

FLORIDA BUILDING COMMISSION
Plenary Session
Hilton Daytona Beach Oceanfront Resort
100 North Atlantic,
Daytona Beach, Fl. 32118

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Plenary Session

AUGUST 13, 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
Asael Marrero
Brad Schiffer
Fred Schilling
Jim Schock
Tim Tolbert

COMMISSIONERS NOT PRESENT:

Grey Marker

Brian Swope

STAFF PRESENT:

Mo Madani
Justin Vogel
Alan Burke

Jim Hammers
Sabrina Evans

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 Commissioners, staff, and members of the public to Orlando, Florida and the August 13, 2024, onsite plenary session of the Florida Building Commission.

Chairman Bourré took the opportunity on behalf of the Florida Building Commission to offer our sympathy and our support to all those impacted by Hurricane Debby. Hurricane Debby made landfall as a Category 1 Hurricane (80 mph winds) near Steinhatchee, Florida (Taylor County), in the Big Bend area at 7:00 a.m. on Monday, August 5, 2024. Chairman Bourré stated 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. Each year the Commission's Hurricane Research Advisory Committee evaluates research proposals related to enhancing the wind and water intrusion provisions of the Code and provides the Commission with their recommended research project priorities for funding. Chairman Bourré stated the Florida Building Commission remains committed to this effort.

Chairman Bourré stated the primary focus of the August 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 Code Amendments and deciding on errata and glitch amendments for the 8th Edition (2023), Florida Building Code.

Chairman Bourré stated that, as always, we will provide an opportunity for public comment on each of the Commission's substantive discussion topics. He advised that if anyone wanted to comment on a specific substantive Commission agenda item, that they please wait until the facilitator invites members of the public to speak at the appropriate times throughout the meeting. Chairman Bourré stated that public input is welcome but should be offered before 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 Batts 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 13 to 0.

Approval of Previous Meeting Minutes and Facilitator Report for June 18, 2024:

Commissioner Schilling entered a motion to approve the minutes from June 18, 2024, as posted. Commissioner Batts seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Chairman’s Discussion Issues and Recommendations:

Chairman Bourré informed the Commission that Commissioner Wilcox has resigned from the Commission due to health issues. On behalf of the Commission, we offer Commissioner Wilcox our best wishes for a full recovery. Commissioner Wilcox served from February 2023 until his resignation on June 28, 2024. Stephen served as chair of the Electrical TAC and served on the Product Approval POC.

Chairman Bourré thanked Commissioner Wilcox for his service to the citizens of Florida and sent best wishes from the Commission.

TAC Appointments:

Chairman Bourré appointed Amanda Hickman to the Fire TAC to replace Shane Gerwig who rolled off the TAC. Chairman Bourré thanked Mr. Gerwig for his service to the citizens of Florida and thanked Ms. Hickman for agreeing to serve.

Announcements and Discussions:

Chairman Bourré provided the Commission information on the upcoming meeting dates:

- October 15, 2024, Webinar (In conjunction with TAC meetings for I-Code changes review)
- December 10, 2024, Onsite (Commission review of I-Code changes), TBA.

Milestones:

Chairman Bourré reminded the participants that 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 brief details on the status of the updated Workplan and schedule for the development of the 2023 Code Update Process-8th Edition.

Motion:

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

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 13 to 0.

2024 International Energy Conservation Code as Model Code for the 2026 FBC, Energy Conservation:

Chairman Bourré provided details to the Commission regarding the 2024 International Energy Conservation Code as Model Code for the 2026 FBC, Energy Conservation.

Motion:

Commissioner Schilling entered a motion to select the 2024 International Energy Conservation Code as the model code for conducting the Commission's model code update review process for development of the 9th Edition (2026), Florida Building Code, Energy Conservation. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 13 to 0.

TAC Review and Commission Review and Approval Processes for 2026 Update Code Amendments:

Mr. Blair reviewed the TAC Preliminary Recommendations to the Commission Code Amendments Review Process.

Motion:

Commissioner Schilling entered a motion to adopt the TAC Preliminary Recommendations to the Commission Code Amendments Review Process for development of the 9th Edition (2026), Florida Building Code. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 13 to 0.

TAC Final Recommendations to the Commission Code Amendments Review Process:

Mr. Blair reviewed the TAC Final Recommendations to the Commission Code Amendments Review Process.

Motion:

Commissioner Brown entered a motion to adopt the TAC Final Recommendations to the Commission Code Amendments Review Process for development of the 9th Edition (2026), Florida Building Code. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Commission Code Amendments Review and Approval Process:

Mr. Blair reviewed the Commission Code Amendments Review and Approval Process.

Motion:

Commissioner Schilling entered a motion to adopt the Commission Code Amendments 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 13 to 0.

Rule Workshop on Rule 61G20-1.001, F.A.C. Errata and Glitch Amendments to the 8th Edition (2023) FBC:

Mr. Blair the procedural sequencing for the Commission's consideration of proposed errata and glitch amendments to the 8th Edition (2023), FBC.

