

FLORIDA BUILDING COMMISSION

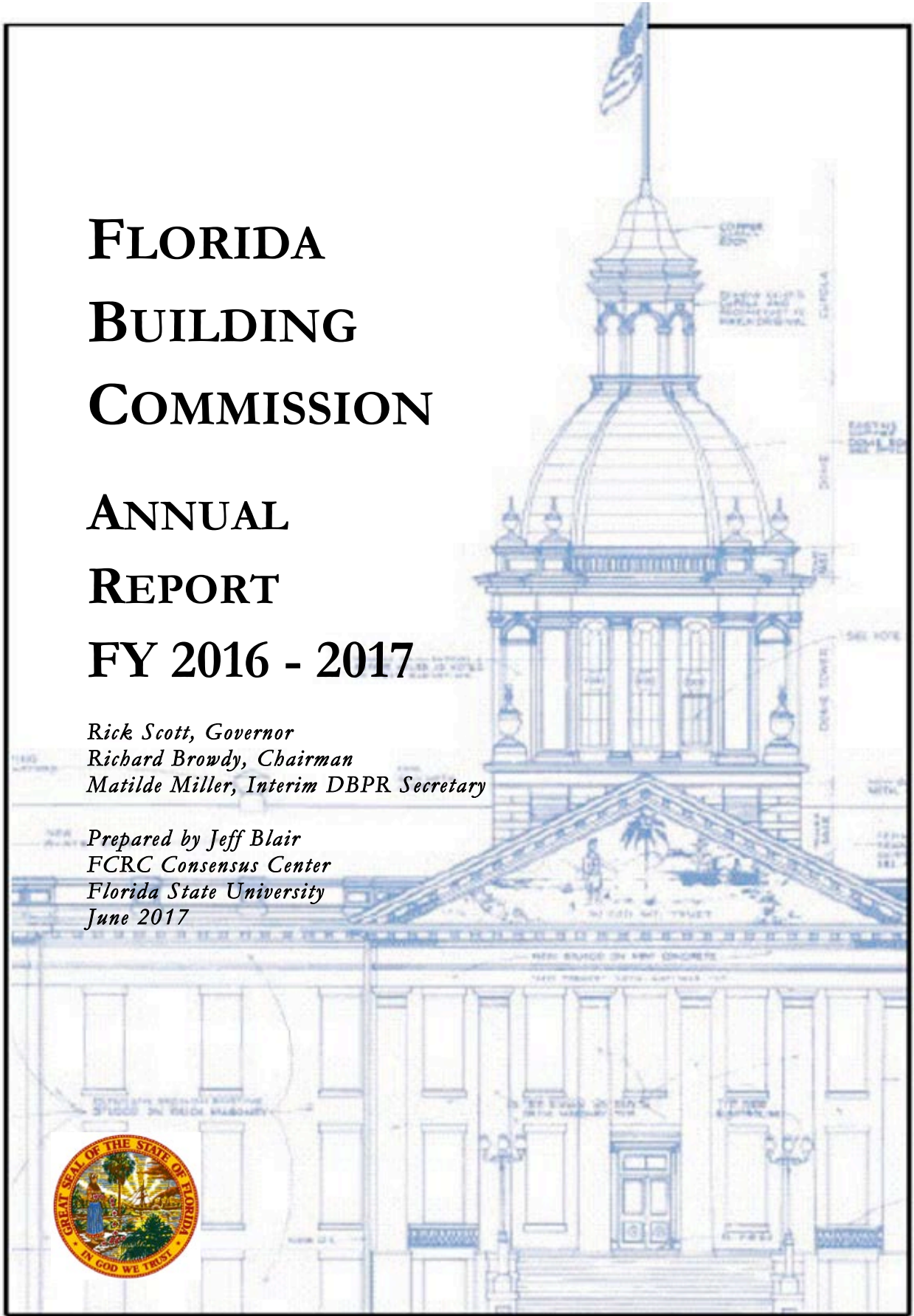
ANNUAL

REPORT

FY 2016 - 2017

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FLORIDA BUILDING COMMISSION
 REPORT AND RECOMMENDATIONS TO THE 2018 LEGISLATURE
 FOR THE REPORTING PERIOD JULY 1, 2016 – JUNE 30, 2017

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FLORIDA BUILDING COMMISSION REPORT AND RECOMMENDATIONS TO THE 2018 LEGISLATURE



**FLORIDA
BUILDING
COMMISSION**
"STRONGER CODES THROUGH SCIENCE AND CONSENSUS"



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, 6 TH 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	February 7, 2017

Edition (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.

II. INTRODUCTION

In 1974, Florida adopted a state minimum building code law requiring all local governments to adopt and enforce a building code. The system provided four separate model codes that local governments could consider and adopt to establish minimum standards of health and life safety for the public. In that system, the state's role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes as they saw fit.

Hurricane Andrew demonstrated in 1992 that this system of local codes did not provide the level of public protection that was necessary. The South Florida Building Code, which was the local code universally acknowledged to set the strongest standard for hurricane protection, essentially failed. The resulting problems had impacts well beyond southern Miami-Dade County. The state filled the property insurer void left by failed and fleeing private insurance companies, and the federal government poured billions of dollars of aid into the disaster area. It became starkly apparent the state had a significant interest in the effectiveness of building codes.

After Hurricane Andrew, Miami-Dade County conducted an exhaustive review of its building code and made significant changes to both the code and support systems for code enforcement. In other areas of the state the Florida Board of Building Codes and Standards (the predecessor to the Florida Building Commission) adopted significant upgrades to the wind resistance standards of the model state minimum code that was used by the majority of other local governments. The state also began licensing local governments' building code enforcement personnel. These steps proved critical in leading to the building codes that produced improved building performance in the 2004 hurricane season.

Like Miami-Dade County, the State went beyond modernizing the minimum building codes. In 1996 a study commission was appointed to review the system of local codes created by the 1974 law and to make recommendations for modernizing the entire system. The 1998 Legislature adopted the study commission's recommendations for a single state building code and an enhanced oversight role for the state in local code enforcement. The same legislation created the Florida Building Commission to develop and maintain the Florida Building Code and related programs and processes. The 2000 Legislature authorized implementation of the Florida Building Code, and the first edition replaced all local codes on March 1, 2002. There have been five editions to date, and the Commission initiated the development of the Florida Building Code, Sixth Edition (2017) in April of 2015.

III. COMMISSION REPRESENTATION AND PROCESS

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.

IV. LEGISLATIVE ASSIGNMENTS

The 2017 Florida Legislature through the passage of SB 1634, HB 1021, and HB 241 charged the Commission with a range of assignments impacting the Commission and the Florida Building Code System. In response, the Commission will work with stakeholders and affected interests to address each of the legislative assignments through facilitated processes yielding consensus-based recommendations and Commission decisions. The Commission's actions are detailed in the following section of this report.

SPECIAL LEGISLATIVE ASSIGNMENTS STATUS UPDATE

CALDER SLOAN SWIMMING POOL ELECTRICAL SAFETY TASK FORCE. The 2016 Florida Legislature, through the passage of Section 30 of HB 535, 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)

2017 LEGISLATIVE ASSIGNMENTS STATUS UPDATE

The 2017 Florida Legislature through the passage of SB 1634, HB 1021, and HB 241 charged the Commission with a number of assignments impacting the Florida Building Code System. The Commission is in the process of implementing the assignment through appropriate actions. Following is an implementation summary regarding 2017 Legislative assignments:

2017 LEGISLATIVE CODE ASSIGNMENTS STATUS UPDATE

Action Required: SB 1634 required the Commission to amend the Code to incorporate specific provisions regarding the clearance requirements between elevator doors for elevators inside a private residence pursuant to Section 3013.1, 3013.2, R321.4.1, and R321.4.2.

Status: The Commission amended the Code through adoption of a Supplement to the *Florida Building Code, Sixth Edition (2017)* as required to implement the provision.

Action Required: HB 1021 required the Commission to amend the Code to incorporate specific provisions regarding: eliminating the requirement for a door self-closing device pursuant to R302.5.1; substitution of door components pursuant to R609.10; and, mechanical systems and service water-heating systems commissioning and completion requirements, plan and reporting pursuant to C408.2, C408.2.1, and C408.2.4 respectively.

Status: The Commission amended the Code through adoption of a Supplement to the *Florida Building Code, Sixth Edition (2017)* as required to implement the provisions.

Action Required: HB 241 required the Commission to amend the Code to incorporate specific provisions regarding: Section 105.17 pursuant to streamlined low-voltage alarm system installation permitting.

Status: The Commission amended the Code through adoption of a Supplement to the *Florida Building Code, Sixth Edition (2017)* as required to implement the provisions.

2016 LEGISLATIVE ASSIGNMENTS STATUS UPDATE

The 2016 Florida Legislature through the passage of HB 535 and SB 1602 charged the Commission with a number of assignments impacting the Florida Building Code System. The Commission has implemented the assignment through appropriate actions. Following is an implementation summary regarding 2016 Legislative assignments:

Action Required: An amendment to Section 553.721, F.S. (Surcharge), provided up to \$30,000 in funding for the Building Code System Uniform Implementation Evaluation Workgroup's recommendations during fiscal year 2016 – 2017.

Status: The Commission consulted with stakeholders and evaluated a strategy for the implementation of this provision.

Action Required: An amendment to Section 553.775, F.S. (Interpretations), required the Commission to coordinate with the Building Officials of Florida (BOAF) regarding appointments to the panel charged with hearing requests to review decisions of local building officials.

Status: The Commission coordinated with BOAF as needed to make the panel appointments timely.

Action Required: The 2016 Legislature created the Calder Sloan Swimming Pool Electrical-Safety Task Force within the Florida Building Commission to study standards for grounding, bonding, lighting, wiring, and all electrical aspects for safety in and around public and private swimming pools, especially with regard to minimizing risks of electrocutions linked to swimming pools.

