



FACILITATOR'S SUMMARY REPORT OF THE JANUARY 12, 2021 FLORIDA BUILDING COMMISSION

VIRTUAL MEETING VIA WEBINAR AND TELECONFERENCE

PROCESS DESIGN, CONSENSUS-BUILDING AND FACILITATION BY



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FLORIDA BUILDING COMMISSION

January 12, 2021 Facilitator's Meeting Summary Report

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FLORIDA BUILDING COMMISSION JANUARY 12, 2021 FACILITATOR'S SUMMARY REPORT



OVERVIEW OF COMMISSION'S KEY ACTIONS AND DECISIONS

Tuesday, January 12, 2021

I. PLENARY SESSION SUMMARY AND OVERVIEW

At the January 12, 2021 virtual meeting the Commission considered and decided on Chair's issues and recommendations, and Executive Director's announcements and discussions. The Commission received an update on the draft Workplan for development of the 8th Edition (2023). Specific actions included voting unanimously to: 1.) Elect Commissioner Jim Schock as the Commission's Chair; and, 2.) Send a Letter of Certification of Equivalence to DOE certifying that the residential building provisions of the 7th Edition (2020), Florida Building Code, Energy Conservation meet or exceed the 2018 International Energy Conservation Code (IECC), for low-rise residential buildings.

II. ACTING CHAIR'S WELCOME

Acting Chair Schock welcomed the Commission, DBPR staff and the public to the January 12, 2021 virtual meeting conducted via webinar and teleconference plenary session of the Florida Building Commission.

The Acting Chair noted that the focus of the January meeting was to elect a Commission chair.

The Acting Chair explained, as always the Commission would provide an opportunity for public comment on each of the Commission's substantive discussion topics. Commissioner Schock explained that if one wants to comment on a specific substantive Commission agenda item, they should wait until the facilitator requests public comment and stacks a list of names at the appropriate times during the meeting. The Acting Chair noted that public input is welcome, but should be offered before there is a formal motion on the floor.

III. COMMISSION ATTENDANCE

The following Commissioners participated in the Tuesday, January 12, 2021 virtual meeting conducted via webinar and teleconference:

Jim Schock (Chair), James Batts, Michael Bourré, David Compton, Nan Dean, Charles Fisher, David Gilson, Jeff Gross, Rodney Hershberger, David John, Paul Jones, Brian Langille, Grey Marker, Brad Schiffer, and Brian Swope.

(15 of the 16 currently seated Commissioners attended—94%).

Absent Commissioners:

Don Brown.

DBPR STAFF PARTICIPATING

Thomas Campbell, Jim Hammers, Chris Howell, Mo Madani, and Justin Vogel.

MEETING FACILITATION

Meetings are facilitated, and meeting reports drafted by Jeff Blair from Facilitated Solutions, LLC. Information at: http://facilitatedsolutions.org.



PROJECT WEBPAGE

Information on the Florida Building Commission project, including agenda packets, meeting reports, and related documents may be found at the Commission Webpage. Located at the following URL: http://floridabuilding.org/c/default.aspx

IV. AGENDA REVIEW AND APPROVAL

The Commission voted unanimously, 13 - 0 in favor, to approve the agenda for the January 12, 2021 meeting as posted/presented. Following are the key agenda items approved for consideration:

- To Approve Regular Procedural Topics (Agenda and Minutes).
- To Consider/Decide on Chair's Discussion Issues/Recommendations.
- To Consider/Decide on Executive Director Announcements and Discussions.
- To Elect a New Chair.
- To Approve Letter of Certification of Equivalence to DOE latest draft of the residential energy building code "7th Edition (2020) Florida Building Code, Energy Conservation" to the updated edition of the 2018 International Energy Conservation Code (IECC).
- To Receive Information Regarding the Florida Building Code, 8th Edition (2023) Workplan.
- To Hear Commissioner and Public and Comment.
- To Identify Needed Next Steps, Assignments, and Agenda Items for Next Meetings (February 9, 2021 virtual meetings).

Amendments to the Posted Agenda:

There were no amendments to the posted agenda.

