**JDB Code Services, Inc.**

**Date:** August 15, 2017

**To:** Doug Buck

**From:** Joe Belcher

**Subject:** SummaryCommission Meeting August 8, 2017, Deerfield Beach, Fl

Doug,

Following is the requested summary. Please do not hesitate to contact me if you have questions or wish to discuss.

# Attendees.

## The following Commissioners attended: Dick Browdy (Chair), Hamid Bahadori, Steve Bassett, James Batts, Bob Boyer, Donald Brown, Kelly Smith Burk, Oscar Calleja, Jay Carlson, David Compton, Kevin Flanagan, Charles Frank, Shane Gerwig, David Gilson, Richard Goff, Jeff Gross, Robert Hamberger, Brian Langille, Brad Schiffer, Frederick Schilling, Jim Schock, Drew Smith, Jeff Stone, and Brian Swope. (24 of the 26 currently seated Commissioners attended—92%).

## Absent Commissioners: Nan Dean and Diana Worrall.

## Staff Present: Thomas Campbell, Jim Hammers, Chris Howell, Mo Madani, and Justin Vogel, facilitator – Jeff Blair.

# Appointments/Reappointments.

## Commission Reappointment – Diana Worrall reappointed by the Governor.

## Energy TAC – Jonathan Parks appointed to replace Larry Maxwell.

## Roofing TAC – George Ebersold appointed to replace Billy Cone.

# Residential TAC.

## **The Chair reported that there is a request from stakeholders to form a Residential TAC for the purpose of reviewing and making recommendations regarding all code modifications to the Residential Building Code. DBPR staff is evaluating the request, and the Chair will keep the Commission advised regarding the issue.**

## **Before the Commission meeting, FHBA representatives Doug Buck and Joe Belcher met with the Commission Chair Dick Browdy (Chair) and staff members Tom Campbell, Mo Madani, and Justin Vogel on August 7 to discuss the FHBA request for the appointment of a Residential TAC. The Chair expressed the opinion that the application was to examine the cost impact of changes approved for the Florida Building Code – Residential. The Chair expressed the concept of a Program Oversight Committee or something similar and referred to the Educational POC as an example. Buck held that other code categories such as roofing, swimming pool, electrical, etc. had a TAC and the residential code did not. Belcher clarified that the ICC International Residential Code has two code action committees. One committee deals with the building portions of the code and the other deals with mechanical, plumbing, and gas parts of the code. The DBPR staff is to develop a proposal for review and comment.**

# Declaratory Statements.

## The Commission reviewed and acted upon five Petitions for Declaratory Statement.

## The code consultant provided Input to the Declaratory Statements at the TAC level.

# Rule Development Workshop.

## Rule 61G20-2.001. The rule was amended to change the majority for TAC votes on recommendations to the Commission from ¾ to 2/3 majority of members present. The Commission adopted the rule by a 24 – 0 vote.

## **Rule 61G20-2.002. The purpose of the rule development workshop was to review draft rules developed by staff to incorporate changes to the code change process mandated by Ch. 2017-149 LOF. The proposed rule essentially divides the code change process into two parts or two reviews.**

### **The first review is to consider all the updates to the International Codes and the National Electrical Code. Under the staff proposal, this review will be conducted by the various TACs with recommendations to the Commission on which of the updates to adopt into the Florida Building Code. The Commission would then act positively or negatively upon the TAC recommendations. The rule alludes to public review but specifies no timelines similar to the present 45-day comment periods stipulated by law as contained in the proposed second review. Upon completion of the first review, the process will revert to the existing code change process to conduct part two of the review or the second review.**

### **The second review will be subject to the two 45-day public comment periods. During the second review, interested parties may comment on or submit modifications to the changes approved in the first review or submit entirely different changes.**

### **Some public comment was made to the Commission.**

#### **FHBA Governmental Affairs Director, Doug Buck, testified that the proposed process gives an advantage to the ICC updates and that was not the intent of the law. Buck professed the intent was that changes other than those related to wind resistance, water intrusion, or flood management are only to be considered if submitted by an interested party.**