Code Administration TAC:

Consent Agenda #3: Glitch Amendments Recommended for Approval

Motion:

Commissioner Brown entered a motion to approve the consent agenda #3 glitch as submitted. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Energy TAC:

Consent Agenda 1: ERRATA Recommended for Approval

Motion:

Commissioner John entered a motion to approve the consent agenda #1 errata as submitted. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Consent Agenda #3: Glitch Amendments Recommended for Approval

Motion:

Commissioner John entered a motion to approve the consent agenda #3 glitch as submitted. Commissioner Batts seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Mechanical TAC:

Consent Agenda #3: Glitch Amendments Recommended for Approval

Motion:

Commissioner John entered a motion to approve the consent agenda #3 glitch as submitted. Commissioner Batts seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Structural TAC:

Consent Agenda 1: ERRATA Recommended for Approval

Motion:

Commissioner Compton entered a motion to approve the consent agenda #1 errata as submitted. Commissioner Batts seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Consent Agenda #3: Glitch Amendments Recommended for Approval

Discussion:

Members of the Commission and staff went into discussion with question and comments.

Motion:

Commissioner Compton entered a motion to approve the consent agenda #3 glitch as submitted. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Consent Agenda #4: Glitch Amendments Recommended for Denial

Motion:

Commissioner Compton entered a motion to approval of the consent agenda #4: Glitch for denial as submitted. Commissioner Hershberger seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Swimming Pool TAC:

Consent Agenda 1: ERRATA Recommended for Approval

Motion:

Commissioner Batts entered a motion to approve the consent agenda #1 errata as submitted. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Consent Agenda #4: Glitch Amendments Recommended for Denial

Motion:

Commissioner Batts entered a motion to approval of the consent agenda #4: Glitch for denial as submitted. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Motion:

Commissioner Schock entered a motion to proceed with the rulemaking involving the implementation of the Milestone Inspection Program pursuant to Chapter 120 and Section 553.73(8), Florida Statutes, and incorporate the Commission's adopted amendments into the 8th Edition (2023) Florida Building Code, 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 13 to 0.

Motion:

Commissioner Brown entered a motion to continue with rule development for the rulemaking involving errata and glitches related to the 2024 legislative session in order to allow for the consideration of a potential additional amendment necessary to update the refrigerant standard ASHRAE 15 to the 2022 edition. Commissioner John seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Rule Workshop on Rule 61G20-2.005, F.A.C. – Private Provider Form:

Mr. Blair explained explain procedural sequencing for the Commission's consideration of revisions to the Form.

Mr. Vogel reviewed the proposed changes to the Private Provider Form and provided any legal clarifications.

Motion:

Commissioner Schilling entered a motion to proceed with 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 Schock seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Product Approval:

Consent Agenda of Product Approval Entitles Recommended for Approval (22)

Chairman Bourré explained as a result of the Product Approval POC meeting's cancellation due to Hurricane Debby (August 5, 2024), the entity and product approval applications will be taken up directly by the Commission.

Mr. Blair stated there were 22 entities on the consent agenda.

Motion:

Commissioner Hershberger entered a motion to approve the 22 entities on the consent agenda.

Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Consent Agenda of Product Approvals Recommended for Approval (173)

Mr. Blair stated there were 173 products on the consent agenda of product approvals recommended for approval.

Motion:

Commissioner Hershberger entered a motion to approve the 173 products on the consent agenda.

Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Product Approval Applications with Comments (5) – 2023 Code:

Products Recommended for Approval (1)

Products Recommended for Conditional Approval (4)

Mr. Blair stated there were 5 products with comments recommended for approval.

Motion:

Commissioner Hershberger entered a motion to approve product FL 46851 on the consent agenda. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Commissioner Hershberger entered a motion to approve products FL 16039, FL 46852, FL 46878, and FL 46879 with conditional on the consent agenda. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Consider Applications for Accreditor and Course Approval:

Chairman Bourré as a result of the Education POC meeting's cancellation due to Hurricane Debby (August 5, 2024), the education course approval applications will be taken up directly by the Commission.

Consent Agenda of Advanced Accredited Courses Recommended for Approval (4)

Mr. Burke stated the Education POC reviewed 4 advanced accredited courses, and recommended approval for courses: 1284.0, 1296.0, 1293.0, and 1279.0.

Motion:

Commissioner Langille entered a motion to approve 4 advanced accredited courses: 1284.0, 1296.0, 1293.0, and 1279.0. Commissioner John seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Administratively Approved Self-Affirmed (One-Change) Updated Courses (2)

Course 836.2:

Mr. Burke stated the Education POC reviewed administratively approved self-affirmed (one-change) updated course 836.2.

Motion:

Commissioner Langille entered a motion to approve administratively approved self-affirmed (one-change) updated course 836.2. Commissioner John seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Course 895.2:

Mr. Burke stated the Education POC reviewed administratively approved self-affirmed (one-change) updated course 895.2.

Motion:

Commissioner Langille entered a motion to approve administratively approved self-affirmed (one-change) updated course 895.2.