Status: The Commission convened the Calder Sloan Swimming Pool Electrical Safety Task Force and their recommendations were adopted and implemented by the Florida Building Commission as required.

2016 LEGISLATIVE PRODUCT APPROVAL SYSTEM ASSIGNMENT STATUS UPDATE

Action Required: An amendment to Section 553.842, F.S., required the Commission to add Underwriters Laboratories, LLC, and Intertek Testing Services NA, Inc. to the approved list of evaluation entities.

Status: The Commission has completed rulemaking to amend Rule 61G20-3.008 (Product Approval Entities) to conform the Product Approval Rule to this provision.

2016 LEGISLATIVE CODE ASSIGNMENTS STATUS UPDATE

Action Required: [Section 10 and Section 11 HB 535] An amendment to Section 514.011 (definitions), F.S. and Section 514.0115, F.S., required the Commission to amend the Code to incorporate a definition and related Code provisions for temporary pools.

Status: The Commission completed rulemaking to amend Rule 61G20-1.001 (Florida Building Code) to implement this provision.

Action Required: [Section 14 HB 535] An amendment to Section 515.27, F.S., required the Commission to amend the Code to provide an exception as prescribed regarding swimming pool alarms for private swimming pools.

Status: The Commission completed rulemaking to amend Rule 61G20-1.001 (Florida Building Code) to implement this provision.

Action Required: [Section 17 (15) HB 535] An amendment to Section 553.73 (15), F.S., required the Commission to amend the Code to clarify, consistent with the amended statute, under which circumstances local jurisdictions can require existing mechanical equipment mounted on the roof to be installed in compliance with the Florida Building Code.

Status: The Commission completed rulemaking to amend Rule 61G20-1.001 (Florida Building Code) to implement this provision.

Action Required: [Section 17 (19) HB 535] An amendment to Section 553.73 (19), F.S., required the Commission to amend the Code to require two fire service access elevators in all buildings with a height greater than 120 feet according to the provisions in statute.

Status: The Commission completed rulemaking to amend Rule 61G20-1.001 (Florida Building Code) to implement this provision.

Action Required: [Section 19 HB 535] An amendment to Section 553.79, F.S., required the Commission to amend the Code to authorize building officials to issue permits for foundations or any other part of a building or structure before the construction documents for the entire building or structure have been submitted.

Status: The Commission completed rulemaking to amend Rule 61G20-1.001 (Florida Building Code) to implement this provision.

Action Required: [Section 23 (c) HB 535] An amendment to Section 553.844, F.S., required the Commission to amend the Code regarding windstorm mitigation for roofs and openings protection requirements to not require a permit for roof covering replacement or repair work associated with the prevention of degradation of the residence.

Status: The Commission completed rulemaking to amend Rule 61G20-1.001 (Florida Building Code) to implement this provision.

Action Required: [Section 23 (4) HB 535] An amendment to Section 553.844, F.S., required the Commission to amend the Code to add rated walls as an approved method deemed to comply with the Code's wind resistance requirements for mechanical equipment or appliances fastened to a roof or installed on the ground.

Status: The Commission completed rulemaking to amend Rule 61G20-1.001 (Florida Building Code) to implement this provision.

Action Required: [Section 24 HB 535] An amendment to Section 553.883, F.S., required the Commission to amend the Code to not require battery-powered fire alarm, smoke alarm, or smoke detectors for centrally monitored systems that uses a low-power radio frequency wireless communication signal, or that contain multiple sensors, approved and listed by a nationally recognized testing laboratory.

Status: The Commission completed rulemaking to amend Rule 61G20-1.001 (Florida Building Code) to implement this provision.

Action Required: [Section 24 HB 535] An amendment to Section 553.908, F.S., required the Commission to amend Section R402.4.1.2 of the Florida Building Code, 5th Edition 1283 (2014) Energy Conservation to increase the building's or dwelling unit's maximum tested air leakage measure from "not exceeding 5 air changes per hour" to "not exceeding 7 air changes per hour" in Climate Zones 1 and 2. In addition, the mandatory blower door testing for residential buildings or dwelling units as contained in section R402.4.1.2 1289 of the Florida Building Code, 5th Edition (2014) Energy Conservation, shall not take effect until July 1, 2017, and shall not apply to construction permitted before July 1, 2017. Additionally, section M401.2 of the Florida Building Code, 5th Edition (2014) Mechanical, and section R303.4 of the Florida Building Code, 5th Edition (2014) Residential, shall not require mandatory mechanical ventilation unless the air infiltration rate in a dwelling is less than 3 air changes per hour when tested with a blower door at a pressure of 0.2-inch water column (50 Pascals).

Status: The Commission completed rulemaking to amend Rule 61G20-1.001 (Florida Building Code) to implement these provisions.

Action Required: [Section 26 HB 535] An amendment to Section 553.908, F.S., required the Commission to amend the Code to clarify that local enforcement agencies shall accept duct and air infiltration tests conducted by those listed in statute.

Status: The Commission completed rulemaking to amend Rule 61G20-1.001 (Florida Building Code) to implement these provisions.

Action Required: [Section 32 HB 535] The 2016 Legislature through passage of HB 535 required the Commission to amend the Residential Building Code to create a definition in Chapter 2 for "fire separation distance" in conformance with the provisions described in statute.

Status: The Commission completed rulemaking to amend Rule 61G20-1.001 (Florida Building Code) to implement these provisions.

Action Required: [Section 33 HB 535] The 2016 Legislature through passage of HB 535 required the Commission to amend the Florida Building Code, Residential, to incorporate requirements to allow openings and roof overhang projections on the exterior wall of a building located on a zero lot line in conformance with the provisions described in statute.

Status: The Commission completed rulemaking to amend Rule 61G20-1.001 (Florida Building Code) to implement these provisions.

Action Required: [Section 34 HB 535] The 2016 Legislature through passage of HB 535 required the Commission to amend the Florida Building Code, Energy Conservation, to adopt into the Code Section 406 Alternative Performance Path, Energy Rating Index, in conformance with the provisions described in statute.

Status: The Commission completed rulemaking to amend Rule 61G20-1.001 (Florida Building Code) to implement these provisions.

Action Required: [Section 35 HB 535] The 2016 Legislature through passage of HB 535 required the Commission to amend the Florida Building Code, Residential, to incorporate shower lining requirements exceptions in conformance with the provisions described in statute.

Status: The Commission concluded rulemaking to amend Rule 61G20-1.001 (Florida Building Code) to implement these provisions.

Action Required: [Section 36 HB 535] The 2016 Legislature through passage of HB 535 required the Commission to amend the Florida Building Code, Residential, to incorporate minimum fire separation distance requirements for non-fire resistant rated exterior walls in conformance with the provisions described in statute.

Status: The Commission concluded rulemaking to amend Rule 61G20-1.001 (Florida Building Code) to implement these provisions.

Action Required: [Section 37 HB 535] The 2016 Legislature through passage of HB 535 required the Commission to amend the Florida Building Code, Building, to incorporate into Chapter 9 the following provision: Notwithstanding any law, rule, or regulation to the contrary, a restaurant, cafeteria, or similar dining facility, including an associated commercial kitchen, is required to have sprinklers only if it has a fire area occupancy load of 200 patrons or more.

Status: The Commission concluded rulemaking to amend Rule 61G20-1.001 (Florida Building Code) to implement these provision..

Action Required: [Section 39 HB 535] The 2016 Legislature through passage of HB 535 required the Commission to amend the Florida Building Code, Building, to incorporate into Chapter 1 the following provision: A local enforcement agency shall post each type of building permit application on its website. Completed applications must be able to be submitted electronically to the appropriate building department. Accepted methods of electronic submission include, but are not limited to, e-mail submission of applications in portable document format or submission of applications through an electronic fill-in form available on the building department's website or through a third-party submission management software. Payments, attachments, or drawings required as part of the permit application may be submitted in person in a nonelectronic format, at the discretion of the building official.

Status: The Commission concluded rulemaking to amend Rule 61G20-1.001 (Florida Building Code) to implement these provisions.

Action Required: [Section 1 SB 1602] The 2016 Legislature through passage of SB 1602 created Section 399.031, F.S., requiring the Commission to amend the Code to provide clearance requirements between doors for elevators inside a private residence as prescribed in the statute.

Status: The Commission concluded rulemaking to amend Rule 61G20-1.001 (Florida Building Code) to implement these provisions.

Action Required: Section 34 of HB 535 assigned the Commission with determining by October 1, 2016, whether onsite renewable power generation may be used for compliance. The commission must also determine whether onsite renewable power generation may be used for a period longer than three years but not more than six consecutive years.

Status: In response to this Legislative assignment and based on the Energy TAC's recommendation, the Commission convened an Energy Rating Index Workgroup, that developed consensus recommendations approved by the Commission in response to this assignment.

V. The FLORIDA BUILDING CODE

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. Initiating and conducting the triennial code update process for the *Florida Building Code Sixth Edition (2017)* was a major focus of the Commission during the reporting period. The code 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, and 2015 represented the third time the Commission adopted the International Energy Conservation Code (IECC) as the foundation for the 2017 Florida Energy Code. National model building codes and most engineering standards are updated every three years and the intent is to keep the Code up-to-date with evolving national standards of health, safety and welfare of the public.

The 2017 Update process, development of the *Florida Building Code Sixth Edition (2017)*, was initiated with selection of the 2015 I Codes and the 2014 NEC as foundations for the 2017 Florida Building Code in April 2015. The 2017 Code Update marked the second time that modifications to the foundation code remain effective only until the effective date of a new edition of the Florida Building Code every third year per Section 553.73(7)(g), F.S. With the exception that modifications related to state agency regulations, and wind-resistance design of buildings and structures within the high-velocity hurricane zone of Miami-Dade and Broward Counties which are adopted to an edition of the Florida Building Code do not expire and shall be carried forward into the next edition of the code. In addition, provisions of the foundation codes, including those contained in referenced standards and criteria, relating to wind resistance or the prevention of water intrusion may not be modified to diminish those construction requirements. Based on technical staff’s recommendations the Commission’s technical advisory committees conducted the preliminary review and developed recommendations for which to retain based on statutory requirements. In addition, the Fire TAC reviewed and developed recommendations regarding overlaps and correlation issues between the Florida Fire Prevention Code and the Florida Building Code.

