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Plenary Session

JUNE 18, 2024

8:30 A.M.

Minutes

COMMISSIONERS PRESENT:

Michael Bourré, Chairman
James Batts
Donald Brown
David Compton
Jeffery Gross
Rodney Hershberger
David John
Brian Langille

Grey Marker
Brad Schiffer
Fred Schilling
Jim Schock
Brian Swope
Tim Tolbert
Steve Wilcox

COMMISSIONERS NOT PRESENT:

Asael Marrero

STAFF PRESENT:

Mo Madani
Justin Vogel
Melissa Campos
Alan Burke

Jim Hammers
Sabrina Evans
Marlita Peters

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 Bourré welcomed the Commissioners, staff, and members of the public to the June 18, 2024, web-based and teleconference virtual plenary session of the Florida Building Commission.

Chairman Bourré stated the primary focus of the June meeting is to consider regular procedural issues, updates, briefings, petitions, and reports. Specific actions include adopting the TAC Review and Commission Approval processes for reviewing 2024 Model Code Updates and approving the funding of research projects for fiscal year 2024 - 2025.

Chairman Bourré explained 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 13 members present at roll call.

Agenda Approval:

Commissioner Brown entered a motion to approve the agenda for today's meeting as posted. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Approval of Previous Meeting Minutes and Facilitator Report for April 16, 2024, and May 23, 2024:

Commissioner Brown entered a motion to approve the minutes from April 16, 2024, and May 23, 2024, as posted. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Chairman's Discussion Issues and Recommendations:

Chairman Bourré took a moment on behalf of the Commission, to express our condolences to Commissioner Jeff Gross for the loss of his wife, Karen Warseck. Karen served on the Roofing TAC for several years, and as an architect was an important contributor to the TAC. Chairman Bourré asked Commissioner Gross to accept the Commissioners heartfelt condolences for his loss.

Chairman Bourré took a moment to also acknowledge the dedicated service of Commissioner Gross. Jeff is an architect and represents the Building Owners and Managers Industry.

Commissioner Gross is an architect and represents the Building Owners and Managers Industry, and is the longest serving commissioner, having served on the Commission since 2003.

Chairman Bourré stated Commissioner Gross chairs the Accessibility TAC and serves on the Fire TAC and the Hurricane Research Advisory Committee, as well as having served on many of the Commission's workgroups over the years. Chairman Bourré thanked Commissioner Gross for his dedicated longstanding service to the citizens of Florida and asked again to please accept the Commissioners heartfelt condolences for his loss.

Commissioner Gross thanked the Commissioners for their condolences and recognizing his years of service.

TAC Appointments:

Chairman Bourré stated that he is appointing Jillian Kraynak to replace Conn Cole, who rolled-off as DEM's representative on the Special Occupancy TAC.

Future Commission Meetings:

Chairman Bourré reminded everyone that the Commission's next meeting will be August 13, 2024, and will be conducted as an on-site in-person meeting, location to be determined.

October 15, 2024, Virtual Meeting

December 10, 2024, Onsite Meeting, Location TBD (Commission review of I-Code changes)

Annual Report:

Mr. Burke provided a summary of the Annual Report.

Discussion:

Chairman Bourré provided a comment.

Motion:

Commissioner Brown entered a motion to approve the Commission's Fiscal Year 2023 – 2024 Annual Report (Report to the 2025 Legislature), including Commission actions taken during the June 18, 2024, 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 13 to 0.

Milestones:

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

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

Mr. Madani provided details on the updated Workplan and Schedule for the development of the 2023 Code Update Process – 8th Edition (2023), Florida Building Code.

Motion:

Commissioner Schilling entered a motion to approve the updated Workplan and Schedule for development of the 8th Edition (2023), Florida Building Code. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Commissioner Wilcox and Commissioner Batts joined the meeting, making the quorum 15 members present.

Florida Building Code, 9th Edition, (2026) Update- Workplan Status:

Mr. Madani provided details on the updated Workplan and Schedule for the development of the 2026 Code Update Process – 9th Edition (2026), Florida Building Code.

Motion:

Commissioner Schilling entered a motion to approve the updated Workplan and Schedule for development of the 9th Edition (2026), Florida Building Code. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 15 to 0.

TAC reviews the processes for 2024 Model Code Updates:

Mr. Blair provided details on the TAC reviews the processes for 2024 Model Code Updates.

