



FLORIDA BUILDING COMMISSION

"STRONGER CODES THROUGH SCIENCE AND CONSENSUS"



FACILITATOR'S SUMMARY REPORT OF THE JUNE 13, 2017 FLORIDA BUILDING COMMISSION MEETING DAYTONA BEACH SHORES, FLORIDA

PROCESS DESIGN, CONSENSUS-BUILDING AND FACILITATION BY



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FLORIDA BUILDING COMMISSION

JUNE 13, 2017 FACILITATOR’S MEETING SUMMARY REPORT

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FLORIDA BUILDING COMMISSION
JUNE 13, 2017 FACILITATOR'S SUMMARY REPORT



FLORIDA BUILDING COMMISSION

"STRONGER CODES THROUGH SCIENCE AND CONSENSUS"

OVERVIEW OF COMMISSION'S KEY ACTIONS AND DECISIONS

TUESDAY, JUNE 13, 2017

I. PLENARY SESSION SUMMARY AND OVERVIEW

At the June 13, 2017 meeting conducted in Daytona Beach Shores the Commission considered and decided on Chair's issues and recommendations, Executive Director's announcements and discussions, product and entity approvals, applications for accreditor and course approvals, accessibility waivers, petitions for declaratory statements, and recommendations from the Commission's various committees. Specific actions included voting unanimously: 1.) To authorize the Department of Business and Professional Regulation to initiate rulemaking for Rules 61G20-1.005, 61G20-2.001, and 61G20-2.002 for the purpose of incorporating Legislatively mandated Code amendments to the Florida Building Code, and to make necessary changes to the Commission's processes for developing the Florida Building Code; and to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Chairman of the Florida Building Commission); 2.) To incorporate the Commission's approved actions on comments submitted regarding the Draft 6th Edition Florida Building Code (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 authorize the Department of Business & Professional Regulation to publish a Notice of Change for Rule 61G20-1.001; and to proceed with the adoption of Rule 61G20-1.001, and to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Chairman of the Florida Building Commission; and, 3.) To adopt the Commission's Fiscal Year 2016 – 2017 Annual Report, including any Commission actions taken during the June meeting, and to charge the Chair with reviewing and approving the Final Report prior to submittal to the Legislature and Governor.

(Attachment 1—Meeting Evaluation Results)

II. CHAIRMAN’S WELCOME

Chairman Browdy welcomed the Commission, DBPR staff and the public to Daytona Beach Shores and the June 13, 2017 plenary session of the Florida Building Commission. The Chair noted that the primary focus for the April meeting, in addition to considering regular procedural issues including product and entity approvals, applications for accreditor and course approvals, accessibility waivers, petitions for declaratory statements, and recommendations from the Commission’s various committees, was for the purpose of: conducting a final rule adoption hearing on the 6th Edition (2017) Florida Building Code, and to adopt the Commission’s FY 2016 – 2017 Annual Report to the Legislature.

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, June 13, 2017 meeting in Daytona Beach Shores:

Dick Browdy (Chair), Hamid Bahadori, Steve Bassett, James Batts, Bob Boyer, Donald Brown, Kelly Smith Burk, Oscar Calleja, Jay Carlson, Nan Dean, Charles Frank, Shane Gerwig, David Gilson, Jeff Gross, Brad Schiffer, Frederick Schilling, Jim Schock, Jeff Stone, Brian Swope, and Diana Worrall.

(20 of 26 seated Commissioners attended—77%).

Absent Commissioners:

David Compton, Kevin Flanagan, Richard Goff, Robert Hamberger, Brian Langille, and Drew Smith.

DBPR STAFF PRESENT

Norman Bellamy, Thomas Campbell, Nick DuVal, Jim Hammers, Chris Howell, Mo Madani, and Justin Vogel.

MEETING FACILITATION

The meeting was facilitated by Jeff Blair from the FCRC Consensus Center at Florida State University. Information at: <http://consensus.fsu.edu/>



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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, 20 - 0 in favor, to approve the agenda for the June 13, 2017 meeting as posted and presented. Following are the key agenda items approved for consideration:

- To Consider Regular Procedural Issues: Agenda Approval and Approval of the April 4, 2017 and May 12, 2017 Facilitator's Summary Reports and Meeting Minutes, and the April 28, 2017 Teleconference Meeting Minutes.
- To Consider/Decide on Chair's Discussion Issues/Recommendations.
- To Consider/Decide on Executive Director Announcements and Discussions.
- To Consider/Decide on Implementation and Amendments to the Florida Building Code Pursuant to HB 1021ER and SB 1634ER.
- 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 Be Briefed on Binding Interpretation #134.
- To Hold a Rule Adoption Hearing on Rule 61G20-1.001, F.A.C. (Florida Building Code, Adopted).
- To Review and Approve Draft FBC FY 2016-2017 Annual Report.
- To Consider/Decide on Technical Advisory Committees (TACs): Code Administration, Electrical, Energy, Fire, Mechanical, Plumbing, Roofing, Special Occupancy, Structural, and Swimming Pool 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 Needed Next Steps, Assignments, and Agenda Items for the Next Meeting—August 7-8, 2017 in Deerfield Beach, Florida.

Amendments to the Posted Agenda:

There were no amendments to the posted agenda.

(Attachment 4—June 13, 2017 Commission Agenda)

V. APRIL 4, 2017 AND MAY 12, 2017 TELECONFERENCE MEETING FACILITATOR'S SUMMARY REPORTS AND MEETING MINUTES, AND APRIL 28, 2017 TELECONFERENCE MEETING MINUTES APPROVAL

MOTION—The Commission voted unanimously, 20 - 0 in favor, to approve the April 4, 2017 and May 12, 2017 Facilitator's Summary Reports and Meeting Minutes, and the April 28, 2017 Teleconference Meeting Minutes as presented/posted.

Amendments: There were no amendments offered.

VI. CHAIR'S DISCUSSION ISSUES AND RECOMMENDATIONS

Appointments/Reappointments

Commission Vacancy (Public Education Position)

Chairman Browdy reported that Commissioner Darrell Phillips resigned from the Commission effective April 6, 2017. The Chair noted this leaves a vacancy for the Public Education position and temporarily reduces the number of Commissioners to 26. The Chair appreciated Darrell's service to the citizens of Florida, noting he served from August 27, 2013 through April 6, 2017. In addition, Darrell chaired the Special Occupancy TAC.

TAC/POC Appointments

The Chair announced the following TAC/POC appointments:

Roofing TAC. Gaspar Rodriguez was appointed to the Roofing TAC to fill a vacant position. The Chair welcomed Gaspar as a member of the TAC.

Special Occupancy TAC. Charles Frank was appointed as chair of the Special Occupancy TAC to replace the vacancy created by the resignation of Darrell Phillips. The Chair thanked Darrell for his service, and Charles for agreeing to chair the TAC.