For the 2017 Code Update process proposed Code modifications to the Florida Building Code were reviewed by the Commission’s TACs in meetings conducted in April 2016. The TACs’ recommendations regarding proposed Code modifications were posted to the Commission’s website for a minimum of 45 days and the public was provided an opportunity to comment on the TACs’ recommendations during this time-frame (second 45-day review period). The TACs subsequently met during the week of July 18, 2016 to review the public comments, and provided TAC comments to the Commission regarding whether the submitted public comments address TAC concerns relative to their original recommendations on proposed Code modifications (TAC feedback on public comments to the Commission). On August 16 - 17, 2016 the Commission decided on the TACs’ recommendations and comments on public comments regarding proposed modifications for the *Florida Building Code Sixth Edition (2017)*. The Commission made decisions on all of the proposed Code modifications and local technical amendments submitted for statewide approval, and voted to adopt the Commission’s package of recommendations of approved Code modifications for the 2017 Code Update, and to initiate rulemaking. During January and February of 2017 the Technical Advisory Committees reviewed and developed recommendations to the Commission regarding public comments submitted on the Commission’s package of approved Code modifications for the

Florida Building Code, Sixth Edition (2017). As the next step in the process, on February 7, 2017 the Commission conducted a rule development workshop for Rule 61G20-1.001(1), Florida Building Code, regarding the Commission's package of approved Code modifications for the Florida Building Code, 6th Edition (2017). The Technical Advisory Committees met again during March and April of 2017 to provide the Commission with recommendations on public comments submitted regarding the Draft Code, and the Commission conducted a second rule development workshop on April 4, 2017 and voted to proceed with the adoption of Rule 61G20-1.001. The Commission conducted a final rule adoption hearing on Florida Building Code, Sixth Edition (2017), and voted to file the Rule with the Department of State for certification, with an effective date of December 31, 2017.

For the *Florida Building Code Sixth Edition (2017)* Code Update process the Commission voted to conduct a Building Code "Glitch" fixes amendment process after the effective date of the Code, and only if needed. If a "Glitch" amendment process is initiated the Commission will conduct a rule development workshop pertaining to Rule 61G20-1.001(1), Florida Building Code to consider changes to the *Florida Building Code Sixth Edition (2017)* regarding 2017 Building Code "Glitch" fixes proposed pursuant to the statutory criteria allowing adoption without Code development processes, using Chapter 120 rulemaking procedures only. The proposed changes can only be approved if they meet the statutory requirements for "Glitch" Amendments pursuant to Section 553.73 (8), Florida Building Code.

During the 2017 Code Update process the Commission's technical advisory committees focused on reviewing Florida specific requirements to the Code, achieving the goal of minimum variation from the foundation codes. For the 2017 Code Update process construction industry stakeholders proposed a variety of code amendments designed to ensure that code changes are cost effective and that new buildings constructed in Florida remain affordable while ensuring they are structural sound, wind and water intrusion resistant, and energy efficient. Many of these changes were recommended for approval by the Commission's technical advisory committees and were considered by the Commission in their adopted version of the *Florida Building Code Sixth Edition (2017)*.

Highlights of *Florida Building Code Sixth Edition (2017)* include carrying forward Code enhancements from the 5th Edition of the Code: adopting the IRC Florida high wind area requirements; Florida specific wind resistance water infiltration requirements for Building and Residential codes; Flood requirements integration; swimming pool energy standards inclusion; roofing provisions; wind load provisions; provisions related to state agency regulations; provisions related to the wind resistance design of building and structures within the High-Velocity Hurricane Zone; Florida energy efficiencies; Florida specific changes mandated by law; and, integration of windows and doors testing and labeling requirements into the Code. In addition, the 6th Edition incorporates enhancements including: updating materials and construction standards for consistency with the latest industry standards and construction designs; providing product manufacturers and builders with more efficient and cost-effective design solutions, options, standards and technologies as established by the national model codes; and providing for provisions to further improve the Code's electrical and safety requirements for swimming pools.

INTEGRATION OF FLORIDA ACCESSIBILITY LAW INTO THE NEW ADAAG ADOPTED BY THE U.S. DEPARTMENT OF JUSTICE

The fundamental guidelines the ADA Standards are based on, the Americans with Disabilities Act Accessibility Guidelines, were updated in 2004 and in June 2008 the U.S. Department of Justice published its Notice of Proposed Rule, "*Proposed ADA Standards for Accessible Design, June 2008.*" The DOJ completed its adoption of revised regulations 28 CFR 35 and 28 CFR 36 establishing the 2010 ADA Standards for Accessible Design, September 15, 2010. In anticipation of the revised ADA Standards for Accessible Design the Commission convened an Accessibility Code Workgroup of stakeholders that developed recommendations to the Commission for changes to the Code as well as for statutory changes needed to conform Florida Law to the Federal Law. The Commission amended the Accessibility Code, and made recommendations for changes to law essential to conforming to the 2010 ADA Standards that were implemented by the Florida Legislature. As a result of the Commission's proactive initiative Florida's 2012 Accessibility Code for Building Construction fully integrates Florida Specific Requirements with the final 2010 ADA Standards for Accessible Design issued September 15, 2010.

As previously reported, Florida's Accessibility Code was ready for certification concurrent with the effective date of the new ADA Standards for Accessible Design (SAD), and remains under review for certification by the DOJ. The last report from the DOJ indicated that the FACBC is in the final stages of review and only has to be reviewed by the Access Board before certification from DOJ. During the reporting period there were no updates from the DOJ regarding the FACBC's certification status. It should be noted that Florida's Accessibility Code is the first code in the Nation submitted for certification to the new SAD.

VI. ENERGY EFFICIENCY INITIATIVES AND CODE CHANGES

During the development of the *Florida Building Code Sixth Edition (2017)* the Commission incorporated the International Energy Conservation Code (IECC) as the foundation code for the *Florida Energy Efficiency Code for Building Construction* while maintaining existing Florida efficiencies. Also consistent with 2013 statutory changes to Section 553.901, F.S., the Commission adopted the Florida Building Code–Energy Conservation as a volume of the Code consistent with other the Code sections and based on the International Building Code. Previously the Commission adopted the Florida Energy Efficiency Code for Building Construction within the Florida Building Code.

As with previous editions the *Florida Building Code Sixth Edition (2017)* as adopted will meet or exceed all Federal energy efficiency requirements. At a September 21, 2016 telephonic meeting the Commission voted to certify to the Department of Energy (DOE) that the commercial building provisions of the proposed Florida Building Code, 6th 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.

Highlights of proposed code amendments to the Energy Code for inclusion in the *Florida Building Code Sixth Edition (2017), Energy Conservation*, include: the addition of a new Energy Rating Index “ERI” compliance method; adding a new chapter titled “Existing Structures” which consolidates all of the energy provisions for existing buildings under one chapter; updating the commercial provisions of the Code for consistency with ASHRAE 90.1 – 2013; and, maintaining the efficiencies of the Florida Energy Code as mandated by law.

Specific actions regarding energy efficiency initiatives during the reporting period include: voting to amend the Florida Building Code, Fifth Edition (2014) Energy Conservation, to adopt into the 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 and pursuant to Section 34 of HB 535. In addition, based on consensus-developed recommendations from the Energy Rating Index Workgroup and the Energy TAC, the Commission adopted specific Code provisions into the Florida Building Code for both the Florida Building Code, Fifth Edition (2014) Energy Conservation, and the Florida Building Code, Sixth Edition (2017) Energy Conservation.

Finally, the 2016 Florida Legislature in Section 34 of HB 535 assigned the Commission with determining by October 1, 2016, whether onsite renewable power generation may be used for compliance. The commission must also determine whether onsite renewable power generation may be used for a period longer than three years but not more than six consecutive years. The Commission determined that:

1. 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).
2. That there should not be a time stipulation for the recommended ERI Code modification providing for the use of onsite renewable power generation. The Workgroup agreed that since the Legislation appeared to stipulate a timeframe of between 3 – 6 years that the Commission should request the maximum time of 6 years, further request that the Legislature clarify their intent in this regard, and recommend to the Legislature that there should not be any statutory timeframes associated with this provision, and that the ERI provision should be treated according to the same procedures for review that govern all code provisions utilizing the Commission’s Code update cycle.
3. That the Code provision be adopted into the Florida Building Code for both the Florida Building Code, Fifth Edition (2014) Energy Conservation, and the Florida Building Code, Sixth Edition (2017) Energy Conservation.

The Commission delivered their recommendations to the 2017 Legislature in a report titled: “*Recommendations Regarding the Energy Rating Index Energy Code Compliance Performance Path.*” A summary of the recommendations and Commission actions regarding this issues is included as “Appendix E” of this Report.

(Appendix E—Energy Rating Index Workgroup Project)

As previously reported, the Commission voted to maintain the requirement for local governments to submit forms submitted to certify compliance with the Energy Code. This action ensured that important energy data continues to be available for research purposes. The Commission incorporated the reporting requirements into the energy provisions of the *Florida Building Code Sixth Edition (2017)* as a code amendment (Sections R103.1.1.2.1 Reporting to entity representing the Florida Building Commission, and R103.1.1.2.1.1 Reporting schedule) and the requirement will be fully implemented when the 6th Edition of the Code becomes effective on December 31, 2017.