Motion:

Commissioner Schiffer entered a motion to adopt the TAC 2024 Model Code Updates Review Process for development of the 9th Edition (2026), Florida Building Code. Commissioner Hershberger seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Commission reviews the processes for 2024 Model Code Updates:

Mr. Blair provided details on the Commission reviews the processes for 2024 Model Code Updates.

Motion:

Commissioner Schock entered a motion to adopt the Commission 2024 Model Code Updates Review and Approval Process for development of the 9th Edition (2026), Florida Building Code.

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

Proposed FY 2024-2025 Research Project Workplan and Proposed Research Projects:

Mr. Blair reviewed the procedural sequencing for the Commission’s consideration of the scope of work and funding for the required research projects, and subsequently facilitate each of the steps in the process.

Mr. Madani reviewed the proposed Research Workplan for fiscal year 2024-2025.

Motion:

Commissioner Schilling entered a motion to approve the Research Workplan for fiscal year 2024 – 2025. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Proposed Research Project Pursuant to the requirement of HB 267 - Thermal Efficiency Standards for Unvented Attic and Unvented Enclosed Rafter Assemblies Study:

Mr. Blair reviewed the procedural sequencing for the Commission’s consideration of funding the required research project, and subsequently facilitate each of the steps in the process.

Mr. Madani provided a brief overview on the proposed research project pursuant to the requirement of HB 267.

Presenter:

Rob Vieira, FSEC, presented the proposed research project pursuant to the requirement of HB 267.

Discussion:

Commissioner Schock asked Mr. Vieira a question.

Mr. Vieira provided an answer to Commissioner Schock’s question.

Motion:

Commissioner Schiffer entered a motion to approve UCF-FSEC’s proposed Scope of Work and the funding for the Research Project Titled: “Review and Consider Possible Changes to the Thermal Efficiency Standards for Unvented Attic and Unvented Enclosed Rafter Assemblies” pursuant to the requirements of HB 267, and to charge staff with contracting, administering and overseeing the research, and negotiating scoping and funding levels as appropriate.

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

Proposed Research Project – HB 1021 Water Intrusion Study:

Mr. Blair reviewed the procedural sequencing for the Commission’s consideration of funding the required research project, and subsequently facilitate each of the steps in the process.

Mr. Madani provided an overview on the Thermal Efficiency Standards for Unvented Attic and Unvented Enclosed Rafter Assemblies Study.

Presenter:

Dr. Omar Nofal, FIU, presented the proposed Scope of Work for the Research Project pursuant to the requirements of HB 1021.

Motion:

Commissioner Brown entered a motion to approve FIU’s Scope of Work and the funding for the research project titled: “An Experimental Testing Approach for Understanding and Mitigating Wind-Driven Rain (WDR) Intrusion through Tracks of Sliding Glass Door Systems During Hurricanes,” pursuant to the requirements of HB 1021, and to charge DBPR staff with contracting, administering and overseeing the research, and negotiating scoping and funding levels as appropriate. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Research Project – Wind-borne Debris Region Definition Study:

Mr. Blair reviewed the procedural sequencing for the Commission’s consideration of the scope of work and funding the research project approved by the Commission, and subsequently facilitate each of the steps in the process

Mr. Madani provided an overview on the Research Project-Wind-borne Debris Region Definition Study.

Presenter:

Dr. Jennifer Bridge, UF, presented the Research Project-Wind-borne Debris Region Definition Study.

Public Comment:

Joe Belcher, FHBA and FICAPP provided a comment.

Discussion:

Commissioner Schilling asked a question.

Mr. Madani provided an answer to Commissioner Schilling's question.

Motion:

Commissioner Brown entered a motion to UF's Scope of Work and the funding for the research project titled: "Investigation of the Wind-borne Debris Regions in ASCE 7-22," and to charge DBPR staff with contracting, administering and overseeing the research, and negotiating scoping and funding levels as appropriate. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Product Approval:

Consent Agenda of Entities Recommended for Approval to the 2023 Code:

Commissioner Herberger stated there were 27 product approval entities on the consent agenda for approval for the 2023 code.

Motion:

Commissioner Hershberger entered a motion to approve the 27 product approval entities for the 2023 code. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Commissioner Hershberger stated there are 234 product approval applications on the consent agenda for approval.

Motion:

Commissioner Hershberger entered a motion to approve the 234 product approval applications on the consent agenda. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Product Applications with Comments (2023 Code)

Mr. Blair stated there were 2 products with comments for approval: FL 46724 and FL 46731.