Tony McNeal was appointed to the Special Occupancy TAC to replace Gene Chalecki who retired and rolled off of the TAC. The Chair thanked Gene for his service, and Tony for agreeing to serve as a member of the TAC.

Michelle Comingore was appointed to the Special Occupancy TAC to replace Doug Melvin who retired and rolled off of the TAC. The Chair thanked Doug for his service, and Michelle for agreeing to serve as a member of the TAC.

Accessibility Advisory Council

Lois Darlene Laibl-Crowe was appointed by the Secretary of DBPR to be a member of Accessibility Advisory Council as a representative for the hearing impaired. Ms. Crower currently serves on the Department of Health's Florida Coordinating Council for Deaf and Hard of Hearing.

Commission's Updated Milestones

The Chair reminded Commissioners and participants that the updated Commission Milestones document is linked to the June 13, 2017 Commission agenda on the BCIS.

VII. EXECUTIVE DIRECTOR ANNOUNCEMENTS AND DISCUSSIONS

Tom Campbell, FBC Executive Director, briefed the Commission on the following issues:

FY 2016-2017 Travel Processing

DBPR's (state agencies) fiscal year ends on June 30, and FY 2016-2017 concludes at the end of June 2017. It is important that Commissioners' June travel reports and receipts are submitted to DBPR by the end of the week or by mid-week of June 19 so they can be processed timely and within the current fiscal year.

New Technology Contract for BCIS

In the past, the contract with ISF, the vendor that maintains the BCIS has been mainly a maintenance contract. Over the last few years, it has become apparent that the BCIS is in need of a modernization. In fact, the database which serves as the foundation for the system has not been upgraded in 17 years. The BCIS and its web interface have not been updated in 7 years. A Request for Quote was put out for the BCIS in May. The Request for Quote contained two main categories of work. One category for modernization and one category for continued maintenance of the system. The modernization will make the BCIS compatible with all web browsers, mobile friendly, update reporting services, revamp the code modification page to include publicly available reports, and redo the BCIS's fundamental programming to allow the system to function more efficiently. It will also allow the BCIS, at some point in the future, to be stored in the cloud which should reduce maintenance and server costs. The modernization is more expensive than simple maintenance of the system. So, the Department has submitted a legislative budget request of \$150,000.00 for three years starting with the 2018-2019 fiscal year. Through budget transfers and reprioritization of the work completed on the BCIS the modernization should be able to begin this year.

Change in Payment Processing on the BCIS

The BCIS is currently undergoing a change of payment processor due to a disagreement between Bank of America and their payment processor. The Department of Financial Services administers a state contract that handles all financial transactions for state agencies. The state term contract is currently administered by Bank of America. Hopefully, by the end of June, the BCIS will be up and running with a new payment processor. As part of this change the BCIS will now be able to accept Visa and will charge a flat \$2.00 fee for all transactions on the system. In the past, the BCIS had charged a percentage based fee on the total amount of the transaction and charged no fee if payment was made by electronic check. The \$2.00 flat pays for the service fees charged to the Department by the credit card companies and the e-check provider when their form of payment is used on the BCIS.

Legislative Update

Tom Campbell, FBC Executive Director, reported on the final disposition regarding 2017 Legislation impacting the Florida Building Code System. Tom provided the Commission with an update regarding the current status of HB 741, HB 241ER, HB 727ER, SB 1634ER, and HB 1021ER. Tom noted that to date only HB 741 and HB 241 have been signed into law by the Governor. SB 1634 is waiting for the Governor's action, and HB 727 and HB 1021 have not yet been presented for action.

Additional June Commission Meeting

Tom Campbell noted that there would be teleconference Commission meeting on Thursday, June 29, 2017 at 2:00 PM. Tom noted that an agenda would be forthcoming.

VIII. IMPLEMENTATION AND AMENDMENTS TO THE FLORIDA BUILDING CODE PURSUANT TO HB 1021ER AND SB 1634 ER

The Chair noted that on May 12, 2017 the Commission voted to amend the adopted version of the 6th Edition Florida Building Code (2017) in order to incorporate legislative Code changes pursuant to SB 1634, HB 241, and HB 1021 for inclusion in the 6th Edition.

Tom Campbell explained the preferred implementation path for incorporating the Legislative Code changes pursuant to 2017 Legislation into the Florida Building Code, 5th Edition (2014), noting that in order to incorporate 2017 Legislative Code changes pursuant to HB 1021ER and SB 1634ER into the current Edition of the Code the Commission will need to initiate a separate rule development process as Rule 61G20-1.005, Legislative Amendments to the Florida Building Code. The purpose of this rule is to initiate rulemaking to incorporate 2017 Legislative Code changes into the Florida Building Code, 5th Edition (2014) while allowing us to conclude rulemaking for Rule 61G20-1.001, Florida Building Code Adopted, for the 2017 Code Update process and not have delays to the schedule.

In addition, HB 1021 changes some of the Commission's processes for developing the Florida Building Code. Staff would like the opportunity to update rules 61G20-2.001, Commission Organization and Operations, and 61G20-2.002, Statewide Amendments to the Florida Building Code, to reflect those changes. In particular, rule 61G20-2.002 may need to be revamped to better reflect the statutory processes for amending the Building Code. It currently is a combination of the various amendment processes outlined in Section 553.73, F.S. Staff plans to bring these proposed changes to the August meeting for the Commission's review and feedback.

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, 20 – 0 in favor, to authorize the Department of Business and Professional Regulation to initiate rulemaking for Rules 61G20-1.005, 61G20-2.001, and 61G20-2.002 for the purpose of incorporating Legislatively mandated Code amendments to the Florida Building Code, and to make necessary changes to the Commission's processes for developing the Florida Building Code; and to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Chairman of the Florida Building Commission.

IX. CONSIDERATION OF ACCESSIBILITY WAIVER APPLICATIONS

Justin Vogel, 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. Madeira Villa Dune Walkover #232 - 2810 Ocean Shore Boulevard, Ormond Beach 32176

The Petition was withdrawn by the applicant.

2. Change of Use #231 - 1311 West Avenue, Miami Beach 33139

MOTION—The Commission voted unanimously, 20 – 0 in favor, to grant the waiver based on economic hardship.

3. 1200 Ocean Drive Change of Use #210 - 1200 Ocean Drive, Miami Beach 33139

MOTION—The Commission voted unanimously, 20 – 0 in favor, to defer action on the application to allow the applicant to provide additional information.

4. Vero Beach High School - Citrus Bowl Remodeling #184 - 1707 16th Street, Vero Beach 32960

MOTION—The Commission voted unanimously, 20 – 0 in favor, to grant the waiver as unnecessary and unreasonable.

