

**FLORIDA BUILDING COMMISSION
WEBINAR AND TELECONFERENCE**

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MEETING ID 533-378-925

Plenary Session

October 13, 2020

8:30 AM

MINUTES

COMMISSIONERS PRESENT:

James Schock, Acting Chairman
Hamid Bahadori
James Batts
Michael Bourré
Bob Boyer
Donald Brown
Kelley Smith Burk
Oscar Calleja
David Compton
Nan Dean
Charles Fischer
John Gatlin

David Gilson
Jeff Gross
Robert Hamberger
Rodney Hershberger
David John
Paul Jones
Brian Langille
Grey Marker
Brad Schiffer
Drew Smith
Brian Swope
Don Whitehead

COMMISSIONERS NOT PRESENT:

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

Time: 8:30 am

Acting Chairman Schock welcomed Commissioners, staff, and members of the public to the October 13, 2020 virtual plenary session of the Florida Building Commission via webinar and teleconference. He stated that he hoped that everyone is safe and taking the necessary health and social distancing precautions to help reduce the spread of the corona virus.

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 will include review of the Workplan and Schedule for development of the 8th Edition (2023) Florida Building Code, and to conduct an additional workshop on Rule 61G20-2.001.

Acting Chairman Schock 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. Acting Chairman Schock stated that public input is welcome, but should be offered before there is a formal motion on the floor.

Acting Chairman Schock advised that Jeff Blair will review the Commission's adopted Webinar and Teleconference Participation Process before taking roll call.

Webinar and Teleconference Participation Process:

Mr. Blair provided detail of the process for the Commission and the public participating online and on the phone.

Roll Call:

Mr. Blair performed 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.

Acting Chairman Schock requested a motion for approval of the agenda for today's meeting.

Commissioner Smith 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 4, 2020:

Acting Chairman Schock requested a motion for approval of the August 4, 2020 Facilitator's Summary Report and meeting minutes.

Commissioner Boyer entered a motion to approve the August 4, 2020 Facilitator's Summary Report and meeting minutes as posted. The motion was seconded by Commissioner Compton. The motion passed unanimously with a vote of 21 to 0 in favor.

Chairman's Discussion Issues and Recommendations:

Governor Appointments to the Commission:

Grey Marker II

Acting Chairman Schock announced the appointment of Grey Marker replacing John Wiseman. He provided Mr. Marker's background and term starting date of September 14, 2020. Acting Chairman Schock welcomed Commissioner Marker.

Acting Chairman Schock thanked Commissioner Wiseman for his years of service.

Rodney Hershberger

Acting Chairman Schock announced the appointment of Rodney Hershberger replacing Jeff Stone. He provided Mr. Hershberger's background and term starting date of September 14, 2020. Acting Chairman Schock welcomed Commissioner Hershberger.

Acting Chairman Schock thanked Commissioner Stone for his years of service.

Chairman's Discussion Issues and Recommendations (cont.):

Governor Appointments to the Commission (cont.):

James Schock

Acting Chairman Schock announced his re-appointment to the Commission replacing Shane Gerwig. He advised his new term starting date beginning September 14, 2020.

Acting Chairman Schock thanked Commissioner Gerwig for his years of service. He advised that Mr. Gerwig has graciously agreed to remain a member of the Code Administration and Electrical TAC.

David John

Acting Chairman Schock announced the appointment of David John who has been serving on the Commission since November 2018. He provided Mr. John's background and new term starting date of September 14, 2020. Acting Chairman Schock welcomed Commissioner John back to the Commission.

Michael Bourré

Acting Chairman Schock announced the appointment of Michael Bourré replacing Rick Goff. He provided Mr. Bourré background and term starting date of September 14, 2020. Acting Chairman Schock welcomed Commissioner Bourré.

Acting Chairman Schock thanked Commissioner Goff for his years of service.

Paul Jones

Acting Chairman Schock announced the appointment of Paul Jones replacing Fred Schilling. He provided Mr. Jones' background and term starting date of September 14, 2020. Acting Chairman Schock welcomed Commissioner Jones.

Acting Chairman Schock thanked Commissioner Schilling for his years of service.

Recognition for Commissioners:

Acting Chairman Schock recognized Diana Worrell and Kevin Flanagan for their service as Commissioners on the Florida Building Commission.

Chairman's Discussion Issues and Recommendations (cont.):

Appointment TAC:

Acting Chairman Schock appointed Gordon Thomas to serve on the Structural TAC replacing Joe Hetzel, who is retiring. He welcomed Mr. Thomas and thanked Mr. Hetzel for his service.

Acting Chairman Schock entered a motion to approve the Structural TAC appointment. Commissioner Dean seconded the motion. The motion passed unanimously with a vote of 21 to 0.

Commission Milestones:

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.

Commissioner Hamberger joined the call bringing the total members present to 22.

