

**FLORIDA BUILDING COMMISSION  
HILTON ST. PETERSBURG CARILLON PARK  
950 LAKE CARILLON PARK DRIVE – ST. PETERSBURG, FLORIDA 33716**

**Plenary Session  
October 15, 2019  
8:30 AM**

**MINUTES**

**COMMISSIONERS PRESENT:**

James Schock, Acting Chairman  
Hamid Bahadori  
James Batts  
Bob Boyer  
Oscar Calleja  
Donald Brown  
Nan Dean  
Charles Fischer  
John Gatlin  
Shane Gerwig  
David Gilson

Richard Goff  
Robert Hamberger  
David John  
Brian Langille  
Brad Schiffer  
Fred Schilling  
Drew Smith  
Jeff Stone  
Don Whitehead  
John Wiseman

**COMMISSIONERS NOT PRESENT:**

Kelley Smith Burk  
Jeff Gross

David Compton  
Brian Swope

**STAFF PRESENT:**

Thomas Campbell  
Mo Madani  
Chris Howell

Justin Vogel  
Jim Hammers

**MEETING FACILITATION:**

The meeting was facilitated by Jeff Blair from Facilitated Solutions, LLC. Consultation, Process Design & Facilitation. Information at: [facilitatedsolutions.org](http://facilitatedsolutions.org)

**Time: 8:30 am**

Acting Chairman Schock welcomed Commissioners, staff, and members of the public to St. Petersburg and the October 15, 2019 plenary session of the Florida Building Commission. Acting Chairman Schock stated that in addition to considering regular procedural issues including product and entity approvals, applications for accreditor and course approvals, petitions for declaratory statements, accessibility waivers, and recommendations from our various committees and workgroups; specific actions include conducting a rule workshop on Rule 61G20-2.002 and deciding on funding for the remaining proposed research projects.

Acting Chairman Schock stated that members of the public are requested to sign the attendance sheet on the speaker's table in the center of the room. In addition, we have a sign-up sheet for general public comment. He advised as always, we will provide an opportunity for public comment on each of the Commission's substantive discussion topics or actions that are not procedural or ministerial in content. Acting Chairman Schock stated that if they want to comment on a specific substantive Commission agenda item, please come to the speaker's table when the issue is up for consideration so we know you want to speak. He said that public input is welcome, but should be offered before there is a formal motion on the floor. Acting Chairman Schock asked that all please remember to keep all electronic devices turned off or in a silent mode and thanked them for their cooperation.

Acting Chairman Schock advised all in attendance that if they are licensed by the Building Code Administrators and Inspectors Board attending the Commission meeting and interested in CE credits they must complete the CE sign-in sheet in the binder located on the speaker's table in the center of the room.

**Roll Call:**

Mr. Blair perform roll call; a quorum was met with 21 members present at roll call.

**Agenda Review and Approval:**

Mr. Blair covered the agenda items for the meeting today.

Commissioner Schilling entered a motion to approve the agenda as posted. The motion was seconded by Commissioner Boyer. The motion passed unanimously with a vote of 21 to 0 in favor.

**Approval of Previous Meeting Minutes and Facilitator Report for August 13, 2019:**

Acting Chairman Schock requested a motion for approval of the August 13, 2019 Facilitator's Summary Report and meeting minutes.

Commissioner Schilling entered a motion to approve the August 13, 2019 Facilitator's Summary Report and Meeting Minutes as posted. The motion was seconded by Commissioner Boyer. The motion passed unanimously with a vote of 21 to 0 in favor.

**Chairman's Discussion Issues and Recommendations:**

Acting Chairman Schock advised that Diana Worrall, the Commission's Persons With Disabilities Representative, has resigned effective September 12, 2019. He said that on behalf of the Commission, he would like to thank Diana for her years of service to the citizens of Florida. Diana served two separate appointments on the Commission, with her most recent service running from September 23, 2016 – September 12, 2019.

**Hurricane Research Advisory Committee:**

Acting Chairman Schock stated that the Hurricane Research Advisory Committee was originally convened in January of 2005 and last met formally in 2012. He stated that he will be reconvening the HRAC with new membership later this year to continue evaluating research for wind and water intrusion enhancements, including UF's and FEMA's hurricane related reports. Acting Chairman Schock said we will maintain a balance of perspectives and stakeholders as in the past, and he will decide on membership on this basis. He stated he will serve on the Committee, and would like for interested applicants to send their resumes to Mo Madani by October 31, 2019. Acting Chairman Schock said he plans to appoint the HRAC at the Commission's December 10, 2019 meeting in St. Augustine.