5. Caribbean Shores Residential Detox and Treatment Facility #243 - 2625 and 2645 NE Indian River Drive, Jensen Beach 34957-5207

MOTION—The Commission voted unanimously, 20 – 0 in favor, to grant the waiver based on economic hardship.

6. Le Pain Quotidien #16 - 3425 Main Highway, Miami 33133

MOTION—The Commission voted unanimously, 20 – 0 in favor, to grant the waiver based on economic hardship.

7. Dr. Stern Lab/Warehouse Project #244 - 7350 NW 34th Street, Miami 33122

MOTION—The Commission voted unanimously, 20 – 0 in favor, to grant the waiver, to the extent necessary pursuant to 553.509(c).

X. CONSIDERATION OF APPLICATIONS FOR PRODUCT AND ENTITY APPROVAL

Commissioner Stone presented the Product Approval Oversight Committee’s recommendations for entities and product approvals on the consent agenda 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, 18 - 0 in favor, to approve the consent agenda of product approval entities (21) as posted/presented.

MOTION—The Commission voted unanimously, 18 - 0 in favor, to approve the consent agenda of products (96) recommended for approval to the 2014 Code as posted/presented.

Commission Actions Regarding Product Approval Applications With Comments:

MOTION—The Commission voted unanimously, 19 – 0 in favor, to conditionally approve product FL 16503 R-2 based on the conditions requested by the applicant and recommended by DBPR staff.

MOTION—The Commission voted unanimously, 18 – 0 in favor, to conditionally approve product FL 17955 R-2 based on the conditions identified by public comment, accepted by the applicant, and recommended by DBPR staff.

MOTION—The Commission voted unanimously, 18 – 0 in favor, to conditionally approve product FL 17999 R-2 based on the conditions requested by the applicant and recommended by DBPR staff.

MOTION—The Commission voted unanimously, 18 – 0 in favor, to conditionally approve product FL 19958 R-1 based on the conditions requested by the applicant and recommended by DBPR staff.

MOTION—The Commission voted unanimously, 18 – 0 in favor, to conditionally approve product FL 21969 R-1 based on the conditions requested by the applicant and recommended by DBPR staff.

MOTION—The Commission voted unanimously, 18 – 0 in favor, to conditionally approve product FL 22027 based on the conditions requested by the applicant and recommended by DBPR staff.

MOTION—The Commission voted unanimously, 18 – 0 in favor, to conditionally approve product FL 22225 based on the conditions requested by the applicant and recommended by DBPR staff.

MOTION—The Commission voted unanimously, 19 – 0 in favor, to conditionally approve product FL 22248 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 June 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)

XI. 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, 19 – 0 in favor, to approve advanced accredited course numbers: 828.0, 822.0, 824.0, and 829.0.

MOTION—The Commission voted unanimously, 19 – 0 in favor, to approve administratively self-affirmed course number 317.1

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

XII. LEGAL REPORT

Justin Vogel reported he had contacted the Department of Justice (DOJ) regarding the status of the Commission's application for certification of the Florida Accessibility Code for Building Construction. Justin was informed that DOJ was in transition and that the previous contact person working on the application was no longer with DOJ, and the new contact person would have to check on the status and get back to Justin. Justin indicated that he had not heard back from DOJ, left messages and to date has not received a response. In summary, the application is in limbo.

CONSIDERATION OF PETITIONS FOR DECLARATORY STATEMENTS

Petitions For Declaratory Statements

Justin Vogel, 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 2017-018 by Neil Fimbel of HVAC Designs Inc.

Motion—The Commission voted unanimously, 20 - 0 in favor, to approve the Energy TAC’s recommendation on the Petition (to approve staff’s analysis as amended by the TAC for Q 1-3).

2. DS 2017-019 by Robert Shumake of Shumake Architecture, PA

Motion—The Commission voted unanimously, 20 - 0 in favor, to approve the Fire TAC’s recommendation on the Petition as amended by the Commission (to approve staff’s analysis as amended by the TAC for Q 1).

XIII. BINDING INTERPRETATION #134 BRIEFING

Mo Madani, DBPR Program Manager, briefed the Commission on Binding Interpretation #134 pursuant to an interpretation petitioned regarding a Pasco County building official’s (BO) interpretation pursuant to Chapter 4 - Special Detailed Requirements Based on Use and Occupancy; Section 454.1.2.5.3; 454.1.6.5.3.1; 454.1.6.5.3.1.1 regarding a commercial swimming pool. The issue involves a petition for a binding interpretation on the BO’s interpretation regarding how to apply the Code for the project’s open-type perimeter overflow gutter where it abuts to the top of the pool stairs. Mo reported that the Panel determined that a public pool’s open-type perimeter overflow gutter which abuts the top of the pool’s entry stairs, is subject to the Florida Building Code’s gutter specifications and not the stairs specifications except where the gutter is used as the top step, the tile on the gutter for the width of the steps shall be slip resistant.

XIV. RULE ADOPTION HEARING RULE 61G20-1.001, F.A.C., FLORIDA BUILDING CODE

Chairman Browdy indicated the final rule adoption hearing regarding Rule 61G20-1.001, Florida Building Code, was for the purpose of concluding rulemaking regarding the Commission’s adopted package of approved Code modifications for the 6th Edition Florida Building Code (2017). The Commission received additional public comments regarding the Draft Code that were posted to the BCIS, and the Commission would decide whether to approve any of the comments during the hearing.

The Chair stated that he would like to encourage the Commission to only make changes deemed as critical at this juncture in the process. As a reminder the public has had eight opportunities to provide code amendments and comments in the form of four TAC meetings (April 2016, July 2016, January/February 2017, and March/April 2017), and four opportunities before the Commission (August 2016, February 2017, April 2017, and May 2017) in the form of meetings, workshops and hearings. The Commission is proceeding with a schedule designed to meet the adopted effective date of December 31, 2017 for the 6th Edition Florida Building Code (2017).

The Chair noted that the public hearing provided a final opportunity for public comment before the Commission voted to proceed with rule adoption on the 6th Edition Florida Building Code (2017). Once the rule adoption hearing was opened and public comment concluded, the Commission would vote to incorporate any of the changes they approve regarding proposed amendments into the Final Version of the Code and to proceed with the adoption of Rule 61G20-1.001.

Jeff Blair provided the Commission and public with an overview of the process used during the Rule Development Workshop, including noting that public comments would be limited to 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 on time limits based on the complexity of issues and the overall time constraints for completing the Commission's agenda for the meeting. Jeff introduced each of the submitted comments posted to the BCIS 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 decided whether to take action on any of the proposed amendments (see motions below).

Members of the public were subsequently invited to comment on any of the Commission's approved code modifications incorporated into the draft 6th Edition Florida Building Code (2017). There were 17 additional public comments offered and the Rule Adoption Hearing was closed by Chairman Browdy.