Executive Director Announcements and Discussions:

Mr. Campbell provided a listing of the tentative composition of the Florida Building Commission on January 1, 2021 pending any additional appointments by the Governor. He stated the listing consist of the 19 positions remaining on the Commission since the reduction in the last legislative session.

Mr. Campbell advised the Commissioners that the member's contact list has been updated on the BCIS to include the newly appointed members.

Future Meeting Location:

Mr. Campbell advised as a reminder the next Commission meeting will be held on December 15, 2020 and will be a virtual meeting conducted by webinar.

- February 9, 2021, Virtual meeting by webinar or location TBD.
- April 13, 2021, Virtual meeting by webinar or location TBD.
- June 8, 2020, Hyatt Regency Sarasota, or by webinar TBD.

8th Edition (2023) Florida Building Code Workplan

Mo Madani provided a review of the proposed Workplan/Schedule for the development of the 2023 Code Update Process, for the Florida Building Code, 8th Edition (2023). He advised that there is no action needed on the workplan at this time, approval will be requested at the December meeting.

Commissioner Jones and Commissioner Brown joined the meeting bring the total members present to 24.

Rule Workshop for Rule 61G20-2.001, Commission Organization and Operations:

Acting Chairman Schock advised that the 2020 Florida Legislature passed CS/HB 1193 reducing the Florida Building Commission from 27 to 19 members effective January 1, 2021. He stated that at the June 2020 meeting, the Commission voted to initiate rulemaking for Rule 61G20-2.001 to revise the operational procedures to reflect the elimination of the appointed chair position.

Acting Chairman Schock said that at the August 4, 2020 meeting the Commission conducted a rule development workshop and voted to proceed with rule adoption for Rule 61G20-2.001 the Commission Organization and Operations, approving proposed rule language to reflect the election of a chair from among the Commission based on a simple majority voting threshold, with a term length of one complete Code development cycle, with no term limits, and a minimum of three years on the Commission as the qualification requirement for election.

Acting Chairman Schock advised that subsequently a request was made for another rule workshop to discuss the criteria for the election of the chair to be approved by the Commission.

Acting Chairman Schock stated the Commission will consider the submitted written comments and any comments made during the workshop today, to decide whether to amend their draft rule and then vote to proceed with rule adoption. He then asked Mr. Campbell to provide an overview of the additional rule workshop requests.

Mr. Campbell provided an overview of the four items that comments were received on:

Election of Chairman – Term length

1. Annually (recommended by the Commission's legal counsel based on Section 553.75, F.S.)
2.
 - a.) Approximately every three years coinciding with the Florida Building Code's triennial update process depending on whichever is shorter. (Proposed by DBPR)
 - b.) Similar to 2.a. but provides that the first chair's term runs from election date until the effective date of the new Code Edition. (Proposed by FHBA)

Experience Requirement for Chairman

1. One year (Proposed by DBPR and FHBA with no requirements except to be a member of the Commission if there is a period that no commissioner meets the one-year requirement.
2. Three years (current draft)

Voting Threshold Requirements for Election of Chairman

1. 51% (Current Draft)
2. 75% (Proposed by FHBA)

Chair's Appointment of Vice-Chair

1. Chair may appoint a vice-chair (Current Draft)
2. Chair shall appoint a vice-chair (Proposed by FHBA)

Mr. Blair explained the process for public comment and Commission discussion.

Election of Chairman – Term length:

Mr. Campbell provided review for the term length.

Mr. Vogel explained the statutory language and requirements of Section 553.75, F.S. for the Commission and possible ways in which the current rule draft may be subject to challenge. He stated he wanted the Commission to be aware of the relevant statutory language.

Questions were asked by Commission Schiffer on this language and responded to by Mr. Vogel on the Commission's obligations to this statute.

Public Comments:

Mr. Campbell provided the options for the Commission on the term length.

Mr. Bennett, FHBA stated they were in favor of 2 b.

Mr. Belcher, MAF and FICAP stated they were in favor of a one-year term.

Larry Schneider spoke on the prior statute and when the changes occurred from the Board of Codes as he was the Chairman of the Board at that time.

Mike Silvers, FRSA stated they favor 2 b.

Rick Logan, AIA supports three years and the code cycle.

Commission Comments:

Acting Chairman Schock stated he agreed that three years is the better option. He did have concerns on the statute discussed and stated it should be addressed at the next Legislative session.

Commission Gilson stated he also agreed with a three-year term.

Commission Comments (cont.):

Commissioner Calleja stated the only drawback to the three-year term would be if that Commissioner's term was to expire and they were not re-appointed.

Mr. Campbell addressed Commissioner Calleja's concerns with expiring terms, stating as it is written now, if the Chairman's seat were to expire during their service, the Vice-Chairman would carry the duties until the cycle is complete. He did say there would be a possibility of both seats being placed in the position of not being reappointed, however at this point this would go back to the Commission for discussion and resolution.

