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Plenary Session

OCTOBER 15, 2024

8:30 A.M.

Minutes

COMMISSIONERS PRESENT:

Michael Chairman
James Batts
Donald Brown
David Compton
Jeffery Gross
Rodney Hershberger
David John

Brian Langille
Brad Schiffer
Fred Schilling
Jim Schock
Brian Swope
Tim Tolbert

COMMISSIONERS NOT PRESENT:

Grey Marker

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 October 15, 2024, web-based and teleconference virtual plenary session of the Florida Building Commission.

Chairman Bourré stated he would like to take this opportunity on behalf of the Florida Building Commission to offer our sympathy and our support to all those impacted by the recent hurricanes. Hurricane Helene made landfall at the mouth of the Aucilla River in the Big Bend of Florida's Gulf Coast at 11:10 p.m. on Thursday, September 26, 2024, as a major Category 4 Hurricane with maximum sustained winds of 140 mph. Only two weeks later, Hurricane Milton made landfall at Siesta Key, in Sarasota County Florida at 8:30 p.m. on Wednesday, October 9, 2024, as a powerful Category 3 Hurricane with maximum sustained winds of 120 mph.

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. We remain committed to this effort. In addition, in order to evaluate the Code's effectiveness against wind and water intrusion, the Commission has an ongoing contract with the University of Florida (UF) to conduct a building damage assessment survey of hurricanes impacting Florida, and in a few minutes the Commission will amend the posted Agenda to include a briefing regarding UF's preliminary assessment of building damage caused by Hurricane Helene and Hurricane Milton.

Chairman Bourré stated the primary focus of the October meeting is to consider regular procedural issues, updates, briefings, petitions, and reports. Specific actions include approval of energy compliance software for demonstrating compliance with the 8th. Edition (2023), Florida Building Code.

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 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 13 to 0.

Approval of Previous Meeting Minutes and Facilitator Report for August 13, 2024, and August 23, 2024:

Commissioner Schock entered a motion to approve the minutes from August 13, 2024, and August 23, 2024, as amended. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Chairman's Discussion Issues and Recommendations:

TAC Appointments:

Electric TAC

Chairman Bourré appointed Vice Chairman Shock to chair the Electrical TAC to replace Commissioner Stephen Wilcox who rolled-off the Commission, leaving the position vacant. Chairman Bourré thanked Stephen for his service to the citizens of Florida, and thanked Jim for agreeing to serve.

Swimming Pool TAC

Chairman Bourré appointed Kyle Sawchuk to the Swimming Pool TAC to fill a vacant seat. Chairman Bourré thanked Kyle for agreeing to serve.

Future Commission Meetings:

Chairman Bourré reminded everyone that the Commission's next meeting will be on December 10-11, 2024, and will be conducted as an on-site, in-person meeting, at the Embassy Suites Oceanfront, St. Augustine Beach, Florida.

Following are tentative dates for the regular bimonthly Commission meetings scheduled for 2025:

- February 11, 2025 – Web-Based and Teleconference Virtual Meeting
- April 15, 2025 – Onsite Location TBD
- June 10, 2025 – Web-Based and Teleconference Virtual Meeting
- August 12, 2025 – Onsite Location TBD
- October 14, 2025 – Web-Based and Teleconference Virtual Meeting
- December 9, 2025 – Onsite Location TBD

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 Schiffer entered a motion to approve the updated Workplan and Schedule for development of the 8th Edition (2023), Florida Building Code. Commissioner Schilling 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.

Hurricane Helene and Hurricane Milton Preliminary Updates:

Chairman Schock stated that the Commission would now receive the presentation of Dr. David Prevatt regarding Hurricane Helene and Hurricane Milton.

Presentation:

Dr. David Prevatt, University of Florida updated the commissioners on the survey of building damage from Hurricane Helene and Hurricane Milton.

Discussion:

Members of the Commissioner and Dr. David Prevatt went into discussion with questions and comments.

Chairman Bourré excused himself from the meeting, making the quorum 12 members present.

Product Approval Applications with Comments-2023 Code

Consent Agenda of Entity Approval Application:

Commissioner Hershberger stated there were 24 product approval entities on the consent agenda for approval.

Motion:

Commissioner Hershberger entered a motion to recommend approval of the 24 product approval entities. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 12 to 0.

Product Approval Application with no Comments:

Commissioner Hershberger stated there were 184 products without comment on the consent agenda for approval.