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

Commission Actions:

MOTION—The Commission voted unanimously, 20 – 0 in favor, to strike Section 2703 (Code Modification E6460) from the draft Florida Building Code, 6th Edition (2017) per Option 3 in DBPR staff's posted comment, and to convene a workgroup to build consensus regarding lightening protection in the Florida Building Code.

MOTION—The Commission voted unanimously, 20 – 0 in favor, to amend R403.10 (Pool and permanent spa energy consumption—Mandatory) per Option 2 as provided in the written comment submitted by the Florida Swimming Pool Association.

MOTION—The Commission voted unanimously, 20 – 0 in favor, to incorporate the Commission's approved actions on comments submitted regarding the Draft 6th Edition Florida Building Code (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 authorize the Department of Business & Professional Regulation to publish a Notice of Change for Rule 61G20-1.001, and to proceed with the adoption of Rule 61G20-1.001; and, to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Chairman of the Florida Building Commission.

XV. SUMMARY OF ISSUES FOR FBC FY 2016-2017 ANNUAL REPORT

Chairman Browdy explained that the Commission received and approved a Summary of Issues and Recommendations for Inclusion in the Annual Report at the April 2017 meeting. At the June 2017 meeting the Commission would consider approving the Draft Commission 2016-2017 Annual Report, and the plan as always, with the Commission's support and approval, was 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.

Jeff Blair reviewed the Draft FY 2016 - 2017 Annual Report with the Commission, and following questions and answers, public comment, and discussion, the Commission took the following action:

Commission Actions:

MOTION—The Commission voted unanimously, 19 – 0 in favor, to adopt the Commission's Fiscal Year 2016 – 2017 Annual Report, including any Commission actions taken during the June 13, 2016 meeting,

and to charge the Chair with reviewing and approving the Final Report prior to submittal to the Legislature and Governor.

(Attachment 6—FY 2016-2017 Annual Report Executive Summary)

XVI. 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, and specific recommendations must be considered by separate motions. Committee reports are linked to the following URL (linked to Commission's June 13, 2017 Agenda):

http://www.floridabuilding.org/fbc/commission/fbc_0617/index.htm.

Code Administration TAC

Commissioner Carlson presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 20 – 0 in favor, to accept the TAC's report as presented/posted (May 31, 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, 20 – 0 in favor, to accept the POC's report as presented/posted (June 2, 2017).

(See Agenda for Linked Committee Report)

Electrical TAC

Mo Madani presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 20 – 0 in favor, to accept the TAC's report as presented/posted (May 30, 2017).

(See Agenda for Linked Committee Report)

Energy TAC

Mo Madani presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 19 – 0 in favor, to accept the TAC's report as presented/posted (May 10, 2017).

(See Agenda for Linked Committee Report)

Fire TAC

Commissioner Bahadori presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 19 – 0 in favor, to accept the TAC's report as amended to reflect “Factory Mutual” (May 30, 2017).

(See Agenda for Linked Committee Report)

Mechanical TAC

Commissioner Bassett presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 19 – 0 in favor, to accept the TAC's report as amended to correct the vote counts (May 31, 2017).

(See Agenda for Linked Committee Report)

Plumbing TAC

Commissioner Schilling presented the TAC's report.

Commission Action:

MOTION—The Commission voted unanimously, 19 – 0 in favor, to accept the TAC Chair's report that there was no quorum for the meeting (May 30, 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, 19 – 0 in favor, to accept the POC's report as presented/posted (June 1, 2017).

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

Roofing TAC

Commissioner Swope presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 19 – 0 in favor, to accept the TAC's report as presented/posted (April 27, 2017).

(See Agenda for Linked Committee Report)

Special Occupancy TAC

Commissioner Frank presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 19 – 0 in favor, to accept the TAC's report as presented/posted (May 31, 2017).

(See Agenda for Linked Committee Report)

Structural TAC

Commissioner Schock presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 19 – 0 in favor, to accept the TAC's report as presented/posted (May 31, 2017).

(See Agenda for Linked Committee Report)

Swimming Pool TAC

Commissioner Batts presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 19 – 0 in favor, to accept the TAC's report as presented/posted (May 30, 2017).

(See Agenda for Linked Committee Report)

OTHER COMMISSION ACTIONS

There were no additional Commission actions taken during the June 13, 2017 meeting.

STAFF ASSIGNMENTS JUNE 2017

Provide the Commission with the number of accessibility waiver applications for the fiscal year 2016-17 including the number of applications approved and denied.

XVII. 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:

- Linda Patrick, City of Gainesville: expressed appreciation that the Commission moved the June meeting to the same area where the BOAF conference was, allowing BOAF members to attend both meetings.
- Dominic Sims, International Code Council: expressed appreciation for the Commission's work, and indicated that ICC is part of the Commission's support team.

XVIII. 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:

- Shane Gerwig: indicated support for holding the FBC meeting at the same location as the FBC meeting; appreciated BOAF members attending the FBC meeting; appreciated Mo and Tom for attending the BOAF conference.
- Bob Boyer: echoed Shane's comments; appreciated DBPR staff attending the BOAF conference; noted that Commissioner Jim Schock was elected as BOAF's vice-president.
- Steve Bassett: wished everyone a happy father's day; noted that his daughter was selected to exhibit her art at an art fair.

XIX. NEXT COMMISSION MEETING OVERVIEW AND ISSUES

The August 7 - 8, 2017 meeting in Deerfield Beach will focus on the Commission's regular procedural and substantive issues, and approval of prioritized research projects for funding.

(Attachment 5—Commission Meeting Schedule)

ADJOURNMENT

The Chair thanked Commission members, staff and the public for their attendance and participation, and adjourned the meeting at 11:51 A.M. on Tuesday, June 13, 2017.

ATTACHMENT 1
FLORIDA BUILDING COMMISSION MEETING EVALUATION RESULTS

JUNE 13, 2017—DAYTONA BEACH SHORES, 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 (85%) Commissioners present completed meeting evaluations.

1. OVERALL MEETING ASSESSMENT.

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

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

- 9.8 ___ Chair's Issues and Recommendations.
- 9.8 ___ Executive Director Announcements and Discussions.
- 9.8 ___ Implementation and Amendments to the FBC Pursuant to HB 1021ER & SB 1634ER.
- 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.
- 9.8 ___ Legal Issues: Petitions for Declaratory Statements.
- 9.8 ___ Briefing on Binding Interpretation #134.
- 9.8 ___ Rule Adoption Hearing: Rule 61G20-1.001, F.A.C. (Florida Building Code, Adopted).
- 9.8 ___ Approval of FBC FY 2016-2017 Annual Report.
- 9.8 ___ TAC, POC, Committee, and Workgroup 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.