Motion:

Commissioner Hershberger entered a motion to approve the 2 products with comments: FL 46724 and FL 46731. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Consent Agenda of Products with Comments Recommended for Conditional Approval:

Mr. Blair stated there were 4 products for conditional approval – FL 44618, FL 44619, FL 46742, and FL 46747.

Commissioner Hershberger entered a motion for conditional approval of FL 44618, FL 44619, FL 46742, and FL 46747. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 15 to 0.

DBPR Applications:

Mr. Blair stated there were 149 total applications including 3 application(s) with comments to the 2023 Code, and all are approved.

No action needed.

Applications for Accreditor and Course Approval:

Commissioner Langille stated the Education POC did not receive for consideration any accreditor applications. The Education POC reviewed 10 advanced accredited courses, and recommended approval for courses: 1278.0, 1277.0, 1268.0, 1270.0, 1266.0, 1269.0, 1251.0, 1280.0, 1282.0, and 1248.0.

Motion:

Commissioner Langille entered a motion to approve 10 advanced accredited courses -1278.0, 1277.0, 1268.0, 1270.0, 1266.0, 1269.0, 1251.0, 1280.0, 1282.0, and 1248.0. Commissioner John seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Consent Agenda Recommended for Conditional Approval

Commissioner Langille stated that the Education POC is recommending conditional approval for compliance with Rule 61G20-6.002, advanced accredited course numbers 1271.0, and 1273.0.

Motion:

Commissioner Langille entered a motion to conditionally approve for compliance with Rule 61G20-6.002 advanced accredited courses 1271.0, and 1273.0. Commissioner John seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Administratively Approved Updated Courses:

Commissioner Langille stated that the Education POC is recommending approval of administratively approved updated course number 444.4.

Motion:

Commissioner Langille entered a motion to approve administratively approved updated course number 444.4. Commissioner John seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Administratively Approved Self-Affirmed (One-Change) Updated Courses:

Commissioner Langille stated the Education POC reviewed 2 administratively approved self-affirmed (one-change) updated courses 965.1 and 1026.1 with changes.

Motion:

Commissioner Langille entered a motion to approve administratively approved self-affirmed (one-change) updated courses 965.1 and 1026.1 with changes. Commissioner John seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Accessibility Waiver Applications:

- 1) **Ivan Purvis-Waiver 659-3787** Old Middleburg Road N, Jacksonville 322140- **ISSUE:** Vertical Accessibility to the second floor.

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

Motion:

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

- 2) **Maxliving Headquarters-Waiver 671** 6404 Old Winter Garden Road, Orlando 32835- **ISSUE:** Vertical Accessibility to the press box.

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

Motion:

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

- 3) **Jonathan Tran-Waiver 669**-1206 E. Colonial Dr, Orlando 32803-**ISSUE:** Vertical Accessibility to the press box.

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

Motion:

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

- 4) **Tampa Electric Company- Skills Training Center-Waiver 670**- 820 78th Street, Tampa 33619-**ISSUE:** Vertical Accessibility to the Mezzanine

Mr. Vogel presented the waiver and advised that the council recommended denying the request for waiver for vertical accessibility since the project in question is new construction.

Motion:

Commissioner Schock entered a motion to deny the request for waiver for vertical accessibility since the project in question is new construction. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 15 to 0.

- 5) **Shalimar Beach Resort-Waiver 672**- 2823 West Gulf Dr, Sanibel 33957- **ISSUE:** Vertical Accessibility to the second floor of the four proposed duplex buildings.

Mr. Vogel presented the waiver and advised that the council recommended granting the request for waiver for the grounds that it would cause unreasonable and unnecessary hardship to require vertical accessibility to the second floor of the four duplex buildings.

Motion:

Commissioner Schock entered a motion to grant the waiver on the grounds that it would cause unreasonable and unnecessary hardship to require vertical accessibility to the second floor of the four duplex buildings. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Legal Report:

Annual Regulatory Plan

Mr. Vogel provided details on the Annual Regulatory Plan.

Motion:

Commissioner Brown entered a motion to approve the 2024 - 2025 Annual Regulatory Plan as presented, and to authorize publication of the Plan by DBPR. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Sunshine Law – Section 286.011, F.S. Applicability of Sunshine Law

Mr. Vogel provided a refresher on the Sunshine Law and its application to Commissioners and committee (TAC, POC, Workgroups) members.

No Action needed.

Initiation of Rulemaking for Rule 61G20-2.005 – Alternative Plans Review and Inspection Forms Adopted:

Mr. Vogel provided details on the Initiation of Rulemaking for Rule 61G20-2.005 – Alternative Plans Review and Inspection Forms Adopted.