VII. RESEARCH INITIATIVES—HURRICANE RESPONSE AND CODE CHANGES

OVERVIEW. The Florida Building Code establishes minimum requirements to protect buildings and their occupants 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 maintain the Code to be up-to-date with the national engineering and product standards. As with each subsequent version, the *Florida Building Code Sixth Edition (2017)* when adopted will maintain this commitment.

HURRICANE RESEARCH. The Commission has determined that research is a key to effectively and efficiently preventing or minimizing hurricane damage to buildings. The Commission convened the Hurricane Research Advisory Committee in response to Florida's 2004 and 2005 hurricane seasons to support code development and identification of studies to address wind-borne debris risks, water intrusion, wind resistance of roof systems, and other construction systems and practices that effect the hurricane resistance of buildings. The Florida Building Commission's Hurricane Research Advisory Committee (HRAC) continues to meet on an as needed basis to review research and make recommendations to the Commission regarding proposed code enhancements and research needs regarding proposed code amendments relevant to hurricane and storm protection enhancements. 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. In August of 2013, based on a consensus recommendation from the Commission's eleven technical advisory committee chairs and two program oversight committee chairs, the Commission voted to expand the funding of research initiatives beyond hurricane resistance research to include additional building code system related topical areas.

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. The annual contract's scope is to investigate storm damage in the event a Category III hurricane impacts Florida (Titled: Survey and Investigation of Buildings Damaged by Category III Hurricanes). Subsequent to the hurricane UF deployed their Building Codes Triage Team to investigate and collect buildings damage data from the impacts of Hurricane Matthew. The focus of the investigations was primarily for residential construction. The Hurricane Investigation Triage Team's findings indicated that homes built to the Florida Building Code performed extremely well. The Commission expressed support for UF conducting follow-up research from the impacts of Hurricane Matthew going forward. In addition, the Commission received a presentation regarding St. Johns County's investigations of damage from the impacts of Hurricane Matthew. As requested by the Commission DBPR staff contracted with UF to follow-up on Hurricane Mathew investigations, and at a May 12, 2017 telephonic meeting UF presented the findings of their additional analysis. UF's Interim Report

is titled: “Survey and Investigation of Buildings Damaged by Category III Hurricanes in FY 2016-17—Hurricane Mathew.”

BUILDING CODE SYSTEM RESEARCH. The Commission currently funds research projects pertaining to hurricane resistance and other Building Code System related topical areas to ensure the development of code amendments that make Florida’s structures, and the products that comprise them, more resistant. The Commission’s technical advisory committees (TACs) meet annually to make recommendations on research projects for the next fiscal year, and they meet periodically to review the status and approve interim and annual reports submitted by the research projects’ principal investigators (PIs).

During the reporting period—based on recommendations from the Commission’s technical advisory committees (TACs) chairs—the Commission approved funding research projects for fiscal year 2016 - 2017 as recommended by the TAC 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 decided which met the requirements, and recommended them for approval by the Commission for funding based on the recommended priorities. The TAC Chairs’ voted to recommend the Commission approve funding the research projects for fiscal year 2016 - 2017 on the basis that the proposed projects evaluated meet the three criteria for funding, and are approved for funding based on the funding levels recommended by the TAC chairs (\$248,207 total), 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.

The TAC chairs will meet during the Summer of 2017 to evaluate, rank and develop recommendations to the Commission regarding which research projects to fund for fiscal year 2017 - 2018.

VIII. PRODUCT APPROVAL

The Florida Building Code establishes standards for products integrated into buildings in addition to standards for the design of buildings themselves. Unlike prescriptive standards in the Code that can be easily verified by building officials, how well products such as windows perform cannot be determined by review of drawings or inspection of the product alone. Yet compliance of the individual products is fundamental to compliance of the overall building. To determine whether products and building systems comply, the building official must rely on engineers and testing laboratories to evaluate performance then rely on the manufacturers to maintain quality control of production to ensure that production products perform like the ones tested. The product approval system framed in law and implemented through rule requires accreditation of the product evaluators and quality assurance monitors and standardizes the information that must be provided to demonstrate code compliance.

The Commission directed a major part of its efforts since its inception in 1998 to developing a standardized system for public regulation from the many combinations of product evaluation and quality control monitoring services provided by private companies. The diversity of approaches used in different industries for product evaluation and quality control monitoring make standardization particularly difficult, and a considerable amount of time and effort have been dedicated to this task. Patience and hard work characterize the contributions of all parties.

Working in collaboration with stakeholders the Commission continues to monitor and fine tune the Product Approval System ensuring that the System is functioning more efficiently and user friendly, and user satisfaction, as determined by System user surveys, is very high.

During the reporting period, pursuant to a Legislative assignment, the Commission concluded rulemaking to amend Rule 61G20-3.008 (Product Approval Entities) to conform the Product Approval Rule to an amendment to Section 553.842, F.S., requiring the Commission to add Underwriters Laboratories, LLC, and Intertek Testing Services NA, Inc. to the approved list of evaluation entities.

During the reporting period, on January 17, 2017, the Commission conducted a special expedited concurrent Product Approval POC and Commission meeting for the purpose of addressing previously approved applications that need to be revised as a result of the BCIS system glitch to ensure that all files submitted to support product approval applications are updated and correct. The applications were corrected as required and the System is operating as designed.

During the reporting period the Commission reviewed and approved products and product approval entities, and considered complaints filed against products. Through product revocation, the Commission is authorized to revoke product approvals for products that no longer comply with the requirements of their product approvals, providing a key tool for maintaining the efficacy of the Product Approval System and providing protection for Florida consumers.

The Product Approval system is processing hundreds of applications monthly with efficiency and to the satisfaction of the product manufacturers who use the system. The Commission's Product Approval Program Oversight Committee (POC) convenes prior to every Commission meeting, and

met six times during the reporting period 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 24,482 product applications and 109,313 products for statewide use within limitations established by the approvals.

To date, under the 2014 Code the Commission approved 22,622 products and 5,332 product applications to the 2014 Florida Building Code. In addition the Commission approved or revised 291 product approval entities under the 2014 Code including new approvals of 10 accreditation bodies, 18 certification agencies, 8 evaluation entities, 25 quality assurance entities, 48 testing laboratories, and 15 validation entities.

Following are relevant product approval system statistics on product approvals:

PRODUCT APPROVAL STATISTICS UPDATE

CODE VERSION	2004		2007		2010		2014	
	Apps	Products	Apps	Products	Apps	Products	Apps	Products
Approved	5,542	22,394	6,129	29,014	6,264	29,096	5,332	22,622
Applied For	4	13	7	8	42	131	146	883
Denied	156	487	17	37	5	16	2	18
Validated	0	0	0	0	10	22	32	102
Suspended	0	0	0	0	0	0	0	0
Re-Apply	0	0	0	0	7	18	8	84
Pending FBC Approval	0	0	0	0	0	0	154	523
Revoked	6	17	1	1	0	0	0	0
Archived	622	2,082	840	3,334	568	2,264	368	1,859
Over 180 Days Old and Not Approved, Denied, Validated, or Pending Status	4	13	7	8	47	147	70	436
TOTALS	6,334	25,006	7,001	32,402	6,943	31,694	6,113	26,528

IX. BUILDING CODE TRAINING PROGRAM

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.

The state building code system, first established in 1974, was overhauled in 1998 to improve its effectiveness. The Legislature recognized that the effectiveness of the Florida Building Code depended on the various participants' knowledge of the codes. The Building Code Training Program was intended to improve compliance and enforcement by providing a focus for code-related education through coordination of existing training resources, including those of universities, community colleges, vocational technical schools, private construction schools and industry and professional associations. As specified in law, the Commission's role is limited to the approval of code related courses, which are developed and submitted by private sector education and training providers to the Commission for approval. The Commission has no authority to determine the number of hours or courses for code related education and training. The licensing board for the respective category of affected licensee makes this determination.

During the reporting period, the Commission, based on recommendations developed by the Commission's Education Program Oversight Committee (POC) in collaboration with the program administrator and other entities, implemented education and outreach initiatives designed to ensure that Florida construction and design industries licensees are informed about Florida Building Code requirements and related specific duties.

During the reporting period, the Commission found no reason to amend or change the previously adopted Education Rule, 61G20-6.002, Florida Administrative Code.

During the reporting period the Education Administrator continued to work with both training providers and accreditors to assist them using the 5th Edition of the Florida Building Code (2014), as the source code for developing and accrediting training courses.

During the reporting period the Commission's Education Program Oversight Committee conducted six meetings in which it managed the review and approval of course and accreditor applications; handled inquiries from licensees, providers, accreditors, and the public; and developed and refined guidelines and information on course development and processing (including BCIS enhancements). The Commission continues to enhance access to committee meetings through the use of webinar technology, in addition to providing the option to attend by telephone conference call or in-person.

Working with the Education Administrator, the Commission addressed specific education needs as follows:

- Maintained the modifications and subsequent efficiency to the online Building Code Information System (BCIS).
- Administered six meetings and tasks of the Commission's Education and Outreach Program Oversight Committee, including:
 - Conducting meetings, including pre and post meeting activities; managing, review and approval of 25 total course applications, which breaks down to 21 new courses, 2 administratively approved courses, and 2 self affirmed courses (from July 1, 2016 to May 10, 2017).
 - Handling 213 inquiries (from July 1, 2016 to May 10, 2017) from licensees, training providers, accreditors, and the public (via phone, email, or both); and developing, refining, and modifying guidelines and information on course development and processing.
 - Approving Mr. Charles Barr and Mr. Sean Guthrie as accreditors of advanced courses for the Florida Building Commission.

The Education Administrator provided specific technical assistance to both accreditors and training providers. This assistance was in the form of how to adhere to the current rule language when creating training courses, how to create a training course using a specific methodology, and how accreditors should evaluate an advanced course, again based on the current rule language. The Education Administrator continues to work with both providers and accreditors to improve all of the processes involved with advanced course accreditation practices.

