 14 2106 and June 2, 2016. The motion was seconded by Commissioner Swope. The motion passed unanimously with a vote of 20 to 0.

Swimming Pool Technical Advisory Committee; [April 29, 2016](#), [May 24, 2016](#), [June 1, 2016](#).

Mr. Madani provided a brief summary of the Swimming Pool TAC meetings April 29, May 24 and June 1, 2016 via teleconference.

A motion was entered by Commissioner Flanagan to accept the Swimming Pool TAC report for the meetings held on April 29, May 24 and June 1, 2016. The motion was seconded by Commissioner Goff. The motion passed unanimously with a vote of 20 to 0.

Commission Member Comments and Issues:

Chairman Browdy advised if anyone wished to address the Commission and had not yet signed the speaker's list please do so now. He said that the Commission welcomes their comments on its actions or any other topic under the Commission's purview and authority.

Mr. Richmond advised the Commission and the public participants of the Departments new location and address.

Chairman Browdy advised the Commissioners of the end of the State fiscal year and that they need to get their travel in as soon as possible. The next Plenary will be in August in Ft. Lauderdale.

Mr. Madani stated there will be TAC meetings in July and will be in Gainesville. He stated a schedule will be sent out for those meetings.

Commissioner Flanagan asked for the August meeting dates.

Mr. Blair advised the dates to be 15th through the 17th with TAC meetings and Chairman's meeting in addition to the Plenary Session.

Public Comment:

Arlene Stewart, AZS Consulting wanted to thank everyone for their hard work.

Adjournment 11:11 am: