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Plenary Session

JUNE 20, 2023

8:30 A.M.

Minutes

COMMISSIONERS PRESENT:

James Schock, Chairman
James Batts
Michael Bourré
Donald Brown
David Compton
Jeff Gross
Rodney Hershberger
David John

Grey Marker
Brian Langille
Brad Schiffer
Fred Schilling
Brian Swope
Tim Tolbert
Stephen Wilcox

COMMISSIONERS NOT PRESENT:

Asael Marrero

STAFF PRESENT:

Mo Madani
Justin Vogel
Thomas Campbell

Jim Hammers
Sabrina Evans
Melissa Campos

MEETING FACILITATION:

The meeting was facilitated by Jeff Blair from Facilitated Solutions, LLC. Consultation, Process Design & Facilitation. Information at: facilitatedsolutions.org

Time: 8:30 a.m.

Chairman Schock welcomed the Commissioners, staff, and members of the public to the June 20, 2023 virtual plenary session of the Florida Building Commission via webinar and teleconference.

Chairman Schock stated the primary focus of the June meeting is to consider regular procedural issues, updates, briefings, and reports, and to conduct a rule workshop for Rule 61G20-1.001, F.A.C.

Chairman Schock stated that, as always, we will provide an opportunity for public comment on each of the Commission's substantive discussion topics. If you want to comment on a specific substantive Commission agenda item, please wait until the facilitator invites members of the public to speak at the appropriate times throughout the meeting. Public comment will be limited to 3 minutes per person. Public input is welcome, but should be offered before the Commission begins discussion, or there is a formal motion on the floor.

Roll Call:

Mr. Blair performed roll call for the Florida Building Commission. A quorum was determined with 14 members present at roll call.

Agenda Approval:

Commissioner Bourré entered the meeting, making the quorum 15 members present.

Commissioner Schilling entered a motion to approve the agenda for today's meeting as posted. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Approval of Previous Meeting Minutes and Facilitator Report for April 11, 2023 and Meeting Minutes for May 10, 2023:

Commissioner Brown entered a motion to approve the minutes from April 11, 2023 and May 10, 2023 as posted. Commissioner Bourré seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Chairman's Discussion Issues and Recommendations:

Chairman Schock stated he appointed Commissioner Tim Tolbert to the Code Administration TAC. He thanked Commissioner Tim Tolbert for agreeing to serve.

Chairman Shock stated he appointed Commissioner Asael Marrero to the Fire, Roofing, and Special Occupancy TACs. He thanked Commissioner Asael Marrero for agreeing to serve.

Milestones:

Chairman Shock reminded the participants the updated Commission Milestones document is linked to the agenda for today's meeting and is also on the BCIS.

Executive Director Announcements and Discussions:

Mr. Campbell provided the Commission information on the following bills:

Legislative Update -Bills Impacting Commission:

- a. **HB 89 (Amending Section 553.79)**
- b. **SB 154 (Condominium and Cooperative Associations)**
- c. **HB 327 (Fire Sprinkler Programs)**
- d. **HB 799 (Residential Wind-Loss Mitigation Study)**
- e. **HB 869 (Energy Code Compliance Software)**
- f. **SB 1068 (Unmanned Aircraft Systems Act)**

Draft Code Language:

Mr. Campbell provided details on the code language to implement the 2023 legislation.

Annual Report:

Mr. Campbell provided details on the Annual Report.

Motion:

Commissioner Brown entered a motion to adopt the Commission's Fiscal Year 2022 – 2023 Annual Report (Report to 2024 Legislature), including Commission actions taken during the June 20, 2023 meeting, and to charge the Chair with reviewing and approving the Final Report prior to submittal to the Legislature and Governor. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Statement of Financial Interests Form 1 Reminder:

Mr. Campbell reminded the Commissioners to submit their required annual Form 1 Statement of Financial Interests with the Commission on Ethics by July 1, 2023.

Mr. Campbell provided the Commission information on the upcoming meeting dates:

- August 15, 2023- Virtual Meeting
- October 17, 2023- Onsite, Cocoa Beach, Florida
- December 12, 2023- Virtual Meeting

Florida Building Code, 8th Edition, (2023) Update- Workplan Status:

Mr. Madani provided brief details on the status of the updated workplan and schedule for the development of the 2023 Code Update Process-8th Edition.

2023 Florida Codes-2020 Florida Price Codes Comparison:

Mr. Madani provided details on the 2023 Florida Codes-2020 Florida Price Codes Comparison.

Public Comment:

Dallas Theisen, FSPA, asked a question.

Mr. Madani provided an answer to Mr. Theisen's question.

Motion:

Commissioner John entered a motion to approve the updated Workplan and Schedule for development of the 8th Edition (2023), Florida Building Code. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Rule Workshop for Rule 61G20.1.001, Florida Administrative Code:

SP10413

Chairman Shock updated the Commission on the Special Occupancy TAC's recommendation to withdraw SP10413.

Mr. Blair briefly provided details on the process for the withdrawal of modification SP10413.

Motion:

Commissioner Schilling entered a motion to accept the withdrawal of Modification #SP10413 and to retain the existing language in Chapter 4, Section 464.4.2.2 in the 7th Edition (2020), Florida Building Code for inclusion in the 8th Edition (2023), Florida Building Code. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Motion:

Commissioner Bourré entered a motion to proceed with rule adoption for Rule 61G20-1.001(1), Florida Building Code Adopted, incorporating all approved amendments, and to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Commission.

Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Entity Approval:

Commissioner Hershberger stated that the POC recommends approval of the consent agenda of 6 product approval entities.

Motion:

Commissioner Hershberger entered a motion to approve the 6 product approval entities. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Product Approval:

Commissioner Hershberger stated that the POC recommends approval of the consent agenda of 163 products.

Motion:

Commissioner Hershberger entered a motion for approval of the consent agenda of 163 products. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Product Applications with Comments:

Commissioner Hershberger informed the POC there were 4 product approval applications recommended for approval with comment.

Mr. Blair stated there were 3 product approval applications recommended for approval with comment.

Motion:

Commissioner Hershberger entered a motion for approval of FL 41967, FL 42039, and FL 42076. Commissioner Compton seconded the motion. The motion was passed unanimously with a vote of 15 to 0.

Conditional Approval:

Mr. Blair informed the POC there was 1 product approval application recommended for conditional approval with comment.

Motion:

Commissioner Hershberger entered a motion to approve FL 18397 on the consent agenda of products with comments recommended for conditional approval to the 2020 Code based on the conditions recommended by DBPR staff analysis and reflected in the posted documentation. Commissioner Brown seconded the motion. The motion was passed unanimously with a vote of 15 to 0.

Applications for Accreditor and Course Approval:

Commissioner Bourré stated the Education POC did not receive for consideration any accreditor applications. The Education POC reviewed 4 advanced accredited courses and recommends course approval on 1127.0, 1132.0, and 1133.0 and conditional course approval on 1128.0.

Motion:

Commissioner Bourré entered a motion to approve advanced accredited courses 1127.0, 1132.0, and 1133.0. Commissioner John seconded the motion. The motion was passed unanimously with a vote of 15 to 0.

Motion:

Commissioner Bourré entered a motion to conditionally approve advanced accredited course 1128.0. Commissioner John seconded the motion. The motion was passed unanimously with a vote of 15 to 0.

Applications for Waiver from Accessibility Requirements:

- 1) **Alami New Generation 2 LLC – Waiver 609-** 24 S Orange Ave, Orlando 32801- **Issue:** Vertical Accessibility to the second floor.

Mr. Vogel presented the waiver and advised that the council recommended granting the request for a waiver for vertical accessibility to the second floor on the grounds of historical nature of the property. Mr. Vogel noted that the staff analysis stated that there was no project associated with the property that would trigger a requirement to provide vertical accessibility, and that staff's recommendation was the grant the waiver to the extent it has been made necessary by the local jurisdiction.

Motion:

Commissioner Schiffer entered a motion to grant the waiver for vertical accessibility to the second floor to the extent it has been made necessary. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 15 to 0.