X. FLORIDA BUILDING CODE SYSTEM UPDATES AND COMMISSION ACTIONS

FLORIDA BUILDING CODE SYSTEM

Florida Statute, Section 553.77(1)(b), requires the Commission to make a continual study of the Florida Building Code System and related laws and on a triennial basis report findings and recommendations to the Legislature for provisions of law that should be changed. The Commission conducted the first assessment in 2005 and the second in 2012 for the purpose of evaluating the Florida Building Code System for its successes and deficiencies, and identifying and selecting options for improvement. The Commission will conduct the third assessment of the Building Code System subsequent to the August 2017 final rule adoption hearing on the *Florida Building Code, Sixth Edition (2017)*. This will allow stakeholders the benefit of providing feedback based on their experiences participating in the 2017 Code Update process. The Commission will report the results of the assessment to the 2018 Legislature in their Fiscal Year 2017 - 2018 annual report.

The Florida Building Code System as envisioned by the Building Codes Study Commission and implemented by the Florida Legislature in 1998 is comprised of five key foundations. The foundations are described as the *Five Foundations for a Better Built Environment*, and are: the Code (Florida Building Code), the Commission (Florida Building Commission), Local Administration of the Code, Strengthening Compliance and Enforcement (Education), and Product Approval.

FOUNDATION I—THE FLORIDA BUILDING CODE AND THE CODE DEVELOPMENT PROCESS.

The Florida Building Code is a statewide code implemented in 2001 and updated every three years. The Florida Building Commission developed the first edition of the Florida Building Code from 1999 through 2001, and is responsible for maintaining the Code through annual interim amendments and a triennial foundation code update.

During the reporting period the *Florida Building Code Fifth Edition (2014)* was in effect, and the *Florida Building Code, Sixth Edition (2017)* was adopted with an effective date of December 31, 2017. In addition, the Commission amended Rule 61G20-1.001 (Florida Building Code) to implement the Code changes prescribed in HB 535 and SB 1602 pursuant to 2016 Legislation, and SB 1634, HB 1021, and HB 241 pursuant to 2017 Legislation.

As with all previous code update processes the development of the 2017 Code involved special issue stakeholder workgroups, rule development workshops and rule adoption hearings, all providing extensive opportunity for public participation.

Of special interest, during the reporting period, the Commission in collaboration with Building Code System stakeholders, convened two workgroups: The Calder Sloan Swimming Pool Electrical Safety Workgroup, and the Energy Rating Index Workgroup. Both workgroups delivered consensus recommendations that were approved by the Commission. The two workgroup's recommendations are reported in "Appendix D" and "Appendix E" respectively.

In addition, the Commission's Structural Technical Advisory Committee (TAC) met concurrently with the Board of Professional Engineers' (BOPE) Structural Committee to evaluate issues and

potential options regarding who is allowed to conduct inspections of existing threshold buildings. A summary of the meeting is included as “Appendix F.”

FOUNDATION II—THE COMMISSION. The Commission is an appointed representative stakeholder body that develops, amends and updates the Code. The Commission is composed of members representing each of the key interests in the Building Code System. The Commission meets every eight weeks and, in addition to its code development responsibilities, regularly considers petitions for declaratory statements, accessibility waiver requests, the approval of products and entities, and the approval of education courses and course accreditors. The Commission also monitors the Building Code System and reports to the Legislature annually with its recommendations for changes to statute and law.

During the next fiscal year, the Commission will maintain their focus on increasing the capacity of Commissioners, and working with building construction industry stakeholders to build consensus on relevant aspects of the Florida Building Code System.

FOUNDATION III—LOCAL ADMINISTRATION OF THE CODE. Florida Law requires that the Code be administered and enforced by local government building and fire officials. The Commission has certain authorities in this respect such as the number and type of required inspections.

During the reporting period the Commission continued to work with local building officials to provide support as requested and as appropriate.

During the next fiscal year the Commission remains committed to enhancing communication and collaboration with local building and fire officials for the efficient and seamless functioning of the Florida Building Code System. In addition, the Commission is committed to working with stakeholders to identify and resolve any issues related to the administration and enforcement of the Florida Building Code System.

FOUNDATION IV—STRENGTHENING COMPLIANCE AND ENFORCEMENT. Compliance and enforcement of the Code is a critical component of the system, and the Commission’s emphasis in this regard is on education and training. The Commission’s Education Program Oversight Committee (POC), working with the program administrator and other entities, implemented initiatives collaboratively to ensure Florida construction and design industries licensees are informed about Florida Building Code requirements and aware of related specific duties.

During the reporting period, the Commission reviewed and approved education courses and course accreditors. For the next fiscal year, the Commission will continue to work with stakeholders to identify any issues, and implement any recommended enhancements to the Education System.

FOUNDATION V—PRODUCT EVALUATION AND APPROVAL. To promote innovation and new technologies, a product and evaluation system was determined to be the fifth cornerstone of an effective Building Code System. The product approval process should have specific criteria and strong steps to determine that a product or system is appropriately tested and complies with the

Code. Quality control should be performed by independent agencies and testing laboratories that meet stated criteria and are periodically inspected. A quality assurance program was also deemed essential. The Commission adopted a Product Approval System by rule and currently approves products for state approval and product approval entities. Local product approval remains under the purview of local building officials as part of the building permit approval process.

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

During the next fiscal year the Commission will continue to work with stakeholders to enhance the Product Approval System including evaluating possible revisions to the Rule requested by industry stakeholders.

FLORIDA BUILDING COMMISSION
REPORT AND RECOMMENDATIONS TO THE 2018 LEGISLATURE

XI. APPENDICES

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APPENDIX A
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
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

APPENDIX B

COMMISSION MILESTONES FOR JULY 2016 – JUNE 2017

AUGUST 2016. The Commission meets in Ft. Lauderdale and votes unanimously to adopt the Commission’s package of recommendations of approved Code modifications for the Florida Building Code, 6th Edition (2017), to proceed with rule making and to delegate authority to Jim Richmond to sign rulemaking documents on behalf of the Chairman of the Florida Building Commission. The Commission votes to approve funding the research projects for fiscal year 2016 – 2017 as recommended by the Committee of TAC Chairs on the basis that the proposed projects evaluated meet the definition of “research” and/or “technical enrichment”, and are approved for funding based on the TAC chairs’ recommendations, and staff administering and overseeing the research, and to charge staff with negotiating scoping and contracting as appropriate. The Commission votes unanimously to adopt the consensus package of recommendations submitted by the Calder Sloan Swimming Pool Electrical Safety Task Force, and to charge the Chair with reviewing and approving the final Report prior to submittal to the Legislature and Governor. The Commission votes unanimously to approve the revised text for Rule 61G20-1.001, Florida Building Code which has been modified in response to comments received from JAPC, and authorize the Department of Business & Professional Regulation to proceed with publishing the Notice of Change for Rule 61G20-1.001, and also to proceed with the adoption of Rule 61G20-1.001 by filing the adopted Rule with the Secretary of State and to delegate authority to Jim Richmond to sign rulemaking documents on behalf of the Chairman of the Florida Building Commission.

SEPTEMBER 2016. The Commission conducts a teleconference meeting and votes unanimously to approve the certification letter linked to the Agenda, with authority for staff to make edits as needed and for Chairman Browdy to sign on behalf of the Commission, and to certify that the commercial building provisions of the proposed Florida Building Code, 6th 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. The Commission votes to adopt the Energy Rating Index Workgroup’s and Energy TAC’s package of consensus recommendations; to conduct a supplemental rule hearing on Rule 61G20-1.001 on October 13, 2016, regarding the inclusion of the recommended Code provisions into the Florida Building Code, 5th Edition (2014); and, to authorize the Chair to approve the report submitted to the Legislature pursuant to Section 34 of HB 535. Jim Richmond resigns as the Commission’s second executive director effective September 8, 2016. Tom Campbell is appointed as the Commission’s third executive director effective September 23, 2016.

OCTOBER 2016. The Commission meets in Gainesville and votes unanimously to approve the proposed rule text for revisions to Rule 61G20-1.001, Florida Building Code Adopted, in response to comments received from the Energy Rating Index Workgroup, DBPR staff, and the public; 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. The Commission votes unanimously to approve the amended Workplan for the 2017 Code Update Process—*Florida Building Code, 6th Edition (2017)*. The

Commission votes unanimously to amend the Commission's adopted package of recommendations of approved Code modifications for the Florida Building Code, 6th Edition (2017) to include the Commission's action on EN 6727 and EN 6933; to proceed with rule making; and, to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Chairman of the Florida Building Commission. The Commission receives a presentation on the findings from the University of Florida's Building Codes Triage Team regarding their investigation pursuant to a contract with DBPR/FBC to collect buildings damage data from the impacts of Hurricane Matthew.

DECEMBER 2016. The Commission meets in St. Pete Beach and votes unanimously to authorize DBPR staff to schedule a special expedited concurrent Product Approval POC and Commission meeting on January 17, 2017 for the purpose of addressing previously approved applications that need to be revised as a result of the BCIS system glitch to ensure that all files submitted to support product approval applications are updated and correct.

JANUARY 2017. The Commission conducts a concurrent teleconference meeting with the Product Approval POC for the purpose of conducting a special expedited meeting for the purpose of addressing previously approved applications that need to be revised as a result of the BCIS system glitch to ensure that all files submitted in support of the product approval applications are updated and correct.

FEBRUARY 2017. The Commission meets in Jacksonville and votes to incorporate the Commission's approved actions on comments submitted regarding the Draft Florida Building Code, 6th Edition (2017); to authorize staff to make editorial and correlation changes as needed, and to implement the integration of carried forward Florida Specific amendments for the 2017 Code Update; and, to continue with rule development.