Mr. Campbell stated that this is open to interested parties and anyone interested should send in a resume to Mr. Madani.

**Commission Milestones Update:**

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

**Executive Director Announcements and Discussions:**

**Senate Bill 474:**

Mr. Campbell provided a summary of SB 474 filed last week and the potential impact on the Commission by reducing the number of Commissioners from 27 to 19. He encouraged those members that would be affected to meet with their professional members and associations to discuss this possible change in representation on the Commission.

**New Electronic Travel System:**

Mr. Campbell advised the Commissioners that the signed voucher is no longer needed; however, they will still need to complete the reimbursement form with the departure and return times along with travel method and any receipts for processing. He also stated that these documents can be scanned and emailed to staff.

**Future Meeting Location:**

Mr. Campbell advised the Commissioners of the following scheduled meetings and locations.

- December 10, 2019, World Golf Village Renaissance, St. Augustine.
- February 11, 2020, Sheraton Orlando, Maitland, including rules workshop.
- April 7, 2020, The Shores Resort and Spa, Daytona Beach, including a rules workshop.
- June 2, 2020, meeting location TBD.

Mr. Campbell stated that the meetings in February and April would be full day meetings as they include the workshops. He advised the Commission members to be sure to review all materials prior to the meeting to ensure they were prepared to complete the workshops.

**Update regarding the 7<sup>th</sup> edition (2020) Florida Building Code Workplan:**

Mr. Madani provided an update regarding the Workplan/Schedule for the development of the 2020 Code Update Process—7<sup>th</sup> Edition, Florida Building Code (2020). In addition, he provided a detailed Power Point presentation of the process and BCIS system.

Commissioner Schiffer entered a motion to approve the updated Workplan/Schedule for the 2020 Code Update process – 7<sup>th</sup> Edition, Florida Building Code. Commissioner Gilson seconded the motion. The motion passed unanimously with a vote of 21 to 0.

**Rule Workshop - Chapter 2019-75 HB 447 and Rule 61G20-2.002:**

Acting Chairman Schock explained that the 2019 Legislature amended Section 553.73 (7)(a), Florida Statutes, through passage of HB 447 to reflect that: Every 3 years, the Commission may approve updates to the Florida Building Code without a specific finding that the updates are required to accommodate the specific needs of this state. He stated the Commission is required to amend Rule 61G20-2.002, Statewide Amendments to the Florida Building Code, to reflect this change. Acting Chairman Schock advised that at the August 2019 meeting the Commission voted to initiate rulemaking for Rule 61G20-2.002 -Statewide Amendments to the Florida Building Code, and to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Commission. He stated that today we are conducting the rule workshop to continue rule development.

Mr. Campbell provided a review of the differences between changes to the Rule and changes to the Commission's code update process documents including TAC Review and Commission review and the attachments that will assist in that understanding. He said that during this process some recommendations will not require rule changes but rather just a process change. Mr. Campbell asked that the Commission look at 2019-75 Section 6, which is the relevant statutory change. He stated the change will go into effect July 2020, and is not effective now. Mr. Campbell stated this in addition to other recommendations referring to the code process will be heard today.

Mr. Vogel discussed the history of the law, and the possible effects of the new statutory changes. He indicated that some changes to the rule will need to take place in order to accommodate the new statutory scheme.

Mr. Blair advised that the Commission was requested to review comments prior to this workshop. He stated the public will provide their comments first, and the Commission will then ask any clarifying question about those comments and they will be allowed 4 minutes each to speak.

Mr. Blair stated based on the discussion and public comments, the staff will bring one or more draft rules and amended process documents to the December 10, 2019 meeting for further review during the Rule Workshop.

**Public Comment:**

Neil Burning, ICC spoke on the I-Codes and the process used for those codes. He referred to the written comments sent and attached for the Commission. He stated many I-Codes were omitted or not discussed due to lack of inclusion and lack of some of those codes could weaken the Florida Building Code and affect federal funding. Mr. Burning stated the current process does not include the plans for FEMA DRRRA mitigation plan. He said they encourage revision of the

**Rule Workshop - Chapter 2019-75 HB 447 and Rule 61G20-2.002 (cont.):  
Public Comment (cont.):**

rule to approve all I-Codes as submitted and create a numbering system to coordinate with the National Code numbering system. Mr. Burning further stated the rule should be changed to allow a public comment period that would allow anyone to make updates requesting removal of those changes they do not feel are needed, with justification.