2) Arena Properties LLC – Waiver 605 – 532 N Miami Ave, Miami 33136 – Issue:
Vertical Accessibility to the second floor.

Mr. Vogel presented the waiver and advised that the council recommended granting the request for a waiver for vertical accessibility on the grounds of technical infeasibility.

Motion:

Commissioner Schilling entered a motion to grant the waiver for vertical accessibility on the grounds of technical infeasibility. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 15 to 0.

3) Americano Studio – Waiver 592 – 2920 NW 7 ST, Miami 33125 – Issue: Vertical Accessibility to the second floor.

Mr. Vogel presented the waiver and advised that the council recommended granting the request for a waiver for vertical accessibility on the grounds of economic hardship.

Motion:

Commissioner Schiffer entered a motion entered a motion to grant the waiver for vertical accessibility on the grounds economic hardship. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Legal Report:

Chairman Schock advised that Justin Vogel will report on relevant legal matters of interest to the commission.

Mr. Vogel briefly updated the Commission on the Annual Regulatory Plan.

Motion:

Commissioner Brown entered a motion to approve the Annual Regulatory Plan. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Committee Reports

Education Program Oversight Committee:

Commissioner Bourré provided a brief summary of the Education POC's June 7, 2023 meeting.

Commissioner Bourré entered a motion to accept the report from the June 7, 2023 meeting. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Existing Building Inspection Workgroup:

Mr. Blair provided a brief summary of the Existing Building Inspection Workgroup's April 27, 2023 and June 6, 2023 meetings.

Commissioner Compton entered a motion to accept the report from the April 27, 2023 and June 6, 2023 meeting. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Hurricane Research Advisory Committee:

Mr. Blair provided a brief summary of the Hurricane Research Advisory Committee's June 16, 2023 meetings.

Commissioner Compton entered a motion to accept the report from the June 16, 2023 meetings. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Product Approval Program Oversight Committee:

Commissioner Hershberger provided a brief summary of the Product Approval POC's June 8, 2023 meeting.

Commissioner Hershberger entered a motion to accept the report from the June 8, 2023 meeting. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Residential Construction Cost Impact Workgroup:

Mr. Madani provided a brief summary of the Residential Construction Cost Impact Workgroup's May 10, 2023 meeting.

Commissioner Compton entered a motion to accept the report from the May 10, 2023 meeting. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Roofing Technical Advisory Committee:

Commissioner Swope provided a brief summary of the Roofing TAC's May 10, 2023 meeting.

Motion:

Commissioner Swope entered a motion to accept the report from the May 10, 2023 meeting. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Special Occupancy Technical Advisory Committee:

Mr. Madani provided a brief summary of the Special Occupancy TAC's May 10, 2023 meeting.

Motion:

Commissioner Schilling entered a motion to accept the report from the May 10, 2023 meeting. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Structural Technical Advisory Committee:

Commissioner Compton provided a brief summary of the Structural TAC's April 25, 2023, May 10, 2023, and June 16, 2023 meetings.

Motion:

Commissioner Compton entered a motion to accept the report from the April 25, 2023, May 10, 2023, and June 16, 2023 meeting. Commissioner Hershberger seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Final Report on the result project: Survey and Investigation of Building Damaged by Hurricane Ian

Presenter:

Dr. David Roueche, Auburn University, updated the commissioners on the final research project "Survey and Investigation of Buildings Damaged by Hurricane Ian."

Motion:

Commissioner Bourré entered a motion to accept the final report of the research project titled: Survey and Investigation of Buildings Damaged by Hurricane Ian. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Commissioner Comment: None

Public Comment:

Arlene Stewart, Energy Circuit Rider, asked a question and provided a comment.

Mr. Madani provided an answer to Ms. Stewart's question.

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Adjourn Commission Plenary Session:

Chairman Schock stated the next meeting will be August 15, 2023 and will be a virtual meeting, it will focus on the commission's regular procedural and substantive issues. Chairman Schock adjourned the meeting at 10:17 a.m.