APRIL 2017. The Commission meets in Ocala and votes to incorporate the Commission's approved actions on comments submitted regarding the Draft 6th Edition Florida Building Code (2017), authorizes staff to make editorial and correlation changes as needed, to implement the integration of carried forward Florida specific amendments for the 2017 Code Update, authorizes the Department of Business & Professional Regulation to publish a Notice of Proposed Rule for Rule 61G20-1.001, and to proceed with the adoption of Rule 61G20-1.001. The Commission votes to approve the amended Workplan/Schedule for the 2017 Code Update Process—6th Edition Florida Building Code (2017). The Commission votes to adopt the Summary of Issues for inclusion in the Commission's Fiscal-Year 2016 - 2017 Annual Report. The Commission determines that pursuant to Section 120.695, F.S., there were no rule sections within the Commission's authority that would constitute a minor violation.

MAY 2017. The Commission conducts a teleconference meeting and votes to certify to the Department of Energy 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; and, to approve the draft certification letter linked to the FBC Agenda with authorization for staff to make editorial revisions as needed. The Commission votes to accept the Interim Report titled: *Survey and Investigation of Buildings Damaged by Category III Hurricanes in FY 2016-17—Hurricane Mathew*. The Commission votes to adopt the legislative provisions specified in the supplement that become effective on July 1, 2017, to incorporate staff's correlations specified in the supplement into the Draft 6th Edition Florida Building Code (2017), to authorize the Department of Business & Professional Regulation to

publish a Notice of Proposed Rule for Rule 61G20-1.001, 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.

JUNE 2017. The Commission meets in Daytona Beach Shores...

APPENDIX C

COMMISSION MEETING SUMMARY REPORTS FY 2016 - 2017

AUGUST 16 - 17, 2016 MEETING. At the August 16 - 17, 2016 meeting conducted in Fort Lauderdale the Commission considered and decided on Chair's issues and recommendations, product and entity approvals, applications for accreditor and course approvals, petitions for declaratory statements, accessibility waivers, and recommendations from the Commission's various committees. Specific actions included voting: unanimously to adopt the Commission's package of recommendations of approved Code modifications for the Florida Building Code, 6th Edition (2017), to proceed with rule making and to delegate authority to Jim Richmond to sign rulemaking documents on behalf of the Chairman of the Florida Building Commission; to approve funding the research projects for fiscal year 2016 - 2017 as recommended by the Committee of TAC Chairs on the basis that the proposed projects evaluated meet the definition of "research" and/or "technical enrichment", and are approved for funding based on the TAC chairs' recommendations, and staff administering and overseeing the research, and to charge staff with negotiating scoping and contracting as appropriate; unanimously to adopt the consensus package of recommendations submitted by the Calder Sloan Swimming Pool Electrical Safety Task Force, and to charge the Chair with reviewing and approving the final Report prior to submittal to the Legislature and Governor; and, unanimously to approve the revised text for Rule 61G20-1.001, Florida Building Code which has been modified in response to comments received from JAPC, and authorize the Department of Business & Professional Regulation to proceed with publishing the Notice of Change for Rule 61G20-1.001, and also to proceed with the adoption of Rule 61G20-1.001 by filing the adopted Rule with the Secretary of State and to delegate authority to Jim Richmond to sign rulemaking documents on behalf of the Chairman of the Florida Building Commission.

SEPTEMBER 21, 2016 (TELECONFERENCE MEETING). At the September 21, 2016 Telephonic Commission meeting the Commission voted to approve the certification letter linked to the Agenda, with authority for staff to make edits as needed and for Chairman Browdy to sign on behalf of the Commission, and to certify that the commercial building provisions of the proposed Florida Building Code, 6th 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, the Commission voted to adopt the Energy Rating Index Workgroup's and Energy TAC's package of consensus recommendations; to conduct a supplemental rule hearing on Rule 61G20-1.001 on October 13, 2016, regarding the inclusion of the recommended Code provisions into the Florida Building Code, 5th Edition (2014); and, to authorize the Chair to approve the report submitted to the Legislature pursuant to Section 34 of HB 535.

OCTOBER 13, 2016. At the October 13, 2016 meeting conducted in Gainesville the Commission considered and decided on Chair's issues and recommendations, product and entity approvals, applications for accreditor and course approvals, petitions for declaratory statements, accessibility waivers, recommendations from the Commission's various committees. In addition, the Commission receives a presentation on the findings from the University of Florida's Building Codes Triage Team regarding their investigation pursuant to a contract with DBPR/FBC to collect buildings damage data from the impacts of Hurricane Matthew. Specific actions included voting

unanimously: to approve the proposed rule text for revisions to Rule 61G20-1.001, Florida Building Code Adopted, in response to comments received from the Energy Rating Index Workgroup, DBPR staff, and the public; 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; to approve the amended Workplan for the 2017 Code Update Process—*Florida Building Code, 6th Edition (2017)*; and, to amend the Commission’s adopted package of recommendations of approved Code modifications for the *Florida Building Code, 6th Edition (2017)* to include the Commission’s action on EN 6727 and EN 6933; to proceed with rule making; and, to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Chairman of the Florida Building Commission.

DECEMBER 13, 2016. At the December 13, 2016 meeting conducted in St. Pete Beach the Commission considered and decided on Chair’s issues and recommendations, product and entity approvals, applications for accreditor and course approvals, petitions for declaratory statements, accessibility waivers, recommendations from the Commission’s various committees. In addition the Commission heard a presentation from Commissioner Jim Schock regarding St. Johns County’s investigations of damage from the impacts of Hurricane Matthew. Specific actions included voting unanimously: to authorize DBPR staff to schedule a special expedited concurrent Product Approval POC and Commission meeting on January 17, 2017 for the purpose of addressing previously approved applications that need to be revised as a result of the BCIS system glitch to ensure that all files submitted to support product approval applications are updated and correct; and to add the consideration of FL 21388 to the special expedited concurrent Product Approval POC and Commission meeting agenda.

JANUARY 17, 2017 (TELECONFERENCE MEETING). At the January 17, 2017 Concurrent meeting of the Florida Building Commission and Product Approval POC the Commission voted to approve the consent agenda of products (9) recommended for approval to the 2014 Code as presented/posted. Specifically to approve products: FL #: 5587 R-10, 8693 R-4, 10465 R-10, 14904 R-5, 14907 R-7, 15560 R-8, 17954 R-3, 21067 R-1, and 21388.

FEBRUARY 7, 2017. At the February 7, 2017 meeting conducted in Jacksonville the Commission considered and decided on Chair’s issues and recommendations, product and entity approvals, applications for accreditor and course approvals, petitions for declaratory statements, accessibility waivers, recommendations from the Commission’s various committees. Specific actions included voting unanimously: to approve the Commission’s Legislative teleconference meeting schedule for 2017; to approve the Commission’s meeting schedule for August, October and December 2017; and, to incorporate the Commission’s approved actions on comments submitted regarding the Draft *Florida Building Code, 6th Edition (2017)*; to authorize staff to make editorial and correlation changes as needed, and to implement the integration of carried forward Florida Specific amendments for the 2017 Code Update; and, to continue with rule development.

APRIL 4, 2017. At the April 4, 2017 meeting conducted in Ocala the Commission considered and decided on Chair’s issues and recommendations, product and entity approvals, applications for accreditor and course approvals, accessibility waivers, and recommendations from the Commission’s various committees. In addition, 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. Specific actions included voting unanimously: to incorporate the Commission’s approved

actions on comments submitted regarding the Draft 6th Edition Florida Building Code (2017), authorizing staff to make editorial and correlation changes as needed, to implement the integration of carried forward Florida specific amendments for the 2017 Code Update, and authorizing the Department of Business & Professional Regulation to publish a Notice of Proposed Rule for Rule 61G20-1.001, and to proceed with the adoption of Rule 61G20-1.001 and, delegating authority to Thomas Campbell to sign rulemaking documents on behalf of the Chairman of the Florida Building Commission; to approve the updated Workplan/Schedule for development of the 6th Edition Florida Building Code (2017); and, to approve the summary of issues for inclusion in the Commission's Fiscal Year 2016 - 2017 Annual Report.

MAY 12, 2017 (TELECONFERENCE MEETING). At the May 12, 2017 Telephonic Commission meeting the Commission received an update regarding issues from the 2017 Legislative Session impacting the Florida Building Code System. Specific actions included voting unanimously: 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; and, to approve the draft certification letter linked to the FBC Agenda with authorization for staff to make editorial revisions as needed; to accept the Interim Report titled: "Survey and Investigation of Buildings Damaged by Category III Hurricanes in FY 2016-17—Hurricane Mathew;" and, to adopt the legislative provisions specified in the supplement that become effective on July 1, 2017, to incorporate staff's correlations specified in the supplement into the Draft 6th Edition Florida Building Code (2017), to authorize the Department of Business & Professional Regulation to publish a Notice of Proposed Rule for Rule 61G20-1.001, 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.

JUNE 13, 2017. At June 13, 2017 meeting conducted in Daytona Beach Shores the Commission...

The full reports are available on the BCIS (select meeting month's Facilitator's Report) at the following URL: <http://www.myfloridalicense.com/dbpr/bcs/buildingcomm.html>.

APPENDIX D

CALDER SLOAN SWIMMING POOL ELECTRICAL SAFETY TASK FORCE PROJECT

PROJECT OVERVIEW

The 2015 Florida Legislature identified the need to evaluate the electrical aspects of swimming pool safety focusing on minimizing electrocution risks linked to swimming pools. In response, the Florida Building Commission approved a research project (technical enrichment) for a *Swimming Pool Electrocution Prevention Study*. In order to implement the project the Commission convened a process to develop recommendations for pool safety focused on the prevention of electrocution in swimming pools. The Commission determined that the project would be evaluated and recommendations developed by convening concurrent meetings of the Commission's Swimming Pool Technical Advisory Committee and Electrical Technical Advisory Committee (TAC). The objective of the project was to evaluate key topical issues, and as appropriate develop code amendment proposals designed to minimize electrocution risks linked to swimming pools.