(Attachment 1—January 12, 2021 Commission Agenda)

V. Approval of the December 15, 2020 Facilitator's Summary Report and Meeting Minutes

MOTION—The Commission voted unanimously, 13 - 0 in favor, to approve the December 15, 2020 Facilitator's Summary Report and Meeting Minutes as posted/presented.

Amendments: There was no amendment offered to the meeting minutes.

VI. CHAIR'S DISCUSSION ISSUES AND RECOMMENDATIONS

There were no Chair's issues for the January 12, 2021 meeting.

VII. EXECUTIVE DIRECTOR ANNOUNCEMENTS AND DISCUSSIONS

Tom Campbell, FBC Executive Director, briefed the Commission on the following issues:

Future Commission Meeting Dates

Tom reported that the next Commission meeting would be meeting on February 9, 2021 starting at 8:30 AM. The meeting will be a virtual meeting conducted by webinar. Following are the remaining Commission meetings scheduled to date:

- April 13, 2021, Virtual meeting by webinar, or location TBD.
- June 8, 2020, Hyatt Regency Sarasota, or by webinar TBD.

VIII. ELECTION OF COMMISSION CHAIR

Acting Chair Schock asked Jeff Blair to review and conduct the election process. Jeff Blair noted that at the December 15, 2020 meeting commissioners were invited to nominate themselves or other commissioners for the Commission Chair. The Commission received only one nomination with numerous back-up nominations all in support of Commissioner Schock, the Commission's Acting Chair. Jeff asked if there was any additional comments or any public comment. Since there were none, Jeff requested a motion to elect Commissioner Schock as the Commission's new Chair.

Following the opportunity provided for questions and answers, public comment, and Commission discussion, the Commission took the following actions:

Commission Actions:

MOTION—The Commission voted unanimously, 15 - 0 in favor, to elect Commissioner Jim Schock as the Commission's Chair.

IX. LETTER OR CERTIFICATION OF EQUIVALENCE TO DOE

Chairman Schock explained that with each Building Code Update states are required to certify that their energy codes are equivalent to the national code, and they are also required to certify equivalence within two years of the DOE updating the national code. At the February 2020 meeting the Commission voted to send a Letter of Certification of Equivalence to DOE certifying the equivalence of the latest draft of the Florida Building Code, 7th Edition (2020), Energy Conservation's commercial building provisions to ASHRAE 90.1-2016. With adoption of the 2020 Florida Building Code Florida must now certify that the 7th Edition (2020), Florida Building Code, Energy Conservation's residential building provisions meet or exceed the 2018 International Energy Conservation Code (IECC), for low-rise residential buildings. FSEC has done the analysis supporting the equivalence of Florida's Code to the 2018 IECC. In addition, the Energy TAC reviewed the analysis and accepted the research project report, and based on that action provided a recommendation that the Commission send a Letter of Certification of Equivalence to the Department of Energy (DOE) by the required deadline.

Following the opportunity provided for questions and answers, public comment, and Commission discussion, the Commission took the following actions:

Commission Actions:

MOTION—The Commission voted unanimously, 15 – 0 in favor, to send a Letter of Certification of Equivalence to DOE certifying that the residential building provisions of the 7th Edition (2020), Florida Building Code, Energy Conservation meet or exceed the 2018 International Energy Conservation Code (IECC), for low-rise residential buildings.

X. 8TH EDITION (2023), FLORIDA BUILDING CODE WORKPLAN UPDATE

Mo Madani provided the Commission with an update on the draft Workplan and Schedule for development of the 2023 Code Update Process—8th Edition (2023), Florida Building Code. Chairman Schock indicated that the update was for informational purposes only, and that the Commission would approve the Workplan for the 2023 Code development process once all of the I-Codes are posted and available for review.

Mo reported that the ICC has not posted the I-Codes or the associated monographs to the webpage that they provide for Florida use. Mo is working on getting the documents posted before the February meeting, and hopes to have an updated Workplan for development of the 2023 Code based on the documents being available on the webpage.

(Attachment 4—2023 Code Update Workplan)

XI. COMMISSION MEMBER COMMENTS AND ISSUES

Chairman Schock invited Commission members to offer any general comments to the Commission, or identify any issues or agenda items for the next Commission meeting.