#### **The FHBA code consultant, Joe Belcher, expressed concerns that the proposed rule does not contain any timelines or specifics related to public comment. There are allusions to “public review”, but the language is too ambiguous. Belcher further stated FHBA's preference that the Commission retains the ¾ majority rule for Commission votes on modifications to the code.**

#### **BOAF representatives expressed concerns with limiting the review of the TACs and held that the law called for the review of all the latest ICC updates by the Commission.**

## The Commission voted 24 – 0 to implement the changes to Rule 61G20-2.002 as drafted by staff with the following conditions:

### Leave the rule open for a ten-day period for further public comment.

### Written public comment on the rule may be submitted by email or mail to Mo Madani by August 18, 2017.

### Provides authorization to staff to make scoping revisions based on public and Commissioner comments.

### Authorizes staff to make scoping and editorial changes as needed.

### Authorizes DBPR to publish a Notice of Proposed Rule.

### Delegates authority to Thomas Campbell to sign rulemaking documents on behalf of the Chairman of the Florida Building Commission.

# Draft Workplan for FBC 7th Edition (2020).

## Madani presented draft Workplan for Development of FBC 7th Edition (2020).

## The Commission voted 24-0 to approve the Draft Workplan.

# Energy Code Compliance Software.

## The Chairman of the Energy TAC, Drew Smith, moved approval of Right-Suite Universal 2017 using Right-Energy Florida 2014 for demonstrating compliance with the FBC-EC 5th Edition (2014) for demonstrating compliance in single-family homes. The FHBA code consultant, Joe Belcher, testified in support of the approval of the software at both the Energy TAC meeting and the Commission meeting.

## The Commission voted 23-0 in favor of conditional approval of the software for compliance with the FBC-EC 5th Edition (2014). Conditions include addressing editorial correction noted in comments by DBPR staff and FSEC.

# Research Projects for FY 2017-18 Funding.

## TAC Chair Meeting Recommendations for Funding. The following five projects were recommended to be fully funded and were determined as required for the development of the 2020 Florida Building Code ($202,910):

###  Study on impact of code issues on property insurance rates {Fire TAC P1} (Apfelbeck) [$15,000]

### Evaluation of Cost Impact and Benefit of 2018 Prescriptive Code Changes {Fire TAC P2} (UF) [$79,960]

### Additional Information added to the ongoing cost impact analysis project {Fire TAC P2} (Schock) [$25,000 included in cost of the project listed above]

### Workshop on Evaluation of the Cost Impact of Prescriptive Code Changes {Fire TAC P2} (UF) [$39,950]

### Comparison of the 6th Edition Florida Building Energy Code with IECC 2018 and ASHRAE 90.1-2016 {Fire TAC P2} (FSEC) [$48,000]

### A study to evaluate impact of code updates and the ISO, BCEGS, and insurance premiums and a qualifier that would identify electrical requirements specifically {Electrical TAC P3} (Holland) [$20,000]

### **MOTION—**The TAC *C*hairs voted, 12 – 0 in favor, to approve the five projects recommended by staff as required for the development of the 2020 FBC at full funding ($202,910).

## The TAC chairs voted that the following five projects met the criteria and should be evaluated for funding ($196,073):

### Residential Air Leakage Testing and Mechanical Ventilation Verification {Energy TAC P1} (FSEC) [$59,000 propose $47,790 approved]

### Energy Impact of Dehumidifier Location {Energy TAC P4} (FSEC) [$40,000 proposed $32.400 approved]

### A cost impact study completed on decking systems about roofing diaphragms and costs to the consumer {Roofing TAC P1} (FRSA) [$113,000 - $156,500 proposed $111, 833 approved]

### Continuation of corrosion of roofing fasteners {Roofing TAC P2} (UF) [$25,065 proposed – Funds added back to Roofing P1, Diaphragm costs]

### Research project on Chapter 233 residential facilities requirements {Accessibility TAC P2} (Gross) [$5,000 proposed $4,050 approved]

### **MOTION:** The TAC Chairs voted 11-1 to recommend the Commission approve the recommended funding for research projects for FY 2017 -2018.

## The Commission voted 20-3 to approve funding the research projects as recommended by the TAC Chairs for FY 2017 – 2018.