Bryan Holland, NEMA stated he was speaking on changes to the rule and the process and instructions. He stated he does not believe there is a significant flaw in the rule but in the process, and that the rule should harmonize with the statute as close as possible.

Mr. Holland stated the flaws were:

1. Instructions were the same for each TACs however the outcomes were approached differently, consent agendas to disapprove across the board and mandate the stakeholders present to pull any one individual modification for consideration. He felt it was intimidating as they were only given a short amount of time to review and ask for each mod to be pulled.
2. Coordination with the Fire Code
3. Energy Code and FSEC findings
4. Reason statements are needed for the code modifications being discussed.

Mr. Campbell asked Mr. Holland if his recommendation would be to take the consent agendas by TAC with consistency on each TAC and with reason statements of why the code was rejected.

Mr. Holland stated yes.

Paul Coats, AWC, stated that they are very interested in standardization of codes across state lines and are strong supporters of the I-Code process. He stated they are in full support of the Coalition proposals they were submitted and posted to the agenda. Mr. Coats stated he did not feel the process is working well.

Mike Fischer, Kellum Associates stated that there are some good ideas, but said that if we don't stop the direction where we are going we are going to be so far apart from the International Code that there will be no reconciling and Florida will become a stand-alone code. He stated this is not what he is supporting but we should take advantage of the work done at the ICC and this should not be overlooked. Mr. Fischer further stated he urges a further look to keep away from a separation from the I-Code.

Mike Silvers, FRSA stated they did not get everything they sought, however, they do not blame that on the system or lack of effective processes or issues with the TACs. He said that they feel strongly that the specific conditions for Florida be listed in the code and regardless we need to ensure that the Code addresses Florida concerns. Mr. Silvers stated to keep the processes as they are now.

**Rule Workshop - Chapter 2019-75 HB 447 and Rule 61G20-2.002 (cont.):  
Public Comment (cont.):**

Scott, McAdam, BOAF stated they feel the TACs were not clear on the understanding of the process. He then read parts of the rule regarding review of the model codes. Mr. McAdam stated that all I-Code changes should be reviewed by the TACs, commented upon, and moved forward. He stated there needed to be a better tracking system, and the BCIS needs some updating due to the issues they experienced during the posting of the modification change requests. Mr. McAdam stated they all need to work together.

Doug Wise, Palm Beach County, stated we have the best code in the nation and this occurred prior to the 2017 Legislative changes. He said that the ICC process should be the base code to keep standardization. Mr. Wise closed stating we need to get back to the International model.

Joe Hetzel, DAC, Thomas and Associates stated the Code needs to be kept current along with the I-Codes. He stated they should reflect the content of the latest edition of the I-Code. Mr. Hetzel stated the Florida Specific provisions need to remain in place. He said in interest of time spent in the TACs there needs to be networking with others with explanations supplied.

Mr. Campbell asked Mr. Hetzel if he was recommending Florida Specifics amendments be carried forward through new editions of the Code even if there has been a change in the I-Code.

Mr. Hetzel stated yes the concept of Florida Specific amendments always there.

Joe Belcher, FHBA stated he did not understand the statement of the TAC actions not being correct, he stated all but two TACs understood and followed the new Legislative process. He further stated that reasons were provided and he took their information to modify and put in as public comment and they were then reviewed and approved with the changes as requested. Mr. Belcher stated the tracking charts had the reasons for approval and non-approval. He stated he felt that BOAF was not familiar with the system and did not take the extra time to learn before they tried to enter changes. Mr. Belcher stated changes need to come before the TACs and Commission; we should not have to automatically take the I-Code changes. He said the TACs and the Commission do an outstanding job.

Doug Buck, FHBA stated the Coalition and others have made some good changes on how to streamline the process. He spoke on the ICC process; he stated that a lot of the people want the base code moved back to the I-Code. Mr. Buck stated a lot of the issues could be resolved if the I-Code would move to a 5 year cycle. He further stated training and education are the key.

Clayton Parker, BOAF President stated he fully supports the Commission and asked that the Commission review the 20 recommendations that were submitted. He asked that they work together.