Accessibility Waiver Applications:

Chairman Bourré stated that the Commission will not be considering August's Accessibility Waiver Applications today as a result of Hurricane Debby requiring the cancelation of the Accessibility Advisory Council meeting of August 5, 2024. Chairman Bourré stated the Commission is required to have the Council's recommendations prior to consideration, and as a result this matter will be rescheduled for another time.

Legal Report:

Mr. Vogel stated there were no legal matters to report.

Declaratory Statements:

DS 2024-024 by Rolando Soto of Broward County Board of Rules and Appeals

Staff:

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

Mr. Madani provided staff analysis and answer.

Presenter:

Rolando Soto, Broward County Board of Rules and Appeals Business, presented details on DS 2024-024.

Commission:

Commissioner John provided a comment.

Motion:

Commissioner John moved to adopt the Mechanical TAC's recommendation that the Commission adopt staff's analysis as revised by the TAC regarding the questions presented in the Petition. Commissioner Gross seconded the motion. The motion passed unanimously with a vote of 13 to 0.

DS 2024-029 by Leon T. Wright, Building Official for Dixie County

Staff:

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

Mr. Madani provided staff analysis and answer.

Presenter:

Leon Wright, Building Official for Dixie County, thanked the staff and stated he was there to answer any questions.

Discussion:

Members of the Commission, staff, and Mr. Wright went in discussion with questions and comments.

Motion:

Commissioner Compton moved to adopt the Special Occupancy and Structural TACs recommendation that the Commission adopt staff's analysis regarding the question presented in the Petition. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Committee Reports:

Code Administration Technical Advisory Committee:

Commissioner Brown provided a summary of the Code Administration TAC's June 19, 2024, and June 24, 2024, meetings.

Motion:

Commissioner Brown entered a motion to accept the report from the June 19, 2024, and June 24, 2024, meetings. Commissioner Batts seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Electrical Technical Advisory Committee:

Mr. Madani provided a summary of the Electrical TAC's June 24, 2024, meeting.

Motion:

Commissioner Batts entered a motion to accept the report from the June 24, 2024, meeting. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Energy Technical Advisory Committee:

Mr. Madani provided a summary of the Energy TAC's June 19, 2024, and June 25, 2024, meetings.

Motion:

Commissioner John entered a motion to accept the reports from the June 19, 2024, and June 25, 2024, meetings. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Fire Technical Advisory Committee:

Commissioner Schiffer provided a summary of the Fire TAC's June 24, 2024, meeting.

Motion:

Commissioner Schiffer entered a motion to accept the report from the June 24, 2024, meeting, as revised to indicate that Commissioner Marrero was present. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Mechanical Technical Advisory Committee:

Commissioner John provided a summary of the Mechanical TAC's June 20, 2024, and June 24, 2024, meetings.

Motion:

Commissioner John entered a motion to accept the report from the June 20, 2024, and June 24, 2024, meetings. Commissioner Batts seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Plumbing Technical Advisory Committee:

Commissioner Schilling provided a summary of the Plumbing TAC's June 24, 2024, meeting.

Motion:

Commissioner Schilling entered a motion to accept the report from the June 24, 2024, meeting. Commissioner Batts seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Residential Construction Cost Impact Workgroup:

Mr. Blair provided a summary of the Residential Construction Cost Impact Workgroup's June 24, 2024, meeting.

Motion:

Commissioner Schilling entered a motion to accept the report from the June 24, 2024, meeting. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Roofing Technical Advisory Committee:

Commissioner Swope provided a summary of the Roofing TAC's June 19, 2024, and June 24, 2024, meetings.

Motion:

Commissioner Swope entered a motion to accept the report from the June 19, 2024, meeting, as revised to indicate that Commissioner Marrero was present, and the report from the June 24, 2024, meeting. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Special Occupancy Technical Advisory Committee:

Mr. Madani provided a summary of the Special Occupancy TAC's June 24, 2024, meeting.

Motion:

Commissioner Batts entered a motion to accept the report from the June 24, 2024, meeting. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Structural Technical Advisory Committee:

Commissioner Compton provided a summary of the Structural TAC's June 19, 2024, June 24, 2024, and August 6, 2024, meetings.

Motion:

Commissioner Compton entered a motion to accept the report from the June 19, 2024, June 24, 2024, and August 6, 2024, meetings. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Swimming Pool Technical Advisory Committee:

Commissioner Batts provided a summary of the Swimming Pool TAC's June 20, 2024, and June 24, 2024, meetings.

Motion:

Commissioner Batts entered a motion to accept the report from the June 20, 2024, and June 24, 2024, meetings. Commissioner Hersberger seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Commissioner Comment:

Commissioner Gross provided a comment.

Public Comment:

Rick Logan, AI Florida, provided a comment.

Mr. Vogel provided a legal comment.

Adjourn Commission Plenary Session:

Chairman Bourré stated the October 15, 2024, meeting will focus on the Commission's regular procedural and substantive issues, and any needed rule development initiatives. The October meeting will be conducted as a Web-Based and Teleconference Virtual Meeting. The meeting was adjourned at 10:00 a.m. m