Motion:

Commissioner Hershberger entered a motion to recommend approval of the 184 products with no comments. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 12 to 0.

With Comments:

Commissioner Hershberger stated there were 13 product approval applications with comments and 6 are recommended for approval. The 6 that are recommended for approval are FL46917, FL46936, FL46965, FL46969, FL46977, and FL47009.

Motion:

Commissioner Hershberger entered a motion to recommend approval of applications with comments: FL46917, FL46936, FL46965, FL46969, FL46977, and FL47009. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 12 to 0.

Commissioner Hershberger stated there were 7 conditional approval application, FL47020, FL46886, FL46923, FL47000, FL47004, FL47012, And FL46616.

Motion:

Commissioner Hershberger entered a motion to recommend conditional approval of FL47020, FL46886, FL46923, FL47000, FL47004, FL47012, And FL46616. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 12 to 0.

DBPR Product Approval Applications Consent Agenda:

Commissioner Hershberger stated there were 131 DBPR product approval applications including three applications with comments, and that there was no action needed.

Applications for Accreditor and Course Approval:

Consent Agenda Recommended for Approval

Commissioner Langille 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 1302.0, 1305.0, 1294.0, and 1288.0.

Motion:

Commissioner Langille entered a motion to approve advanced accredited courses 1302.0, 1305.0, 1294.0, and 1288.0. Commissioner Schock seconded the motion. The motion was passed unanimously with a vote of 12 to 0.

Consent Agenda Recommended for Conditional Approval

Commissioner Langille stated the Education POC is recommending conditional approval for compliance with Rule 61G20-6.002, advanced accredited course number(s) (3): 1301.0, 1300.0, and 1299.0.

Motion:

Commissioner Langille entered a motion to conditionally approve advanced accredited courses 1301.0, 1300.0, and 1299.0. Commissioner Schilling seconded the motion. The motion was passed unanimously with a vote of 12 to 0.

Accessibility Waiver Applications:

- 1) **Libre AF, Inc. - Waiver 687-** 129 NW 26 St. 105., Miami 33127 **-ISSUE:** Vertical accessibility to the Mezzanine.

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 Schilling entered a motion to grant the waiver for vertical accessibility on the grounds of economic hardship. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 12 to 0.

- 2) **The Palms NL Condo Association -Waiver 674-** 728 SW 81st Ave, North Lauderdale 33068- **ISSUE:** Vertical accessibility to the second floor.

Mr. Vogel presented the waiver and advised that the Council was unable to reach consensus on a recommendation, with there being 2 in favor of and 2 opposed to staff's recommendation.

Motion:

Commissioner Brown entered a motion to grant the waiver to the extent it has been made necessary on the basis that the project in question falls outside the scope of chapter 553, part II, Florida Statutes, and the Florida Building Code, Accessibility, 8th Edition (2023), and vertical accessibility to the second floors of the structures is therefore not required. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 12 to 0.

- 3) **Ybor City Grand Cathedral LLC-Waiver 689-** 23201 North Florida Avenue, Tampa 33602- **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 on the grounds of the historical nature of the property.

Motion:

Commissioner Schilling entered a motion to grant the waiver for vertical accessibility on the grounds of the historical nature of the property. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 12 to 0.

- 4) **Office 88 Inc. -Waiver 686-** 8101 Biscayne BLD, Miami 33138- **ISSUE:** Vertical accessibility to the Mezzanine.

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 Schilling entered a motion to grant the waiver for vertical accessibility on the grounds of economic hardship. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 12 to 0.

- 5) **2887 NW 5th LLC- Waiver 679-** 2887 NW 5th Ave, Miami 33127- **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 to grant the waiver for vertical accessibility on the grounds of economic hardship. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 12 to 0.

Legal Report:

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

Energy Compliance Software for the Florida Building Code, Energy Conservation, 8th Edition (2023):

Staff:

Mr. Madani provided details on the staff analyst.

Motion:

Commissioner Schiffer to approve Energy Code Compliance Software for the 8th Edition (2023) Florida Building Code, Energy Conservation, specifically Integrated Environmental Solutions' (IESVE), Software Version 2023 for demonstrating compliance with commercial building energy requirements using the ASHRAE 90.1-2019 Appendix G Performance Rating Method, and the ASHRAE 90.1-2019 Energy Cost Budget Performance Rating Method, and to authorize DBPR staff to approve non-consequential changes to the software as needed. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 12 to 0.