**Rule Workshop - Chapter 2019-75 HB 447 and Rule 61G20-2.002 (cont.):  
Public Comment (cont.):**

Lisa Foster, Pinellas County, FL Flood Planner speaks for FFMA and provided information on the protection of citizens and productive insurance product. She spoke on the rankings and how the scoring takes place or CRS rating and BSEG scores. Ms. Foster stated we need to stay with ICC.

Commissioner Calleja requested clarification on the ratings and the effect on the different counties, and whether this is based on time with the ICC and dependent on the entire code being adopted.

Ms. Foster responded on the ratings take place and how they are applied to each county and yes it is based on the entire ICC code.

Rick Logan, AIA stated everyone rejoiced at the last meeting but the Coalition did not feel like this code cycle was successful. He said out of 1400 of the I-Code modifications, they were only able to submit a little over 1,000 for consideration and did not pass hundreds of them. Mr. Logan stated that this will have serious consequences in the future of our code which in the past has been labeled the gold standard. He said they fully support the letter from the Coalition and this process needs to be revamped. Mr. Logan said the TACs were misguided and not informed as affirmed in prior testimony, and the documents need to be revised. He said it is not all about the rules and the process documents need to be rewritten to address these short comings. Mr. Logan stated that the Legislature did not dictate that I-Codes had to be treated like technical amendments or individually. He said in the end it is not all about the process but it is about the values we place on a nationally developed code. Mr. Logan said that the left out code or orphaned modifications should be recaptured.

**Commissioner Comments:**

Commissioner Schiffer said that rejected modifications should be considered and included. He said TACs received the same information but acted differently on the modifications. Commissioner Schiffer inquired about the orphaned modifications and the need to bring them back to the table. He further spoke on the need to work on these missing modifications as there are some good ones. Commissioner Schiffer stated there needs to be some code cross referencing. He said we need to readdress the technical amendments and make sure we are tracking those codes not approved from ICC and maybe find a way to track them. Commissioner Schiffer asked about the interaction with the Fire Prevention Code. Can this cycle be delayed to allow time to review the codes that were not addressed?

Mr. Madani stated the Fire Prevention Code and the Florida Building Code are not being correlated for consistency based on the definition of term "conflict" as agreed upon by the Fire TAC and Fire Code Advisory Council.

**Rule Workshop - Chapter 2019-75 HB 447 and Rule 61G20-2.002 (cont.):**



**Commissioner Comment (cont.):**

Mr. Campbell asked if the workshops are not sufficient to handle those codes and asked if this is more a general concern.

Commissioner Schiffer stated if these mods can be brought up at that time then that would be great.

Mr. Campbell stated this would be fine if the Commission would like to address them but they need to be brought with the specific issue of why the modifications should be considered. He stated the workshops are under Chapter 120 and all comments will be heard.

Mr. Madani spoke on the need to focus the review on major sections making sure we have the right text and to identify missing code sections.

Mr. Campbell asked for clarification of his suggestion by reviewing section by section, code and chapter.

Commissioner Schiffer confirmed.

Commissioner Schock stated he felt that four hearings were too many; he explained that there could be some consolidation and have only three hearings. He stated with I-Code changes should be used by linking the ICC testimony to the modification to better understand the changes that occurred. Commissioner Schock spoke on the insurance industry to show how the ratings are calculated to better understand what they need to do to better the score.

Commissioner Wiseman stated he read all the attachments, and the documents submitted by Doug Buck, FHBA were of interest. He stated after this meeting today, he feels this document should be used as the starting point to address concerns.

Commissioner Schock stated the only comments he had on the document were the deletion of coordination with the Fire Code and the mods had to comply with 1-A and 2 A-E, but did not note 32-A.

Mr. Blair offered two processing recommendations, one being the TACs amend recommendations during the second review and make just one recommendation to the Commission.

Mr. Blair asked for initiation of rulemaking to have changes to 61G20-2.001 eliminate the prohibition that requires the Commission to only having motions to approve.

The Commission agreed to add Mr. Blair's recommendations.

Mr. Vogel advised we would have to publish a notice of development for 61G20-2.001 before we could move on.

**Rule Workshop - Chapter 2019-75 HB 447 and Rule 61G20-2.002 (cont.):  
Commissioner Comment (cont.):**

Mr. Campbell spoke on keeping the TACs involved in the process.

The Commission all agreed that the TACs need to stay involved as they are the experts in the field they are relying on the TACs. He also stated that the stakeholders would like consent agendas for the I-Codes and allow the TACs and Commission to pull those to be removed. Mr. Campbell asked the Commission if this is something they would like to see put into the rule.