Commissioner Comments:

• Schock: thanked the Commission for their support and trust by electing him Chair. Noted that Commission's process work on consensus and that's why the Commission has the best process and

Code in the Country. Promised participants that they will be provided an opportunity to speak and express their opinions on issues before the Commission.

XI1. GENERAL PUBLIC COMMENT

Members of the public were offered an opportunity to provide comment during each of the Commission's substantive discussion agenda items. In addition, Chairman Schock invited members of the public to address the Commission on any issues under the Commission's purview.

Public Comments:

None offered.

XIII. NEXT COMMISSION MEETING OVERVIEW AND ISSUES

The February 9, 2021 and will focus on the Commission's regular procedural and substantive issues, and any relevant rule development initiatives. The February meeting will be conducted as a virtual meeting via webinar.

(Attachment 4—Commission Meeting Schedule)

OTHER COMMISSION ACTIONS

All Commission actions taken during the January 12, 2021 meeting are reflected within specific agenda items.

STAFF ASSIGNMENTS FROM THE JANUARY 12, 2021 COMMISSION MEETING

All Commission actions taken during the January 12, 2021 meeting are reflected within specific agenda items.

ADJOURNMENT

After a closing roll call confirmed that the Commission retained a quorum (15 of the 16 Commission members who responded to the opening roll call), the Chair thanked Commission members, staff and the public for their participation, and adjourned the meeting at 8:48 AM on Tuesday, January 12, 2021.

ATTACHMENT 1 JANUARY 12, 2021 MEETING AGENDA

FLORIDA BUILDING COMMISSION PLENARY SESSION JANUARY 12, 2021 TELECONFERENCE/WEBINAR

MEETING OBJECTIVES

- To Approve Regular Procedural Topics (Agenda and Minutes).
- To Consider/Decide on Chair's Discussion Issues/Recommendations.
- To Consider/Decide on Executive Director Announcements and Discussions.
- > To Elect a New Chair.
- ➤ To Approve Letter of Certification of Equivalence to DOE latest draft of the residential energy building code "7th Edition (2020) Florida Building Code, Energy Conservation" to the updated edition of the 2018 International Energy Conservation Code (IECC).
- To Receive Information Regarding the Florida Building Code, 8th Edition (2023) Workplan.
- > To Hear Commissioner and Public and Comment.
- To Identify Needed Next Steps, Assignments, and Agenda Items for Next Meetings (February 9, 2021 virtual meetings).

MEETING AGENDA—JANUARY 12, 2021			
	All Agenda Times—Including Adjournment—Are Approximate and Subject to Change		
8:30 a.m. 1.) Welcome and Opening, Roll Call			
		Virtual Meeting Participation Process Guidelines	
	2.)	Review and Approval of Meeting Agenda	
	3.)	Review and Approval of Previous Meeting Minutes and Facilitator's Summary Report for December 15, 2020	
	4.)	Chair's Discussion Issues:	
	5.)	Executive Director Announcements and Discussions:	
	_	Future Meetings:	
		• February 9, 2021-Webinar or TBD	
		April 13, 2021-Webinar or TBD	
		June 8, 2020 - Hyatt Regency, Sarasota	
	6.)	Election of New Chairman	
	7.)	Approve Letter of Certification of Equivalence to DOE-Comparing the residential	
		energy provisions of the Florida Building Code, 7th Edition, (2020), Energy	
		Conservation, to the Updated Edition of the 2018 International Energy Conservation	
		Code (IECC)	
	8.)	Receive Information Regarding the Florida Building Code, 8th Edition, (2023),	
		Workplan	
	9.)	Commissioner Comment	
	10.)	Public Comment	
	11.)	Adjourn Commission Plenary Session	

ATTACHMENT 2 KEY TO COMMON ACRONYMS

ACRONYM	DEFINITION
ADA	Americans With Disabilities Act
ADAAG	ADA Accessibility Guidelines for Buildings and Facilities
BCSA	Florida Building Code System Assessment
BOAF	Building Officials Association of Florida
DACS or FDACS	Florida Department of Agriculture and Consumer Services
DBPR	Department of Business and Professional Regulations
DCA	Department of Community Affairs (Abolished 2011)
DEP or FDEP	Florida Department of Environmental Protection
DOH or FDOH	Florida Department of Health
DOJ	U.S. Department of Justice
EPA	U.S. Environmental Protection Agency
FACBC	Florida Accessibility Code for Building Construction
FAR	Florida Administrative Register (previously FAW)
FBC	Florida Building Code
FBC	Florida Building Commission
FECC	Florida Energy and Conservation Code
IBC	International Building Code
ICC	International Code Council
POC	Program Oversight Committee (Education and Product Approval)
SAD	ADA Standards for Accessibility Design
TAC	Technical Advisory Committee