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

5. HOW WELL THE NEXT STEPS WERE COMMUNICATED.

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

6. WHAT MEMBERS LIKED BEST ABOUT THE MEETING.

- Well run meeting!
- Discussions

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

- The sound quality. I had difficulty hearing some speakers.
- Hard to hear.
- Hard to hear speakers/commissioners. Mic volume too low.
- We need a PA system that works better.

8. OTHER GENERAL COMMENTS.

- The hotel had issues overcharging as per quoted prices.

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
APRIL 4, 2017 MEETING AGENDA

**FLORIDA BUILDING COMMISSION
PLENARY SESSION
JUNE 13, 2017
THE SHORES RESORT AND SPA
2637 ATLANTIC AVENUE
DAYTONA BEACH SHORES, FLORIDA 32118
THE MEETINGS ARE STREAMED LIVE
TO WATCH THE FLORIDA BUILDING COMMISSION LIVE, CLICK THE LINK
BELOW
[HTTPS://GLOBAL.GOTOMEETING.COM/JOIN/339205181](https://global.gotomeeting.com/join/339205181)
YOU WILL BE CONNECTED TO AUDIO USING YOUR COMPUTER'S MICROPHONE
AND
SPEAKERS (VOIP) A HEADSET IS RECOMMENDED
(FOR VIEWING AND LISTENING PURPOSES ONLY)
MEETING ID 339-205-181**

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 Amendments to the Florida Building Code Pursuant to HB 1021ER and SB 1634ER.
- 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 Be Briefed on Binding Interpretation #134
- To Hold a Rules Hearing
- To Review and Approve Draft FY 2016-2017 Annual Report
- Receive/Decide on Reports and Recommendations from Committees.
- To Hear Public Comment.
- To Identify Needed Next Steps, Assignments, and Agenda Items For Next Meeting.

Committee and Workgroup Meetings held in conjunction with the Plenary Session

Meetings are held by teleconference and webinar unless otherwise indicated

April 27, 2017	1:00 p.m.	Roofing Technical Advisory Committee
May 10, 2017	10:00 a.m.	Energy Technical Advisory Committee
May 30, 2017	10:00 a.m.	Fire Technical Advisory Committee concurrent with Plumbing Technical Advisory Committee
May 30, 2017	1:00 p.m.	Electrical Technical Advisory Committee concurrent with Swimming Pool Technical Advisory Committee

May 31, 2017	10:00 a.m.	Code Administration Technical Advisory Committee concurrent Special Occupancy Technical Advisory Committee
May 31, 2017	1:00 p.m.	Mechanical Technical Advisory Committee concurrent with Structural Technical Advisory Committee
June 1, 2017	10:00 a.m.	Product Approval Program Oversight Committee
June 1, 2017	2:00 p.m.	Accessibility Advisory Council
June 2, 2017	10:00 a.m.	Education Program Oversight Committee

MEETING AGENDA—JUNE 13, 2017

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

8:30 a.m.	1.)	Welcome and Opening, Roll Call
	2.)	Review and Approval of Meeting Agenda
	3.)	Review and Approval of Previous Meeting Minutes: April 4, 2017 and May 12, 2017 Facilitators Reports: April 4, 2017 and May 12, 2017 Minutes: Legislative Conference Call April 28, 2017
	4.)	Chair's Discussion Issues: TAC Appointments Updated Milestones
	5.)	Executive Director announcements and discussions: FY 2016-2017 Travel Processing Legislative Update
	6.)	Amendments to the Florida Building Code Pursuant to HB 1021ER and SB 1634ER.
	7.)	Accessibility Waiver Applications (<u>Accessibility Advisory Council Report</u>) 1. Madeira Villa Dune Walkover #232 - 2810 Ocean Shore Boulevard, Ormond Beach 32176 2. Change of Use #231 - 1311 West Avenue, Miami Beach 33139 3. 1200 Ocean Drive Change of Use #210 - 1200 Ocean Drive, Miami Beach 33139 4. Vero Beach High School - Citrus Bowl Remodeling #184 - 1707 16th Street, Vero Beach 32960 5. Caribbean Shores Residential Detox and Treatment Facility #243 - 2625 and 2645 NE Indian River Drive, Jensen Beach 34957-5207 6. Le Pain Quotidien #16 - 3425 Main Highway, Miami 33133 7. Dr. Stern Lab/Warehouse Project #244 - 7350 NW 34th Street, Miami 33122
	8.)	Applications for Product and Entity Approval
	9.)	Applications for Accreditor and Course Approval
	10.)	Declaratory Statements and Legal Report 1. DS 2017-018 by Neil Fimbel of HVAC Designs Inc.

		2. DS 2017-019 by Robert Shumake of Shumake Architecture, PA
	11.)	Binding Interpretation # 134
	12.)	Rule Hearing: Rule 61G20-1.001, F.A.C. (6 th Edition (2017) Update to the Florida Building Code)
	13.)	Review and Approval of Draft FY 2016-2017 Annual Report
	14.)	Committee Reports:
		a) Code Administration Technical Advisory Committee; <u>5/31/17</u> b) Education Program Oversight Committee; <u>6/2/17</u> c) Electrical Technical Advisory Committee; <u>5/30/17</u> d) Energy Technical Advisory Committee; <u>05/10/17</u> e) Fire Technical Advisory Committee; <u>5/30/17</u> f) Mechanical Technical Advisory Committee; <u>5/31/17</u> g) Plumbing Technical Advisory Committee; <u>5/30/17</u> h) Product Approval Program Oversight Committee; <u>6/1/17</u> i) Roofing Technical Advisory Committee <u>4/27/17</u> j) Special Occupancy Technical Advisory Committee; <u>5/31/17</u> k) Structural Technical Advisory Committee; <u>5/31/17</u> l) Swimming Pool Technical Advisory Committee; <u>5/30/17</u>
	15.)	Public Comment
	16.)	Commissioner Comment
	17.)	Adjourn

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

(UPDATED JUNE 13, 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	Daytona Beach Shores (The Shores Resort and Spa)

FY 2017-2018	LOCATION
August 7-8, 2017	Deerfield Beach (Embassy Suites)
October 10, 2017	Tallahassee (Doubletree)
December 12, 2017	Stuart (Marriott Resort Hutchison Island)

COMMISSION’S UPDATED CODE UPDATE WORKPLAN

6TH EDITION (2017) FBC CODE UPDATE DEVELOPMENT TASKS
ADOPTED UNANIMOUSLY AUGUST 18, 2016
REVISED JUNE 8, 2016, OCTOBER 13, 2016, AND APRIL 4, 2017