Commissioner Schiffer stated yes for the TAC involvement for ICC codes. He stated the TACs should review one by one to avoid missing some changes.

Commissioner Calleja agreed, and stated yes to keeping TACs involvement and reviewing one by one with justifications provided in stage one.

Commissioner Smith stated he also agreed TAC involvement should be kept in order. He also agreed to one by one review.

Commissioner Wiseman asked that statutory-mandated code revisions be on consent agenda.

Mr. Campbell advised that the staff identifies those prior to the meetings so that they are duly noted in the meetings as must be approved modifications.

Mr. Campbell compiled a recommendation list for the Commission as listed below:

1. Code, Chapter, and Section for TAC reviews (Schiffer).
2. Three hearings instead of four during TAC and Commissioner review. (Shock)
3. Monograph included with proposed I-code changes. (Shock)
4. Removing Florida specific language from first phase requirements. (Shock)
5. Working with the insurance industry to get more info about BCEGS. (Shock)
6. FHBA proposed rule language as a starting point for rule changes. (Wiseman)
7. 2<sup>nd</sup> TAC review will be allowed to change recommendation instead of just providing comments. (Staff)
8. Eliminate mandate of only having motions to approve. (Staff)
9. Submitting round 1 code modifications into system. (Staff)
10. Assign individual TAC members a certain amount of modifications. (Staff)

**Rule Workshop - Chapter 2019-75 HB 447 and Rule 61G20-2.002 (cont.):  
Commissioner Comment (cont.):**

Commissioner Schiffer entered a motion to direct staff to provide draft rule language options, and to proceed with the rulemaking process for Rule 61G20-2.002 - Statewide Amendments to the Florida Building Code, and to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Commission. Commissioner Wiseman seconded the motion. The motion passed unanimously with a vote of 21 to 0.

Commissioner Calleja entered a motion to initiate rulemaking for Rule 61G20-2.001 and to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Commission. Commissioner Smith seconded the motion. The motion passed unanimously with a vote of 21 to 0.

**10 minute break (10:55 a.m.)**

**Reconvene (11:05 a.m.)**

**Review and Approval of Remaining Potential Research Projects for FY 2019-2020:**

Acting Chairman Schock stated 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. He advised that at the August 2013 meeting the Commission voted to expand the funding of research projects to topics beyond the scope of hurricane resistance research and to fund research into other Code related topical areas based on recommendations from the Commission's TACs and POCs and has done so since then. Acting Chairman Schock stated that at the April 16, 2019 meeting the Commission voted to narrow the scope of Commission funding of research projects for fiscal year 2019/2020 to hurricane resistance research.

Acting Chairman Schock stated that at the August 13, 2019 meeting the Commission voted to fund the following in priority order:

Priority #1: Code enhancements for Florida.

Priority #2: Geographic Information System technical assistance in preparing local wind speed line maps for jurisdictions dissected by wind speed line contours.

Priority #3: Code review of the integrated draft for the 7th Edition (2020) FBC.

**Review and Approval of Remaining Potential Research Projects for FY 2019-2020 (cont.):**

Acting Chairman Schock advised that the Structural TAC was to review the research projects 4, 5, and 6, and bring recommendations for the Commissioner's consideration at this month's meeting. He said the Structural TAC met on September 25, 2019 and prioritized the three remaining research projects for the TAC Chairs to consider this morning prior to the Commission meeting.

Listed below are the ranking results provided by the Structural TAC and TAC Chairs meetings.

Priority #1: Wind-Driven Rain Tests of Building Envelope Systems up to Hurricane- Strength Wind-Driven Rain Intensity.

Priority #2: Experimental Evaluation of Pressure Equalization Factors and Wind Resistance of Vinyl Siding Systems Using a Multi-Chamber Pressure Test Bed.

Priority #3: Hurricane Michael Data Enhancement (Phase II), Performance of Modular Houses and Review of FEMA Recovery Advisory.

**Public Comment:**

Steve Orlowski, WDMA spoke on the feasibility study to start Project #1 on Wind Driven Rain as discussed and voted on in the TAC Chair meeting. He said they would like both window and door associations would like to be a part of the study.

Acting Chairman Schock read the motion that will be introduced:

“a motion to approve funding the remaining research projects for fiscal year 2019-2020 based on the TAC Chair recommendation with staff administering and overseeing the research, and to charge staff with negotiating scoping, funding levels and contracting as appropriate. In addition to ensure UF works with all stakeholders on scoping and methodology.”