ATTACHMENT 3 FLORIDA BUILDING COMMISSION HISTORY AND OVERVIEW

HISTORY

Following Hurricane Andrew in 1992 and Hurricane Opal in 1995, Florida experienced record-breaking insurance losses resulting in a crisis affecting every homeowner in the state. The Governor appointed a Building Code Study Commission, and the Florida Conflict Resolution Consortium designed and facilitated a two-year study and deliberation process with the 28 members representing a range of interests in the public and private sectors, through which the Commission evaluated the building code system.

The study revealed that building code adoption and enforcement was inconsistent throughout the state and even local codes thought to be the strongest proved inadequate when tested by major hurricane events. The consequences were devastation to lives and economies and a statewide property insurance crisis. The Commission recommended reform of the state building construction system which placed emphasis on uniformity and accountability. The Study Commission recommended a Florida Building Code System comprised of *Five Foundations for a Better Built Environment* described as: I. The Code; II. The Commission; III. Local Administration of the Code; IV. Strengthening Compliance and Enforcement; and, V. Product Approval.

The legislature enacted the consensus recommendations into law in 1998. In late 1998, the FCRC Consensus Center was asked by the Commission's chair to assist the newly created Florida Building Commission in its effort to build consensus for a uniform building code proposal. A complex consensus building process was put in place that included designing and facilitating meetings of 12 balanced technical advisory groups of 11 members each appointed by the Commission, as well as the Commission's meetings. Facilitated Solutions, LLC continues to work with the Commission by providing facilitation and consensus-building services using the same process and facilitator.

OVERVIEW

COMMISSION REPRESENTATION. The Florida Building Commission has consisted of as many as 27 members, and as of January 1, 2021 is a 19-member representative stakeholder group who successfully created, implemented, and maintains and updates the new statewide Florida Building Code. The Commission is comprised 19 members appointed by the Governor to represent specific stakeholder groups. They are as follows: three municipal, county, or district code officials; an architect; a persons with disabilities representative; a structural engineer; an air conditioning or mechanical contractor, or mechanical engineer; an electrical contractor or electrical engineer; a manufactured buildings industry representative; a building products manufacturing industry representative; an insurance industry representative; a certified general or building contractor; a certified residential contractor; a plumbing contractor; a roofing or sheet metal contractor; a swimming pool contractor; a building products manufacturing industry representative; an antural gas system distribution representative; and the Governor's Chief Resilience Officer or designee.

Consensus Process. The Florida Building Commission (FBC) seeks to develop consensus decisions on its recommendations and policy decisions. General consensus is a participatory process whereby, on matters of substance, the members strive for agreements which all of the members can accept, support, live with or agree not to oppose. In instances where, after vigorously exploring possible ways to enhance the members' support for the final decision on substantive decisions, and the Commission finds that 100 percent acceptance or support is not achievable, final decisions require at least 75 percent favorable vote of all members present and voting. This super majority decision rule underscores the importance of actively developing consensus throughout the process on substantive issues with the participation of all members and which all can live with and support.

The Commission's consensus process is conducted as an open public process with multiple opportunities for the public to provide input to the Commission on substantive issues. At each Commission meeting, the public is welcome to speak during the public comment opportunity provided for each substantive issue under consideration, as well as general public comment periods provided at the end of each meeting. In addition, most substantive issues before the Commission go through a technical advisory committee review or workgroup process where consensus recommendations are developed by appointed representative stakeholder groups, providing additional opportunities for public input. In addition many of the Commission's decisions require rule development to implement, affording additional entry points for public comment.