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

12. 6 TH EDITION (2017) UPDATE TO THE FLORIDA BUILDING CODE	
TASK	SCHEDULE
<i>Primary Code Development Phase:</i>	
2014 NEC published and available to the public;	08/2013
2015 International Codes published and available to the public;	05/2014
Commission selects 2015 I Codes and 2014 NEC as foundation for 6 th Edition (2017) FBC (<i>April 2015 Commission meeting</i>)	04/14/2015
Staff evaluates Florida amendments resulting from direction of the Legislature and Commission initiatives to propose for inclusion in the 6 th Edition (2017) FBC and publish “ Preliminary Supplement ”. Amendments are compiled in 2015 I – Codes format.	3/2015 – 6/2015

2015 I Codes plus the Preliminary Supplement – posted online	6/30/2015
Period for public to propose modifications to the 2015 I Codes and the Preliminary Supplement	7/1/2015 – 1/3/2016
Proposed amendments reviewed by staff and posted to the Commission website	1/13/2016
1 st 45 day comment period ends (<i>By law -45 day min before TAC review</i>)	2/25/2016
Staff post on Commission website proposed code changes (Tracking Charts and Detail Reports)	3/21/2016
TACs consider proposed modifications including comments from the 1 st 45 day 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 Workshops	12/13/2016 2/7/2017 4/4/2017
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	6/8/13/2017
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
2017FBC (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	TBD

Development Workshop) Commission – 2-day meeting	
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
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

EXECUTIVE SUMMARY FY 2016 – 2017 ANNUAL REPORT

I. EXECUTIVE SUMMARY AND RECOMMENDATIONS

MEETINGS. During the reporting period of July 1, 2016 – June 30, 2017 (fiscal year 2016 – 2017) the Commission conducted six on-site meetings and 7 teleconference participation meetings. During the period the Commission conducted on-site meetings in Ft. Lauderdale, Gainesville, St. Pete Beach, Jacksonville, Ocala, and Daytona Beach Shores.

OVERVIEW. The primary focus of the Florida Building Commission during the reporting period was the development of the *Florida Building Code, Sixth Edition (2017)*. The Commission's Technical Advisory Committees (TACs) met in April of 2016 and reviewed and developed recommendations on 532 proposed Code modifications to the adopted Code. The TACs reviewed public comments on the TAC's recommendations on July 18-21, 2016, and the Commission decided on TAC recommendations and adopted their consensus package of approved Code modifications for the *Florida Building Code, Sixth Edition (2017)* and voted to initiate rulemaking on the Code at their August 16 – 17, 2016 meeting. The Commission conducted a rule development workshop on the Commission's package of approved Code modifications for the *Florida Building Code, Sixth Edition (2017)* at their February 7, 2017 meeting, and an additional rule development workshop on April 4, 2017. The Commission completed rulemaking by conducting a final rule adoption hearing on June 13, 2017. The Florida Building Code 6th Edition's adopted effective date is December 31, 2017. The Commission's technical advisory committees met throughout the process to provide the Commission with recommendations regarding public comments submitted on the Commission's approved Code modifications.

In addition, during the reporting period the Commission concluded rulemaking to implement the legislative assignments from the 2016 Florida Legislature pursuant to HB 535 and SB 1602 by making relevant modifications to the *Florida Building Code, Fifth Edition (2014)* and filed the adopted Rule 61G20-1.001 with the Secretary of State.

Finally, at the October 13, 2016 meeting the Commission voted to approve rule text revisions to Rule 61G20-1.001, Florida Building Code Adopted, regarding the use of onsite renewable power generation used as a compliance option when using the Energy Rating Index (ERI) alternative path for demonstrating compliance with the energy provisions of the Florida Building Code, Energy Conservation, for the *Florida Building Code, Fifth Edition (2014)*. This was done as the final step needed to implement 2016 legislation pursuant to HB 535 (Section 34) that required the Commission to amend the *Florida Building Code, Fifth Edition (2014)* Energy Conservation, to adopt into Code Section 406 Alternative Performance Path, Energy Rating Index of the 2015 International Energy Conservation Code (IECC), in conformance with the provisions described in statute. In addition, the Commission was assigned with determining whether onsite renewable power generation may be used as a compliance option when using the Energy Rating Index (ERI) alternative path. The Commission worked with stakeholders to build a broad consensus on the issue and approved a modification in the Code for the Florida Building Code, 5th Edition (2014) Energy Conservation, and the Florida Building Code, 6th Edition (2017) Energy Conservation.

Entering its nineteenth year, the Commission is focused primarily on the maintenance of existing processes and programs, while continuing to work with stakeholders to enhance the effectiveness of the Florida Building Code System by continuously monitoring, evaluating and refining the System.

PROCESS. During the reporting period the Commission continued their focus on consensus-building efforts regarding the implementation of Commission policy, with extensive input from building construction industry stakeholders and interests affected by Commission policy. Chairman Richard Browdy encouraged and led the Commission’s consensus-building efforts supported by DBPR. To this end, the Commission convened three special issue projects that resulted in consensus being developed with impacted building construction industry stakeholders.

RESEARCH—SCIENCE BASED HURRICANE AND CODE PROTECTIONS. The Florida Building Commission has continuously assessed building systems and component failures identified after major storms since its inception in 1998, and in response has funded research to strengthen the Code’s effectiveness against wind and water intrusion based on these assessments. Assessments subsequent to the implementation of the Florida Building Code indicate that the research based design wind speeds required by the Code’s enhancements were adequate, and buildings built to the new Florida Building Code experienced less severe damage than did older buildings not built to the Florida Building Code.

The Code establishes minimum requirements to protect newly constructed buildings from wind, rain, flood and storm surge based on well-researched and continually-evolving engineering standards for buildings and the products that go into their construction. In addition to conducting research, developing state of the art hurricane resistance standards and integrating those standards in the Code at each revision cycle, the Commission seeks to be up-to-date with current national engineering and product standards within the Code. As with each subsequent version, the *Florida Building Code, Fifth Edition (2014)* maintains this commitment, and the *Florida Building Code, Sixth Edition (2017)* when it becomes effective on December 31, 2017 will also maintain the commitment.

The Commission has been funding hurricane resistance research based on legislatively approved spending authority since the formation of the Commission’s Hurricane Research Advisory Committee in January of 2005. The Commission currently funds research projects pertaining to hurricane resistance and other Code related topical areas to ensure the development of code amendments that make Florida’s structures, and the products that comprise them, more resistant.

During the reporting period—based on recommendations from the Commission’s technical advisory committees (TACs)—the Commission approved the funding of research projects for fiscal year 2016 - 2017 as recommended by the TACs’ chairs on the basis that the approved projects met the three criteria for funding: 1.) definition of research and/or technical enrichment, 2.) urgency/immediacy, and needed for the 2017 FBC and/or legislative directive, and 3.) funding available (full or partial); and were approved for funding based on the TAC chairs’ recommendations, and staff administering and overseeing the research, and negotiating scoping and contracting as appropriate.