Jason Seals, AAMA echoed Steve Orlowski and would like to see the written proposal, recommends delay of this project until a written proposal can be provided and funds allocated appropriately.

Neil Sexton, CertainTeed Corp. stated project two is a rehash of studies that have already been done in the industry and IBHS 5 to 6 years ago.

Stan Hathorn, Royal Building Products, stated he does not see the need for additional research as these studies have been done.

**Review and Approval of Remaining Potential Research Projects for FY 2019-2020 (cont.):**

Matt Dodson, VSI stated project 2 does not need to take place as these studies have already been completed. He said there is not fact-based evidence indicating the need for further testing. Mr. Dodson stated the scope of study needs to be changed as the current study will not enhance the product. He suggested that UF has not taken their information into consideration.

Gary Hartman, Intertek, stated they are very pleased to see instructions to include stakeholders in this study.

Acting Chairman Schock stated he would ask for three separate motions on the projects.

**Priority #1**

Commissioner Stone entered a motion to approve funding the Wind-Driven Rain Tests of Building Envelope Systems up to Hurricane Strength Wind-Driven Rain Intensity for fiscal year 2019-2020 with staff administering and overseeing the research, and to charge staff with negotiating scoping, funding levels and contracting as appropriate. Additionally to ensure UF works with all stakeholders on scoping and methodology. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 21 to 0.

**Priority #2**

Commissioner Stone entered a motion to approve funding the Experimental Evaluation of Pressure Equalization Factors and Wind Resistance of Vinyl Siding Systems Using a Multi-Chamber Pressure Test Bed for fiscal year 2019-2020 with staff administering and overseeing the research, and to charge staff with negotiating scoping, funding levels and contracting as appropriate. Additionally to ensure UF works with all stakeholders on scoping and methodology and include the Matt Dobson report to make sure there is no duplication of studies. Commissioner Boyer seconded the motion. The motion passed with a vote of 20 in favor and 1 vote against.

**Priority #3**

Commissioner Schiffer entered a motion to approve funding the Hurricane Michael Data Enhancement (Phase II), Performance of Modular Houses and Review of FEMA Recovery Advisory for fiscal year 2019-2020 with staff administering and overseeing the research, and to charge staff with negotiating scoping, funding levels and contracting as appropriate. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 21 to 0.

**Accessibility Waivers:**

Acting Chairman Schock advised that the Commission will now consider this month's requests for accessibility waivers. He stated Justin Vogel will serve as legal counsel and present the Accessibility Advisory Council's recommendations. Acting Chairman Schock asked that Mr. Vogel present the Council's recommendations regarding waiver requests.

**Carpenter's Shop Center Inc. – Waiver 380 - 1601 University Blvd. N, Jacksonville 32211 - Issue:** Vertical accessibility to the mezzanine.

Mr. Vogel presented the waiver. He advised that the Council recommended granting based on economic hardship.

Commissioner Schilling entered a motion to grant the waiver for vertical accessibility to the mezzanine based on economic hardship. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 21 to 0.

**Villa SoFi – Waiver 338 - 735 2nd Street, Miami Beach 33139 - Issue:** Vertical accessibility to the second floor.

Mr. Vogel presented the waiver. He advised that the Council recommended granting based on technical infeasibility.

Commissioner Schilling entered a motion to grant the waiver for vertical accessibility to the second floor based on technical infeasibility. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 21 to 0.

**Bali Hai Beach Resort – Waiver 413 - 6900 Gulf Dr., Holmes Beach 34217 - Issue:** Vertical accessibility to the second floor.

Mr. Vogel presented the waiver. He advised that the Council recommended granting based on economic hardship.

Commissioner Schilling entered a motion to grant the waiver for vertical accessibility to the second floor based on economic hardship. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 21 to 0.

**Accessibility Waivers (cont.):**

**New Mezzanine Office Addition for Prestige Packaging, Inc. – Waiver 358 - 17080 Alico Commerce Ct. Suite 1, Fort Myers 33967 - Issue:** Vertical accessibility to the mezzanine.

Mr. Vogel presented the waiver. He advised that the Council recommended granting based on economic hardship.

Commissioner Schilling entered a motion to grant the waiver for vertical accessibility to the mezzanine based on economic hardship. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 21 to 0.