In response to the Commission's direction the Swimming Pool TAC and Electrical TAC met initially on September 28, 2015 to discuss the scope of the project, and agreed that Phase I of the project was to determine whether to recommend a proposed code amendment that would require low voltage lighting in residential swimming pools for new construction. Once the Swimming Pool TAC and the Electrical TAC concluded their evaluation of low voltage lighting they would then evaluate additional project relevant topics in Phase II of the project: specifically bonding, grounding, retrofitting of existing pools, and education. The TACs met for the second time on October 14, 2015 and developed a consensus package of recommendations for both phases of the project (Phase I and Phase II). At their October 15, 2015 meeting the Commission voted unanimously to adopt the Swimming Pool TAC's and Electrical TAC's swimming pool safety consensus package of recommendations focused on the prevention of electrocution in swimming pools. The Code amendments were proposed for inclusion in the *Florida Building Code, 6th Edition (2017)* and the TACs' recommendations for relevant proposed Code modifications were recommended for approval and were evaluated and adopted by the Florida Building Commission on August 16, 2016.

Section 30 of HB 535 passed by the 2016 Florida Legislature with an effective date of July 1, 2016 established within the Florida Building Commission the Calder Sloan Swimming Pool Electrical-Safety Task Force. Subsequent to the first two phases of the project, in a concurrent meeting conducted during the TACs' review of proposed Code amendments for the 2017 Code Update Process the Swimming Pool and the Electrical TACs discussed the Calder Sloan Swimming Pool Electrical Safety Task Force that was established within the Florida Building Commission by the 2016 Florida Legislature and decided that the two TACs should meet concurrently to further evaluate the issue. The TACs expressed the desire to consider any potential Code modifications based on the best available science and data, and agreed to make their recommendations to the Commission accordingly.

As the next step in the process the Commission convened a concurrent meeting of the Swimming Pool TAC and Electrical TAC on May 24, 2016 to provide recommendations to the Commission regarding how best to proceed with the evaluation of pool electrical safety. In response, the TACs' voted unanimously to recommend the Commission convene the Calder Sloan Swimming Pool Electrical Safety Task Force after July 1, 2016, and to charge the Task Force with reviewing the

issues identified during public comment provided during the May 24, 2016 teleconference meeting. The Commission approved the recommendation at the June 8, 2016 meeting, and the Task Force met on July 18, 2016.

On July 18, 2016, in advance of convening the Calder Sloan Swimming Pool Electrical Safety Task Force, the Commission conducted a concurrent meeting of the Swimming Pool and Electrical TACs for the purpose of providing comments on public comments submitted regarding the TACs' recommendations for code modifications for enhancements to swimming pool electrical safety requirements for the *Florida Building Code, 6th Edition (2017)*. The Swimming Pool and Electrical TACs' recommended the Commission's approval of eight code modifications related to grounding, bonding, lighting, and/or wiring. The Florida Building Commission considered the TACs' recommendations and comments on August 16, 2016, and adopted a package of code modifications for swimming pool electrical safety enhancements as well as educational and research initiatives and recommendations.

The Task Force met on the July 18, 2016 and reviewed the recommendations developed as a result of the three previous concurrent meetings of the Swimming Pool and Electrical TACs, as well as the status of the eight swimming pool safety enhancement code modifications proposed for the *Florida Building Code, 6th Edition (2017)*. In addition, the Task Force reviewed public comments and developed recommendations regarding the same. The Task Force developed a package of findings and related recommendations for evaluation by the Florida Building Commission. The Commission's actions regarding the same are summarized below.

FLORIDA BUILDING COMMISSION'S RECOMMENDATIONS

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.

The Florida Building Commission, based on the recommendations of the Calder Sloan Swimming Pool Electrical Safety Task Force, has adopted the following findings and recommendations:

Research and Funding for Research. The Task Force found that research and funding for swimming pool electrical safety research is needed to determine the extent of swimming pool electrical problems, and how any resultant problems identified should be addressed using the best science, data, practices and technologies available. In addition, research is needed regarding the evaluation of new technologies designed to prevent electrocution in swimming pools, and the development of criteria and/or guidelines for any additional electrical inspections at the time of property sale.

Commission Recommendation to the Legislature 1: Provide for the funding of a science based study to determine the extent of swimming pool electrical problems, and how any resultant problems identified should be addressed using the best science, data, practices and technologies available.

Task Force Recommendation to the Commission 5: The Commission approved the Task Force's recommendation to support the evaluation of new technologies designed to prevent electrocution in swimming pools, and the development of criteria and/or guidelines for any additional electrical inspections at the time of property sale, and recommending that they should be evaluated in the context of the overarching Task Force's recommendation to fund a study (*Recommendation #1*).

Funding for Enforcement and Education. The Task Force found that funding is needed to provide educational outreach and related materials to consumers to ensure consumers understand the requirement to hire competent and licensed professionals to construct and/or make repairs on swimming pools. In addition, the Task Force found that funding is needed to ensure that local enforcement jurisdictions have sufficient resources for combating unlicensed activity.

Commission Recommendation to the Legislature 2: Provide increased funding for combating unlicensed activity and increased funding for educational outreach similar to the educational materials currently being worked on by the Commission (designed to ensure consumers are aware of the pitfalls and dangers of not hiring licensed contractors and not following code requirements).

Consumer Education. The Task Force found that many of the issues and problems related to swimming pool electrical safety are related to consumers hiring unlicensed and unregulated contractors who work without the required permits and inspections regarding swimming pool electrical installations. The Task Force concluded that consumer education initiatives and related materials are needed.

Commission Recommendation to the Legislature 3: Amend Section 515.33, F.S. (Information required to be furnished to buyers) or the appropriate statutory section(s), to require that swimming pool electrical safety information as well as the information currently required pursuant to Section 515.33, F.S. be provided to buyers at the time of the sale of any property that has a swimming pool or spa.

Task Force Recommendation to the Commission 8: The Florida Building Commission has approved new education initiatives including development and dissemination of the Swimming Pool Electrical Safety Fact Sheet, the Swimming Pool Electrical Safety Self Assessment questionnaire, and the Swimming Pool Electrical Safety 1-hour education course.

Task Force Recommendation to the Commission 10: The Commission adopted the recommendations developed as a result of the three concurrent meetings of the Swimming Pool TAC and Electrical TAC regarding education initiatives (*Recommendation #8*) and code enhancements (*Recommendation #9*).

Contractor Education. The Task Force found that licensed pool contractor's continuing education (CE) requirements should include an electrical education class regarding electrical installations related to swimming pools to ensure they have a basic understanding of the work done by licensed electricians for the electrical aspects of swimming pool installations.

Commission Recommendation to the Legislature 4: Require a mandatory provision that 1-hour of the Chapter 489, F.S., licensed pool contractor's 14 hours of CE requirements shall include an

electrical education class regarding electrical installations related to swimming pools. This should be implemented working with the appropriate DBPR licensing boards.

Task Force Recommendation to the Commission 7: The Commission approved the Task Force's recommendation to support the efforts currently underway to seek clarification regarding the scope of work for licensed swimming pool contractors related to installing swimming pool equipment.

Task Force Recommendation to the Commission 8: The Florida Building Commission has approved new education initiatives including development and dissemination of the Swimming Pool Electrical Safety Fact Sheet, the Swimming Pool Electrical Safety Self Assessment questionnaire, and the Swimming Pool Electrical Safety 1-hour education course.

Building Code Requirements. The Task Force found that on balance the requirements of the National Electrical Code (NEC) adopted by reference into the Florida Building Code address and provide for the best science based requirements to ensure swimming pool electrical safety. In addition, the Task Force found that the building code technical requirements for swimming pool electrical safety code modification enhancements proposed by the Swimming Pool and Electrical TACs for grounding, bonding, lighting, wiring, and all electrical aspects for safety in and around public and private swimming pools were addressed in the context of the eight code modifications proposed for approval by the Florida Building Commission for inclusion in the *Florida Building Code, 6th Edition (2017)*.

Task Force Recommendation to the Commission 6: The Commission approved the Task Force's recommendation to support the Florida Building Code remaining current with the latest edition of the NEC to ensure the latest electrical pool safety requirements are in the Florida Building Code (The Commission will evaluate any new NEC provisions related to swimming pool electrical safety for inclusion in the Florida Building Code, and will continue to evaluate whether to adopt versions of the NEC in the context of all of the changes made between the editions).

Task Force Recommendation to the Commission 9: The Florida Building Commission has determined that the swimming pool electrical safety enhancements regarding the technical requirements for grounding, bonding, lighting, wiring, and all electrical aspects for safety in and around public and private swimming pools were addressed in the context of the eight code modifications adopted by the Florida Building Commission for inclusion in the *Florida Building Code, 6th Edition (2017)*. (See Attachment 4)

Task Force Recommendation to the Commission 10: The Commission adopted the recommendations developed as a result of the three concurrent meetings of the Swimming Pool TAC and Electrical TAC regarding education initiatives (*Recommendation #8*) and code enhancements (*Recommendation #9*).

FLORIDA BUILDING COMMISSION'S RECOMMENDATIONS TO THE LEGISLATURE

Following are the Commission's unanimously adopted recommendations for legislative action submitted to the 2017 Florida Legislature pursuant to the requirements of Section 30 of HB 535. The Florida Building Commission recommends to the Florida Legislature:

- **Commission and Task Force Recommendation 1:** Providing for the funding of a science based study to determine the extent of swimming pool electrical problems, and how any resultant problems identified should be addressed using the best science, data, practices and technologies available.
- **Commission and Task Force Recommendation 2:** Providing increased funding for combating unlicensed activity and increased funding for educational outreach similar to the educational materials currently being worked on by the Commission (designed to ensure consumers are aware of the pitfalls and dangers of not hiring licensed contractors and not following code requirements).
- **Commission and Task Force Recommendation 3:** Amending Section 515.33, F.S. (Information required to be furnished to buyers) or the appropriate statutory section(s), to require that swimming pool electrical safety information as well as the information currently required pursuant to Section 515.33, F.S. be provided to buyers at the time of the sale of any property that has a swimming pool or spa.
- **Commission and Task Force Recommendation 4:** Requiring a mandatory provision that 1-hour of the Chapter 489, F.S., licensed pool contractor's 14 hours of CE requirements shall include an electrical education class regarding electrical installations related to swimming pools. This should be implemented working with the appropriate DBPR licensing boards.