As a result of evaluating proposed research projects in the context of the key evaluation criteria, the Commission sponsored important research projects on the following topics: continuation of the investigation of corrosion of fasteners; documenting field cases of attics sealed with spray foam insulation; improved hot water code calculation procedures; evaluation of the cost impact of Florida’s specific changes to 2015 I-Codes, “Prescriptive Code Change;” and, residential performance code methodology for crediting dehumidification and smart vent applications.

Finally, during the reporting period the Commission continued its commitment to evaluating and amending the Code as needed based on storm damage investigations, and at the October 13, 2017 meeting received a presentation on the findings from the University of Florida’s Building Codes Triage Team regarding their collection of building damage data from the impacts of Hurricane Matthew pursuant to the scope of an ongoing contract with DBPR/FBC. In addition, the Commission received a presentation regarding St. Johns County’s investigations of damage from the impacts of Hurricane Matthew.

CODE UPDATE. Florida law requires the Commission to update the Florida Building Code every three years, and the *Florida Building Code, Sixth Edition (2017)* represents the fifth update of the Code. The update process is based on the code development cycle of the national model building codes, which serve as the “foundation” codes for the Florida Building Code. At the April 14, 2015 meeting the Commission initiated the 2017 Code Update process by voting to adopt the 2015 International Codes and 2014 NEC as foundation codes for the *Florida Building Code, Sixth Edition (2017)*. The process will conclude when the Florida Building Code 6th Edition becomes effective on December 31, 2017. Following is a table reflecting the key tasks and associated schedule for the 2017 Code Update Process:

FLORIDA BUILDING CODE, 6TH EDITION (2017) DEVELOPMENT SCHEDULE	
KEY TASKS	SCHEDULE
Commission selects 2015 I Codes and 2014 NEC as foundation for the Florida Building Code, 6 th Edition (2017).	April 14, 2015
TACs consider proposed modifications including comments from the 1 st 45-day comment period and adopts recommendations.	April 1-15, 2016
TACs consider public comments on their recommendations and prepares public comments for consideration by the Commission.	July 18-21, 2016
Commission considers TACs’ recommendations and comments and adopts code modifications for the 2017 Code Update.	August 16-17, 2016
TACs review public comments submitted regarding the Commission’s package of approved Code modifications for the Florida Building Code, 6 th Edition (2017) and develop recommendations.	Jan. & February, 2017
Commission conducts rule development workshop on the Commission’s package of approved Code modifications for the Florida Building Code, 6 th Edition (2017).	February 7, 2017
TACs review public comments submitted regarding the Commission’s package of approved Code modifications for the Florida Building Code, 6 th Edition (2017) and develop recommendations.	March & April, 2017
Commission conducts additional rule development workshop on the Commission’s package of approved Code modifications for the Florida Building Code, 6 th Edition (2017).	April 4, 2017
Commission amends the adopted version of the 6 th Edition Florida Building Code (2017) by approving Errata and Code Fixes (Supplement) pursuant to Legislative direction from SB 1634, HB 1021, and HB 241.	May 12, 2017
Commission conducts final rule adoption hearing on Florida Building Code, 6 th Edition (2017)—Commission approves final version of the Code.	June 13, 2017
Florida Building Code, 6 th Edition (2017) Effective Date.	December 31, 2017

In response to 2016 legislation, during the reporting period the Commission concluded rulemaking to amend Rule 61G20-1.001 (Florida Building Code) to implement the Code changes prescribed in HB 535 and SB 1602, and adopted code language to implement the Legislative assignments as required.

The Code update process includes integration of the Florida Energy Efficiency Code for Building Construction (FEECBC) and the International Energy Conservation Code (IECC) maintaining the efficiencies of the FEECBC. The implementation of the *Florida Building Code, Sixth Edition (2017)* will ensure that Florida's Energy Code efficiencies are maintained as required.

Finally, using its authority granted in 2014 to interpret the Florida Accessibility Code for Building Construction (FACBC), the Commission to date has issued four interpretations regarding petitions for declaratory statements on the Accessibility Code.

ENERGY CODE INITIATIVES. In addition to the Commission's actions regarding legislative energy related assignments reported in this Report, at a September 21, 2016 Telephonic Commission meeting the Commission voted to certify that the commercial building provisions of the proposed Florida Building Code, Sixth Edition (2017), Energy Conservation, will meet the 2013 edition of the *Energy Standard for Buildings, Except Low-Rise Residential Buildings*, American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE)/ Illuminating Engineering Society of North America (IESNA) Standard 90.1, as referenced by the *2015 International Energy Conservation Code*, for buildings other than low-rise residential. In addition, at a May 12, 2017 telephonic meeting the Commission voted to certify to the DOE that the residential building provisions of the proposed 6th Edition Florida Building Code (2017), Energy Conservation (FEC), will meet or exceed the 2015 International Energy Conservation Code, for low-rise residential buildings.

PRODUCT APPROVAL. The product approval system is an internet-based system operated and administered by the Department of Business and Professional Regulation. Since January 1, 2014 DBPR staff has been administering the Product Approval System, and stakeholders report a high level of satisfaction with DBPR staff's administration of the System.

The Product Approval system efficiently processes hundreds of applications monthly. The Commission's Product Approval Program Oversight Committee (POC) convenes prior to every Commission meeting to review product and entity applications, address petitions for declaratory statements and consider enhancements to the product approval system. Since the system went into effect in October 2003, the Commission has approved 26,338 product applications and 117,828 products for statewide use within limitations established by the approvals. In addition, the Commission has approved 123 entities, 5,802 product applications and 21,647 products for statewide use to the 2014 Code.

During the reporting period the Commission completed rulemaking and amended Rule 61G20-3.008 (Product Approval Entities), to conform with an amendment to Section 553.842, F.S., by adding Underwriters Laboratories, LLC, and Intertek Testing Services NA, Inc. to the approved list of evaluation entities.

In addition, during the reporting period a special expedited concurrent Commission and Product Approval POC meeting was conducted on January 17, 2017 for the purpose of addressing previously approved applications that needed to be revised, as a result of a BCIS system glitch, to ensure that all files submitted to support product approval applications were updated and correct. The Commission and

DBPR staff responded quickly and efficiently to the matter, and ensured that product approval applications were approved in a timely manner.

EDUCATION. Education is one of the cornerstones of the Building Code System, and the effectiveness of the Building Code depends on the knowledge of professionals who design and construct buildings. The Commission continues to work with the Department of Business and Professional Regulation and representatives of the licensing boards to establish a cooperative system for approving building code courses and integrating building code continuing education into licensing requirements. In collaboration with the System Administrator and stakeholders, the Commission is working to ensure the accountability and efficacy of the Education System. During the reporting period the Commission continued to efficiently review and approve course and accreditor applications.