**Product Approval:**

Acting Chairman Schock advised that Commissioner Stone would present the POC's recommendations for entity approvals and the consent agenda for products recommended for approval, and Jeff Blair would present the POC's recommendations for product approvals with discussion and/or comments.

**Entities:**

Commissioner Stone entered a motion to approve the 8 product approval entities as posted. Commissioner Dean seconded the motion. The motion passed unanimously with a vote of 21 to 0.

**Product Approval Applications without Comments Consent Agenda:**

Commissioner Stone entered a motion to approve the 158 products on the consent agenda list. Commissioner Dean seconded the motion. The motion passed unanimously with a vote of 21 to 0.

**Product Approval Applications with Comments:**

Mr. Blair presented the application with comments to the Commission.

**16291-R3** – Commissioner Stone entered a motion for conditional approval of 16291 R3. Commissioner Dean seconded the motion. The motion passed with a vote of 21 to 0.

**21044-R2** – Commissioner Stone entered a motion for conditional approval of 21044 R2. Commissioner Dean seconded the motion. The motion passed with a vote of 21 to 0.

**29985** – Commissioner Stone entered a motion for conditional approval of 29985. Commissioner Dean seconded the motion. The motion passed with a vote of 21 to 0.

**Product Approval Applications with Comments (cont.):**

**29991** – Commissioner Stone entered a motion for conditional approval of 29991. Commissioner Dean seconded the motion. The motion passed with a vote of 21 to 0.

**30314** – Commissioner Stone entered a motion for conditional approval of 30314. Commissioner Dean seconded the motion. The motion passed with a vote of 21 to 0.

**30356** – Commissioner Stone entered a motion for conditional approval of 30356. Commissioner Dean seconded the motion. The motion passed with a vote of 21 to 0.

**DBPR APPLICATIONS:**

Chairman Stone advised that there were 77 products on the DBPR roster and those with comments have been addressed. He stated there is no action needed from the Commission.

**Accreditor and Course Approval:**

Acting Chairman Schock advised Commissioner Dean would present the Education Program Administrators recommendations regarding applications for accreditor and course approval.

**Pending advanced accredited courses for recommendation:**

Commissioner Dean entered a motion to approve advanced accredited course 938.0. Commissioner Stone seconded the motion. The motion passed unanimously with a vote of 21 to 0 in favor.

**Pending accreditor applications for recommendation:**

Sanjeev Mangoli as FBC Accreditor

Commissioner Dean entered a motion to approve the accreditor application for Sanjeev Mangoli. Commissioner Stone seconded the motion. The motion passed unanimously with a vote of 21 to 0 in favor.

**Pending administratively approved updated courses for recommendation:**

None

**Pending administratively approved Self Affirmed (ONE CHANGE) updated courses for recommendation:**

None



**Legal Report:**

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

Mr. Vogel had no legal matters to report at this time.

Acting Chairman Schock inquired about the certification of the Accessibility Code.

Mr. Vogel stated that DOJ had advised that it was not a priority and would not be working on it at that time due to lack of available resources.

**Petitions for Declaratory Statement:**

Acting Chairman Schock stated if anyone wished to speak on a declaratory statement please come to the public comment table once the specific declaratory statement is introduced. He advised that Justin Vogel will serve as the Commission's counsel. Acting Chairman Schock stated that after legal counsel reviews the petition, he will ask for public comment on the petition.

**DS 2019-048 by WeCare Pediatric Extended Care, Corp.:**

The Petitioner was not present.

Mr. Vogel provided the background of the declaratory statement request with the following question, and petitioner and staff responses:

**Question:** Is the prescribed Pediatric Extended Care center considered a Florida Building Code 2017, Section 304.1 Business Group B occupancy?

**Answers:**

**Option#1/Petitioner:** Petitioner believes the answer to the question outlined above is "YES." Petitioner believes that the definition of the Florida Building Code 2017, Section 304.1 Business Group B occupancy best represents the true occupancy of a Prescribed Pediatric Extended Care (PPEC) center.

**DS 2019-048 by WeCare Pediatric Extended Care, Corp. (cont.):**

**Option #2/Staff:** The answer to Petitioner's question is no. Pursuant to section 308.6, Florida Building Code, Building, 6th Edition (2017), the facility in question would fall under the occupancy classification of Group I-4 and the code requirements of section 466, Florida Building Code, Building, 6th Edition (2017), for day care occupancies.

Mr. Vogel advised the declaratory statement was reviewed by the Fire TAC and Special Occupancy TACs on September 24, 2019 and both TACs voted to accept staff analysis, option #2.