SUMMARY OF COMMISSION ACTIONS ON CODE MODIFICATIONS

On July 18, 2016, in advance of convening the Calder Sloan Swimming Pool Electrical Safety Task Force, the Commission conducted a concurrent meeting of the Swimming Pool and Electrical TACs for the purpose of providing comments on public comments submitted regarding the TACs' recommendations for code modifications for enhancements to swimming pool electrical safety requirements for the *Florida Building Code, 6th Edition (2017)*. The Swimming Pool and Electrical TACs' recommended the Commission's approval of eight code modifications related to grounding, bonding, lighting, and/or wiring. The Florida Building Commission considered the TACs' recommendations and comments on August 16, 2016, and adopted Code a package of modifications for inclusion in the 6th Edition (2017), Florida Building Code.

Following is a summary of the TACs' recommendations for enhancements to swimming pool electrical safety requirements, and the Commission's relevant actions regarding code modifications for the *Florida Building Code, 6th Edition (2017)*:

- Code change requiring that as part of the close out inspection assurance that the existing swimming pool bonding system is complete and terminated properly. [Building Code]
- Code change requiring that GFCI protection be provided for replacement of pool pump motors, if not already in place. [Building Code]

- Code change adding electrical safety requirements to new swimming pools in response to the Commission's Swimming Pool Electrical Safety Project's approved recommendations. [Building Code]
- Code change adding electrical safety requirements to new swimming pools in response to the Commission's Swimming Pool Electrical Safety Project's approved recommendations. [Residential Code]
- Code change adding electrical safety requirements to existing swimming pools in response to the Commission's Swimming Pool Electrical Safety Project's approved recommendations. [Existing Building Code]
- Code change restoring the electrical requirements for underwater luminaires to the national standard by removing redundant and unnecessary language. [Building Code]

APPENDIX E

ENERGY RATING INDEX WORKGROUP PROJECT

PROJECT OVERVIEW

The 2016 Legislature through passage of HB 535 (Section 34) required the Commission to amend the Florida Building Code, 5th Edition (2014) Energy Conservation, to adopt into the 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. At the June 8, 2016 meeting the Commission conducted a rule development workshop and adopted language to implement this provision.

In addition, Section 34 assigned the Commission with determining by October 1, 2016, whether onsite renewable power generation may be 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. The Commission must also determine whether onsite renewable power generation may be used for a period longer than three years but not more than six consecutive years.

In response to this Legislative assignment and based on the Commission's Energy TAC's recommendation, at the June 8, 2016 meeting the Commission voted to convene an Energy Rating Index Workgroup, and to charge the Workgroup with developing consensus recommendations to the Commission pursuant to Section 34 of HB 535 regarding onsite renewable power generation.

The Energy Rating Index Workgroup met on July 20, 2016 and again on August 17, 2016 where they adopted a package of consensus recommendations to the Commission regarding the Energy Rating Index (ERI) alternative path for demonstrating compliance with the energy provisions of the Florida Building Code, Energy Conservation. In addition, the Commission's Energy TAC met on September 12, 2016 and voted to recommend that the Commission adopt the Workgroup's package of consensus recommendations.

The Energy Rating Index Workgroup's recommendations are as follows:

1. 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).
2. That there should not be a time stipulation for the recommended ERI Code modification providing for the use of onsite renewable power generation. The Workgroup agreed that since the Legislation appeared to stipulate a timeframe of between 3 – 6 years that the Commission should request the maximum time of 6 years, further request that the Legislature clarify their intent in this regard, and recommend to the Legislature that there should not be any statutory timeframes associated with this provision, and that the ERI provision should be treated according to the same procedures for review that govern all code provisions utilizing the Commission's Code update cycle.
3. That the Code provision be adopted into the Florida Building Code for both the Florida Building Code, 5th Edition (2014) Energy Conservation, and the Florida Building Code, 6th Edition (2017) Energy Conservation.

That the specific code language should be as follows:

R406.2 Mandatory requirements. Compliance with this section requires that the provisions identified in Sections R401 through R404 labeled as "mandatory" and Section R403.5.3 of the 2015 *International Energy Conservation Code* be met. For buildings that do not utilize on-site renewable power production for compliance with this section, the building thermal envelope shall be greater than or equal to levels of efficiency and Solar Heat Gain Coefficient in Table 402.1.1 or 402.1.3 of the 2009 International Energy Conservation Code. For buildings that utilize on-site renewable power production for compliance with this section, the building thermal envelope shall be greater than or equal to levels of efficiency and Solar Heat Gain Coefficient in Table R402.1.2 or Table R402.1.4 of the 2015 International Energy Conservation Code.

Exception: Supply and return ducts not completely inside the building thermal envelope shall be insulated to a minimum of R-6.

R406.4 ERI-based compliance.

The ERI for the *rated design* shall be determined in accordance with ANSI/RESNET/ICC 301-2014, including Addendum A-2015, and Compliance based on an ERI analysis requires that the *rated design* be shown to have an ERI less than or equal to the appropriate value listed in Table R406.4 when compared to the *ERI reference design*.

Subsequent to the Workgroup's and Energy TACs meetings, the Commission conducted a teleconference meeting on September 21, 2016 and reviewed the Energy Rating Index Workgroup's and Energy TAC's package of consensus recommendations, and voted to adopt the recommendations, to conduct a supplemental rule hearing on Rule 61G20-1.001 on October 13, 2016, regarding the inclusion of the recommended Code provisions into the Florida Building Code, 5th Edition (2014), and to submit the recommendations to the Florida Legislature pursuant to Section 34 of HB 535.

FLORIDA BUILDING COMMISSION'S RECOMMENDATIONS TO THE LEGISLATURE

At the September 21, 2016 Teleconference meeting the Commission reviewed and adopted the Energy Rating Index Workgroup's and Energy Technical Advisory Committee's consensus package of recommendations. Following are the Commission's adopted recommendations to the 2017 Florida Legislature pursuant to the requirements of Section 34 of HB 535. The Florida Building Commission recommends to the Florida Legislature:

Task 1: Determine whether onsite renewable power generation may be used as an option to achieve compliance when using the ERI path.

Recommendation 1: The Commission recommends 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).

Task 2: Determine whether onsite renewable power generation may be used for a period longer than three years but not more than six consecutive years.

Recommendation 2: The Commission recognizes that the Legislation appears to stipulate a timeframe of between 3 – 6 years, and if this is the Legislative intent than the Commission recommends the maximum time of 6 years. However, the Commission recommends that there should not be a time stipulation for the recommended ERI Code modification providing for the use of onsite renewable power generation. The Commission recommends 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).

APPENDIX F THRESHOLD BUILDING INSPECTIONS PROJECT

PROJECT OVERVIEW

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 BOPE would not resolve the issue.

IDENTIFICATION OF KEY ISSUES FOR EVALUATION

The FBPE's Structural Rules Committee requested a concurrent meeting with the Commission's Structural TAC to discuss issues regarding the Commission's issuance of Declaratory Statement DS 2014-061 in 2014. Specifically, there is some confusion regarding issues related to whether professional engineers who do not have the FBPE' special inspector certification authorizing them to conduct inspections of threshold buildings can conduct any type of limited structural inspections of threshold buildings. It was identified that there are professional engineers who don't meet the design experience to qualify as a threshold building inspector, but who have years of experience inspecting some structural components of threshold buildings such as the repair of balconies for existing threshold buildings, are no longer allowed by the AHJs to conduct these inspections on threshold buildings since some building officials are using the declaratory statement to help determine that only threshold inspectors are qualified to be a special inspector pursuant to Section 553.79 (5) (a) F.S. The law requires that: "The enforcing agency shall require a special inspector to perform structural inspections on a threshold building pursuant to a structural inspection plan prepared by the engineer or architect of record."

The issue the committees and public discussed was whether it was the intent of Section 553.79 (5), (7), and (8) to apply to only new construction or to existing buildings as well. The participants agreed that new construction clearly requires special inspector certification, but there was some variance of perspective regarding whether it applies to all structural components/aspects for existing buildings, or only to existing threshold buildings that meet the definition of substantial structural damage or some other variation. Some believed that an effort should be made to accommodate professional engineers with substantial inspection experience and minimal design experience so they would be allowed to conduct certain limited types of structural inspections of threshold buildings. Others indicated that the statute and intent are clear and that the special inspector certification is required to inspect any structural aspects/components of threshold buildings.

By the end of the discussion it was clear that no agency including the Florida Building Commission has the authority to change statute, and rulemaking would not resolve the issue. Some participants felt that a stakeholder with a set of specific facts and circumstances on a prospective project should

petition the Commission for a declaratory statement to the 2014 Florida Building Code since the declaratory statement in question (DS 2014-061) was issued relative to interpreting the 2010 Code. Some suggested that a process should be considered to develop recommendations to the Florida Legislature regarding criteria and scope of work for who should be authorized to conduct what level of threshold building inspections. Others felt that the intent of the law is clear, but if there was a process convened all of the impacted stakeholders including building officials and threshold inspectors who don't support allowing an engineer without a special inspector certification to conduct any inspections of threshold buildings should be included.

The meeting concluded with agreement that the FBPE's Structural Rules Committee and the FBC's Structural TAC should each continue to discuss the issue, and determine from their perspectives what might be a reasonable course of action going forward. In addition, it was agreed that the Declaratory Statement process may be used as an avenue to further clarify some of the issues of concern.