CALDER SLOAN SWIMMING POOL ELECTRICAL SAFETY TASK FORCE. The 2016 Florida Legislature assigned the Commission with convening the Calder Sloan Swimming Pool Electrical Safety Task Force for the purpose of studying and developing recommendations regarding enhancing swimming pool electrical safety in the Florida Building Code. At the August 16 - 17, 2016 meeting the Commission reviewed and adopted the Calder Sloan Swimming Pool Electrical Safety Task Force's ten recommendations as submitted. The Commission is in the process of implementing or has already implemented six of the ten recommendations using their existing authorities, and is recommending that the 2017 Legislature implement the four recommendations requiring legislative action including providing funding for science-based studies, funding to combat unlicensed activities, amending seller disclosure documents, and amending contractor continuing education requirements. The Report was delivered to the Legislature prior to the November 1, 2016 deadline as required.

(Appendix D—Calder Sloan Swimming Pool Electrical Safety Project Summary Report)

ENERGY RATING INDEX WORKGROUP. The *Energy Rating Index Workgroup* was convened by the Commission for the purpose of identifying and evaluating relevant issues and options regarding the use of onsite renewable power generation as an option for demonstrating compliance with the energy provisions of the Florida Building Code, Energy Conservation when using the Energy Rating Index (ERI) as an alternative compliance path, pursuant to the Legislative assignment in Section 34 of HB 535. The Workgroup developed consensus recommendations that were supported by the Commission's Energy TAC, and at a September 21, 2016 Teleconference Meeting the Commission voted to adopt the recommendations. Subsequently, on October 13, 2016 the Commission conducted a supplemental rule hearing on Rule 61G20-1.001 regarding the inclusion of a Code provision allowing for the use of onsite renewable power generation as an option to achieve compliance when using the ERI path into the Florida Building Code, Fifth Edition (2014). The Report was delivered to the Legislature prior to the October 1, 2016 deadline as required.

(Appendix E—Energy Rating Index Project Summary Report)

THRESHOLD BUILDINGS INSPECTIONS PROJECT. The Commission's Structural Technical Advisory Committee (TAC) met concurrently with the Board of Professional Engineers' (BOPE) Structural Committee on December 12, 2016 to evaluate issues and potential options regarding who is allowed to conduct inspections of existing threshold buildings. In general the focus of the meeting was to discuss whether it was the intent of Section 553.79 (5), (7), and (8) to apply to only new construction or also to existing buildings. The meeting concluded with general agreement that the FBPE's Structural Rules Committee and the FBC's Structural TAC should continue to discuss the issue regarding what might constitute a reasonable course of action going forward, and that the Declaratory Statement process may

be used as an avenue to further clarify some of the issues of concern. In addition, meeting participants agreed that it was clear that no agency including the Florida Building Commission has the authority to change statute, and rulemaking by the BOPE would not resolve the issue.

(Appendix F—Threshold Buildings Inspections Project Summary Report)

BINDING INTERPRETATION PROCESS. The Commission coordinates with the Building Officials Association of Florida (BOAF) on appointments to the Binding Interpretation Panel. The Panel consists of seven members charged with hearing requests to review decisions of local building officials. The Panel currently consists of five building code administrators (licensed under Chapter 468), one licensed architect (licensed under chapter 481), and one licensed engineer (licensed under chapter 471). During the reporting period, pursuant to HB 535 the Commission coordinated with BOAF on the appointment of the two new legislatively created positions and appointed a licensed architect and a licensed engineer. The Panel has heard 17 binding interpretations regarding the Florida Building Code to date.

LEGISLATIVE ASSIGNMENTS. The Florida Legislature through the passage of HB 535 and SB 1602 charged the Commission with a range of assignments impacting the Commission and the Florida Building Code System. In response, the Commission worked with stakeholders and affected interests to address each of the legislative assignments through facilitated processes yielding consensus-based recommendations and Commission decisions. All of the 2016 Legislative assignments were implemented timely, and the Commission's specific actions are detailed in Section IV of this Report. In addition, the Commission has initiated actions as appropriate for implementing 2017 Legislative assignments pursuant to SB 1634, HB 1021, and HB 241.

RULES REVIEW. Section 120.695, F.S., (Notice of noncompliance; designation of minor violation of rules) requires each agency to review all of its rules and designate those for which a violation would be a minor violation and for which a notice of noncompliance must be the first enforcement action taken against a person or business subject to regulation. A violation of a rule is a minor violation if it does not result in economic or physical harm to a person or adversely affect the public health, safety, or welfare or create a significant threat of such harm. DBPR staff determined that there were sections of two rule chapters that the Commission should review and make a determination regarding whether a violation would be a minor violation. They are Rule 61G20-3, Product Approval, and Rule 61G20-6, Building Code Training Program. DBPR staff advised the Commission that based on their analysis there are no minor violations based on the significance of the education and product approval programs and the seriousness of the violations listed in the relevant rule sections. Based on DBPR analysis the Commission determined that pursuant to Section 120.695, F.S., there were no rule sections within the Commission's authority that would constitute a minor violation.

RECOMMENDATIONS. Monitoring the building code system and determining refinements that will make it function better is a primary responsibility of the Commission, and consequently the Commission is continually effecting refinements to the building code system by administrative rule amendment(s) where the statutes provide authority. However, the building code system is established in law, requiring that some refinements must be implemented through changes to law.

In general the Commission works with building construction industry stakeholders to build consensus on legislative assignments and on modifications to the Florida Building Code, and relies on industry groups to take the lead in proposing specific legislation to implement proposed changes to statute. The Commission received two legislative assignments in 2016 that required reporting back to the Legislature

prior to the 2017 Legislative Session. These recommendations were submitted to the Legislature by the required deadlines and are summarized in this section. The Commission's recommendations for 2017 legislative actions designed to improve the system's effectiveness are summarized below.

The Commission's recommendations for statutory changes resulting from the Florida Legislature's assignment pursuant to the requirements of Section 34 of HB 535 (Energy Rating Index) include recommending that the use of onsite renewable power generation should be allowed as an option to achieve compliance when using the ERI path (counted toward the ERI score adopted into the Code), and that there should not be any statutory timeframes associated with this provision, and that the ERI provision should be subject to the same review as other adopted code provisions utilizing the Commission's statutory code review process pursuant to the relevant provisions of Section 553.73, F.S. (Florida Building Code).

The Commission's recommendations regarding the Calder Sloan Swimming Pool Electrical Safety Task Force assignment include funding for science-based studies, funding to combat unlicensed activities, amending seller disclosure documents, and amending contractor continuing education requirements.

The Commission's other consensus developed recommendations for statutory changes were supported by industry stakeholders, who will take the lead on initiating any specific legislative proposals for the 2017 Legislative Session. The Commission's summary of recommendations for 2018 Legislative actions will be included in the Annual Report for the period July 1, 2017 – June 30, 2018.