Motion:

Commissioner Brown entered a motion to initiate the rulemaking process for Rule 61G20-2.005, Florida Administrative Code, to update the private provider form, and to delegate authority to Alan Burke to sign rulemaking documents on behalf of the Commission. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Declaratory Statements:

DS 2024-014 by Timothy Drumm of Drumm Engineering Corporation

Staff:

Mr. Vogel provided a brief description of the petition for declaratory statement.

Mr. Madani provided staff analysis and answer.

Public Comment:

Joe Belcher, FHBA and FICAPP, spoke in support of the staff's recommendation.

Motion:

Commissioner Compton entered a motion to adopt the Structural TAC's recommendation that the Commission adopt staff's analysis regarding the question presented in the Petition. Commissioner Schock seconded the motion.

Discussion:

Commissioner Schock provided a comment.

Motion Continued:

The motion passed unanimously with a vote of 15 to 0.

Code Administration Technical Advisory Committee:

Commissioner Brown provided a summary of the Code Administration TAC's May 8, 2024, meeting.

Motion:

Commissioner Brown entered a motion to accept the report from the May 8, 2024, meeting. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Education Program Oversight Committee:

Commissioner Langille provided a summary of the Education POC's June 6, 2024, meeting.

Motion:

Commissioner Langille entered a motion to accept the report from the June 6, 2024, meeting. Commissioner John seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Electrical Technical Advisory Committee:

Mr. Madani provided a summary of the Electrical TAC's May 8, 2024, meeting.

Motion:

Commissioner Brown entered a motion to accept the report from the May 8, 2024, meeting. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Energy Technical Advisory Committee:

Mr. Madani provided a summary of the Energy TAC's May 7, 2024, and May 23, 2024, meetings.

Motion:

Commissioner John entered a motion to accept the reports from the May 7, 2024, meeting. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Commissioner Schilling entered a motion to accept the reports from the May 23, 2024, meeting. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Fire Technical Advisory Committee:

Commissioner Schiffer provided a summary of the Fire TAC's May 8, 2024, meeting.

Motion:

Commissioner Schiffer entered a motion to accept the report from the May 8, 2024, 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 summary of the Hurricane Research Advisory Committee's April 17, 2024, and May 24, 2024, meetings.

Motion:

Commissioner Compton entered a motion to accept the report from the April 17, 2024, and May 24, 2024, meetings. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Mechanical Technical Advisory Committee:

Commissioner John provided a summary of the Mechanical TAC's May 8, 2024, meeting.

Motion:

Commissioner John entered a motion to accept the report from the May 8, 2024, meeting. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Plumbing Technical Advisory Committee:

Commissioner Schilling provided a summary of the Plumbing TAC's May 8, 2024, meeting.

Motion:

Commissioner Schilling entered a motion to accept the report from the May 8, 2024, meeting. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Product Approval Program Oversight Committee:

Commissioner Hershberger provided a summary of the Product Approval POC's June 6, 2024, meeting.

Motion:

Commissioner Hershberger entered a motion to accept the report from June 6, 2024, meeting. Commissioner Compton seconded the motion. The motion was passed unanimously with a vote of 15 to 0.

Roofing Technical Advisory Committee:

Commissioner Swope provided a summary of the Roofing TAC's May 7, 2024, meeting.

Motion:

Commissioner Swope entered a motion to accept the report from the May 7, 2024, meeting. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Special Occupancy Technical Advisory Committee:

Mr. Madani provided a summary of the Special Occupancy TAC's May 7, 2024, meeting.

Motion:

Commissioner Brown entered a motion to accept the report from the May 7, 2024, meeting. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Structural Technical Advisory Committee:

Commissioner Compton provided a summary of the Structural TAC's May 7, 2024, and June 7, 2024, meetings.

Motion:

Commissioner Compton entered a motion to accept the report from the J May 7, 2024, and June 7, 2024, meetings. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Swimming Pool Technical Advisory Committee:

Commissioner Batts provided a summary of the Swimming Pool TAC's May 8, 2024, meeting.

Motion:

Commissioner Batts entered a motion to accept the report from the May 8, 2024, meeting. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Commissioner Comment:

None.

Public Comment:

None.

Adjourn Commission Plenary Session:

Chairman Bourré stated the August 13, 2024, meeting will focus on the Commission's regular procedural and substantive issues, and any needed rule development initiatives including consideration of errata and glitch amendments to the 8th Edition (2023), FBC. The August meeting will be conducted as on-site in-person meeting, location to be determined.