Committee Report:

Accessibility Technical Advisory Committee:

Commissioner Gross provided a brief summary of the Accessibility TAC's September 12, 2024, meeting.

Motion:

Commissioner Gross entered a motion to accept the report from the September 12, 2024, meeting. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 12 to 0.

Code Administration Technical Advisory Committee:

Commissioner Brown provided a brief summary of the Code Administration TAC's September 19, 2024, meeting.

Motion:

Commissioner Brown entered a motion to accept the report from the September 19, 2024, meeting. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 12 to 0.

Education Program Oversight Committee:

Commissioner Langille provided a brief summary of the Education POC's October 7, 2024, meeting.

Motion:

Commissioner Langille entered a motion to accept the report from the October 7, 2024, meeting. Commissioner John seconded the motion. The motion passed unanimously with a vote of 12 to 0.

Electrical Technical Advisory Committee:

Commissioner Schock provided a brief summary of the Electrical TAC's September 13, 2024, meeting.

Motion:

Commissioner Schock entered a motion to accept the report from the September 13, 2024, meeting. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 12 to 0.

Energy Technical Advisory Committee:

Mr. Madni provided a brief summary of the Energy TAC's September 18, 2024, and October 7, 2024, meetings.

Motion:

Commissioner John entered a motion to accept the report from the September 18, 2024, and October 7, 2024, meetings. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 12 to 0.

Fire Technical Advisory Committee:

Commissioner Schiffer provided a brief summary of the Fire TAC's September 20, 2024, meeting.

Motion:

Commissioner Schiffer entered a motion to accept the report from the September 20, 2024, meeting. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 12 to 0.

Hurricane Research Advisory Committee:

Mr. Blair provided a brief summary of the HRAC's October 3, 2024, meeting.

Motion:

Commissioner Schiffer entered a motion to accept the report from the October 3, 2024, meeting. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 12 to 0.

Mechanical Technical Advisory Committee:

Commissioner John provided a brief summary of the Mechanical TAC's September 19, 2024, and October 11, 2024, meetings.

Motion:

Commissioner John entered a motion to accept the report from the September 19, 2024, and October 11, 2024, meetings. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 12 to 0.

Plumbing Technical Advisory Committee:

Commissioner Schilling provided a brief summary of the Plumbing TAC's September 16, 2024, meeting.

Motion:

Commissioner Schilling entered a motion to accept the report from the September 19, 2024, meeting. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 12 to 0.

Product Approval Program Oversight Committee:

Commissioner Hershberger provided a brief summary of the Product Approval POC's October 3, 2024, meeting.

Motion:

Commissioner Hershberger entered a motion to accept the report from the October 3, 2024, meeting. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 12 to 0.

Residential Construction Cost Impact Workgroup:

Mr. Blair provided a summary of the Residential Construction Cost Impact Workgroup's August 20, 2024, meeting.

Motion:

Commissioner Schock entered a motion to accept the report from the August 20, 2024, meeting. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 12 to 0.

Roofing Technical Advisory Committee:

Commissioner Swope provided a summary of the Roofing TAC's September 16, 2024, meeting.

Motion:

Commissioner Swope entered a motion to accept the report from the September 16, 2024, meeting. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 12 to 0.

Special Occupancy Technical Advisory Committee:

Mr. Madani provided a brief summary of the Special Occupancy TAC's September 13, 2024, meeting.

Motion:

Commissioner Compton entered a motion to accept the report from the September 13, 2024, meeting. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 12 to 0.

Structural Technical Advisory Committee:

Commissioner Compton provided a brief summary of the Structural TAC's September 17, 2024, meeting.

Motion:

Commissioner Compton entered a motion to accept the report from the September 17, 2024, meeting. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 12 to 0.

Swimming Pool Technical Advisory Committee:

Commissioner Batts provided a summary of the Swimming Pool TAC's September 12, 2024, meetings.

Motion:

Commissioner Batts entered a motion to accept the report from the September 12, 2024, meetings. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Commissioner Comment:

None.

Public Comment:

None.

Adjourn Commission Plenary Session:

Mr. Blair stated the December 10-11, 2024, meeting will focus on the Commission's regular procedural and substantive issues, and the Commission's consideration of a Proposed Glitch Amendment for the 8th Edition (2023), Florida Building Code, and Model Code Changes for inclusion in the 9th Edition (2026), Florida Building Code. The December meeting will be conducted as an in-person meeting, at the Embassy Suites Oceanfront St. Augustine Beach, Florida. The meeting was adjourned at 9:55 a.m.