Commissioner Whitehead entered a motion in favor of the Fire TAC and Special Occupancy TACs recommendation for option 2, staff analysis. Commissioner Schiffer seconded the motion. The motion passed with a vote of 21 to 0.

**Binding Interpretations #169 and #174:**

Mr. Madani provided a brief report of the interpretations on #169 and #174 provided by the Binding Interpretations Panel.

**Committee Reports:**

**Chairman Technical Advisory Committee:**

Mr. Blair provided a brief summary of the TAC Chairman meeting held on October 15, 2019 prior to the Plenary Session.

Commissioner Schilling entered a motion to accept the report from the October 15, 2019 onsite meeting. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 21 to 0.

**Education Program Oversight Committee:**

Commissioner Dean provided a brief summary of the Education POC's October 3, 2019 teleconference meeting.

Commissioner Dean entered a motion to accept the report from the October 3, 2019, teleconference meeting. Commissioner Stone seconded the motion. The motion passed unanimously with a vote of 21 to 0.

**Committee Reports (cont.):**

**Fire Technical Advisory Committee:**

Commissioner Bahadori provided a brief summary of the Fire TAC's September 24, 2019 teleconference meeting.

Commissioner Bahadori entered a motion to accept the report from the September 24, 2019 teleconference meeting. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 21 to 0.

**Product Approval Program Oversight Committee**

Commissioner Stone provided a brief summary of the Product Approval POC's October 4, 2019 teleconference meeting.

Commissioner Stone entered a motion to approve the report of the Product Approval POC's October 4, 2019 teleconference meeting. Commissioner Dean seconded the motion. The motion passed unanimously with a vote of 21 to 0.

**Special Occupancy Technical Advisory Committee:**

Commissioner Whitehead provided a brief summary of the Special Occupancy TAC's September 24, 2019 teleconference meeting.

Commissioner Whitehead entered a motion to accept the report from the September 24, 2019 teleconference meeting. Commissioner Dean seconded the motion. The motion passed unanimously with a vote of 21 to 0.

**Structural Technical Advisory Committee:**

Commissioner Schock provided a brief summary of the Structural TAC's September 25, 2019 teleconference meetings.

Commissioner Schock entered a motion to accept the report from the September 25, 2019 teleconference meetings. Commissioner Stone seconded the motion. The motion passed unanimously with a vote of 21 to 0.

**Commissioner Comment:**

Acting Chairman Schock welcomed our new Commissioner Chuck Fischer to the Commission.

**Public Comment:**

Bryan Holland, NEMA stated back in 2006 the Legislature created Section 526.143, F.S., that relates to alternate power generation at gas stations which was a result of the 2004 and 2005 hurricane seasons. He further stated as we know ACHA developed the Rules 58(a) and 59(a) that are now placing emergency backup and cooling systems in nursing homes and assisted living facilities. Mr. Holland said that it looks like the Special Occupancy TAC has done a nice job incorporating those rules into the Florida Building Code; however, it does not appear that section 406 or 2702 of the Florida Building Code, Building has incorporated those gas station rules that relate to alternate generator power capacity.

Mr. Holland stated most recently he had been involved in a pending lawsuit that is taking place in Orlando relating to a guest that evacuated during Irma and fell down a stairwell after the emergency lighting that was only required to illuminate for 90 minutes had long gone out because of the 15 days the hotel had no power.

Mr. Holland said looking at the code there is a very high profile law firm that is starting to poke around in the Florida Building Code and identified gaps for groups A, B, E, I and R's that are identified as shelters during disasters under mandatory evacuations. He said primarily if you look at the R1's, the hotels and motels that are identified by FEMA and local DEM's as being locations to evacuate to when you are under a mandatory evacuation, there is currently no statutory or building code requirement to provide onsite alternative generation of energy not only for emergency illumination, but also for cooling capacity. Mr. Holland said based on that to be preemptive of any statutory changes that perhaps this Commission does not like he is going to recommend that the Commission form a workgroup and assign the Electrical TAC, Fire TAC and Special Occupancy TAC at a minimum, plus any stakeholders that would be interested, to possibly look at gaps in the Code that address building occupancies in evacuation zones during hurricanes as he feels there are some gaps.

Arlene Stewart, AZS Consulting stated if the Commission forms this workgroup she would like to be included in the group.

There being no further business before the Commission Acting Chairman Schock adjourned the meeting at 11:58 a.m.