Since its formation in July of 1998, the Commission has demonstrated a commitment to working with affected interests to build consensus on complex issues. The adoption of the first edition of the Florida Building Code (2001 Edition), developed from September 1998 through January of 2001, involved 27 Commission meetings, dozens of facilitated public workshops and hundreds of TAC meetings. The Commission has consistently worked with all affected interests to build the best possible consensus-based decisions for the citizens of Florida. Through its committees and workgroups comprised of experts, the Commission has always developed its decisions based on the results of the best engineering and science available. Since 1999 the Commission has convened 68 special issue stakeholder workgroups to develop broad based consensus recommendations on issues of concern to stakeholders. Although the Code is by law a minimum building code, the Florida Building Code is the strongest consensus and science based building code in the country. The Insurance Institute for Business and Home Safety (IBHS) ranked the Florida Building Code as number one in their 2018 assessment of residential building code enforcement systems for life safety and property protection in hurricane prone regions.

ATTACHMENT 4

Commission's Updated Meeting Schedule and 2023 Code Update Workplan Updated January 12, 2021

Commission Meeting Dates Fiscal Year 2020-2021			
August 4, 2020	Webinar/Teleconference Virtual Meeting		
October 13, 2020	Webinar/Teleconference Virtual Meeting		
December 15, 2020	Webinar/Teleconference Virtual Meeting		
January 12, 2021	Webinar/Teleconference Virtual Meeting		
February 9, 2021	Webinar/Teleconference Virtual Meeting		
April 13, 2021	Webinar/Teleconference Virtual Meeting		
June 8, 2021	Hyatt Regency Sarasota or virtual meeting TBD		

COMMISSION'S 2023 CODE UPDATE DEVELOPMENT WORKPLAN

8TH EDITION (2023) FBC CODE UPDATE DEVELOPMENT TASKS

8 TH EDITION (2023) UPDATE TO THE FLORIDA BUILDING CODE—	
TASKS	SCHEDULE
Selection of the model codes:	
2020 NEC published and available to the public;	08/25/2019
2021 International Codes published and available to the public;	TBD
Commission selects 2021 I Codes "model codes" and 2020 NEC to conduct	12/15/2020
its review	TBD
Review of the model code changes:	
In coordination with ICC, staff post complete listing of the code changes to the I Codes online	1/4/2021 TBD
Staff post on Commission website/Building Code Information System (BCIS) analysis of the 2021 I-Code change to provide for identification of the following:	3/15/2021 TBD
 Provisions which overlap with the provisions of the FBC Provisions which correlate directly with the provisions of the FBC Provisions which provide for energy efficiency standards that meet or exceed the national energy standards mandated by Title III of the Energy Conservation and Protection Act Provisions which are necessary to maintain eligibility for federal funding and discounts from the National Flood Insurance Program, the Federal Emergency management Agency, or the United States Department of Housing and Urban Development 	
Residential Construction Cost Impact Workgroup (RCCIWG) reviews the 2021 changes to the International Residential Code (IRC) and provides comments to	TBD

the Commission's TACs on impactful code changes.	
RCCIWG meeting – on-site meeting (TBD)	
45 day public review and comment period ends (By Rule -45 day min before TAC review)	4/30/2021 TBD
Staff post on Commission website analysis of the 2021 I-Code changes with public comments	5/17/2021 TBD
(Tracking Charts and code change monographs)	
TACs review the 2021 changes to the I Codes and make recommendations to the Commission regarding those changes as follows:	06/17-25/2021 TBD
That the Commission rejects certain model code provisions by consent agenda.	
(Due to such issues as being unnecessary, negatively impacting the level of public health, safety, or general welfare provided by an existing Florida Building Code provision, diminishing the requirements of provisions related to wind resistance or water intrusion, unnecessarily imposing additional costs, or potentially requiring modification or further investigation before being adopted for use in this state) That the Commission approves certain model code provisions by consent agenda.	
(When considering whether to recommend inclusion on a consent agenda for approval, the TACs shall consider such criteria as whether the model code provisions are editorial or organizational in nature, correct an error, provide clarification, provide for alternative design methods, improve the effectiveness of the code, are uncontroversial to affected stakeholders, or are required by law.)	
That the Commission approve or reject certain model code provisions after considering them individually	
(When recommending individual consideration of model code updates, the TACs shall consider such criteria as whether the update has the potential to impose significant costs, cause confusion or regulatory difficulty, may be unnecessary, is highly controversial to affected stakeholders, or requires further evaluation.)	
TACs meetings – on site - TBD	
Staff post TACs' recommendations online for further public review	7/15/2021 TBD
Deadline for requesting amendments (2021 I-Codes changes) to be pulled of the consent agenda for individual consideration	9/17/2021 TBD
Commission considers TACs' recommendations regarding the latest changes to the model codes - on site meeting (TBD)	10/11-12/2021 TBD
Staff post Commission's recommendations online	11/1/2021 TBD
Proposed modification to the foundation code and Commission's approved I —Codes changes	
Period for public to propose modifications to the 7 th Edition (2020) FBC and the Commission's approved I-Codes changes	11/2/2021 – 12/15/2021 TBD

Proposed amendments reviewed by staff and posted to the Commission website	1/3/2022
	TBD
1 st 45 day comment period ends (By law -45 day min before TAC review)	2/18/2022
	TBD
Staff post on Commission website proposed code changes (Tracking Charts and	3/1/2022
Detail Reports)	TBD
TACs consider proposed modifications (1 st 45 day comment period)	3/21-24/2022
TACs meetings - 4-day on-site meetings	TBD
TACs recommendations posted to the website Starting date for the 2 nd 45 day	4/12/2022
	4/ 12/ 2022 TBD
comment period	
Residential Construction Cost Impact Workgroup (RCCIWG) reviews the	5/6/2022
TACs' recommendations with regard to the proposed modifications to the	TBD
Florida Residential Code (FRC) and provides comments to the	
TACs/Commission on impactful code changes.	
RCCIWG meeting – on-site meeting (TBD)	
2 nd 45 day comment period ends (by law – 45 day min before Commission	5/26/2022
review)	TBD
Staff post on Commission website proposed code changes with comments	6/21/2022
(Tracking Chats and Details Reports)	TBD
TACs consider public comments on their actions on the proposed mods	7/11-14/2022
TACs meetings – 4-day meetings [2-day on-site (TBD) and 2 – day via	TBD
conference/webinar] – As needed and as applicable	TDD
Staff post on Commission website TACs consideration of public comments	7/22/2022
Start post off Commission website TACs consideration of public comments	TBD
C : : : : : : : : : : : : : : : : : : :	
Commission considers TAC recommendations (2 nd 45 day comment period)	8/15-16/2022
Commission – 2-day meeting	TBD
8 th Edition (2023) FBC (7 th Edition (2020) FBC, Florida Supplement and	9/19/2022
Commission's approved I Codes) posted online	TBD
Provide Supplements to ICC for integration into the 7th Edition (2020)	
FBC	
TACs review comments to Rule Development Workshop of February 13, 2020	1/23-30/2023
and make recommendations to the Commission	TBD
TACs meetings - 3-day on-site meetings and 3-day conference call/webinar	
meetings	
Rule development Workshop	February 13, 2023 TBD
Commission – 1-day meeting	
TACs review comments to Rule Development Workshop of April 11, 2023 and	3/23-24/2023
make recommendations to the Commission	TBD
TACs meetings - 2-day conference call/webinar meetings	
Rule development Workshops	April 11, 2023
raic development workshops	TBD
Commission – 1-day meeting	
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Integrated Draft 8 th Edition (2023) FBC – Posted online	April 20, 2023 TBD
Hearing on 8 th Edition (2023) FBC to consider received comments	Jun TBD e 2, 2023
Final Rule Hearing on 8 th Edition (2023) FBC/Commission approves final version of Code 8 th Edition (2023) Florida Fire Prevention Code available in final format	TBD
Rule Submitted to Secretary of State and Supplement/Integrated posted online – subject to addressing all JAPC's concerns	TBD
Final FBC -PDF posted	TBD
Printed Code available - subject to negotiation with ICC	TBD
2023 FBC (8 th edition) effective date (6 – months after publication)	12/31/2023

553.73(7)(e) A rule updating the Florida Building Code in accordance with this subsection shall take effect no sooner than 6 months after publication of the updated code. Any amendment to the Florida Building Code which is adopted upon a finding by the commission that the amendment is necessary to protect the public from immediate threat of harm takes effect immediately.