Mr. Blair provided the choices for the Commission on the term length.

Commissioner Bourré entered a motion to implement 2.b. the first chair's term runs from election date until the effective date of the new Code Edition. Commissioner Gilson seconded the motion. The motion passed unanimously with a vote of 24 to 0.

Experience Requirement for Chairman:

Mr. Campbell provided the options for the Commission on the experience requirements.

Public Comments:

Mr. Bennett, FHBA, Mr. Silvers, FRSA and Mr. Belcher, MAF, FICAP and Mr. Thiesen, FSPA were all in favor of one year.

Commission Comments:

Commissioner Compton asked if the one year would be a calendar year.

Mr. Campbell stated it would be a calendar year of experience from the year appointed.

Commissioner Smith entered a motion to change the language to read one-year experience which is option one. Commissioner Bourré seconded the motion.

Acting Chairman Schock spoke on the three-year requirement and the reasoning behind his recommendation, but after discussion will support the one year.

Commissioner Calleja stated he would rather see the three years, but will support the one year.

Commissioner Boyer stated he prefers three years but would agree with two years.

Vote – Motion: The Motion passed with a vote of 22 in favor and 2 opposed.

Voting Threshold Requirement for Election of Chairman:

Mr. Campbell provided the options for the Commission on the threshold requirement.

Public Comment:

Mr. Logan, AIA, Mr. Silvers, FRSA and Mr. Schneider were all in favor of 51%.

Mr. Belcher, FHBA, MAF, and FICAP and Mr. Bennett, FHBA were in support of 75%.

Commissioner Comment:

Commissioners Gilson and Boyer both stated they supported 51%.

Motion: No motion was entered therefore the threshold will remain 51% as stated in the current rule language.

Chair Appointment of Vice-Chair:

Mr. Campbell provided the options for the Commission on the Chair appointment of a Vice-Chair.

Mr. Bennett, FHBA stated they are only proposing to change the word “may” to “shall” and would like for that change to be made.

Public Comment:

Mr. Belcher, FHBA, MAP, FICAP and Mr. Fisher, FRSA stated they are in favor of changing the word to “shall”.

Commission Comment:

Acting Chairman Schock spoke in support of the word change.

Commissioner Swope entered a motion to replace the word “may” to “shall” in the third paragraph. Commissioner John seconded the motion. The motion passed unanimously with a vote of 24 to 0.

Motion for Rule Adoption:

Commissioner Schiffer entered a motion to proceed with rule adoption for Rule 61G20-2.001 – Commission Organization and Operations, incorporating the approved rule language revisions, and to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Commission. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 24 to 0.

Consideration of Additional Research Project for FY 2020-2021:

Acting Chairman Schock reminded the Commission of its decision to limit funding research projects to hurricane resistant research for FY 2020-2021 based on the frequency and intensity of recent hurricanes.

Acting Chairman Schock advised that at the August 4, 2020 meeting the Commission voted to approve funding for the four research projects recommended by staff for FY 2020-2021 to support effective implementation and enforcement of the 7th Edition (2020) Florida Building Code, and or the development of the 8th Edition (2023) Florida Building Code.

Acting Chairman Schock stated in addition the Commission voted to approve funding for four research projects for FY 2020-2021 based on the Hurricane Research Advisory Committee's (HRAC) recommended priority order, and to charge the staff with contracting, administering and overseeing the research, and negotiating, scoping and funding levels as appropriate.

Acting Chairman Schock said that during the August 4, 2020 meeting Commissioner Brown requested that the research project titled "Appendix with Optional Enhanced Construction Techniques, which was not recommended by the HRAC for funding, be considered by the Commission for possible funding. He stated the Commission voted to approve referring the proposed research project to a future meeting for additional evaluation regarding whether the project should be funded by the Commission and staff was charged with determining the best format for evaluating the project, and on that basis the project is now before the Commission for consideration since the HRAC has already reviewed the project and the Commission will ultimately make the decision.

Acting Chairman Schock advised that the threshold issue for consideration is whether the Commission wants to fund the proposed project as a research project. He stated that it should be pointed out that the Commission's policy since its inception is that the Commission and the TACs do not develop or propose code amendments, and leave code development and advocacy on proposed code amendments to stakeholder proponents. Acting Chairman Schock noted that the Commission funded the research which forms the basis for the proposed Appendix during the fiscal year 2019-2020, and said in essence the actual research has already been funded by the Commission and is complete. He further stated that the development of an Appendix would entail formatting the code provisions into an Appendix, and then submitting the Appendix as a proposed code amendment for inclusion in a future edition of the Code.

Acting Chairman Schock stated, in summary, that the threshold issue is whether the Commission believes the proposed project should be funded as a research project, and not whether they support the Appendix. He further said that they would have the opportunity to vote on the Appendix if and when it is submitted as a proposed amendment by a proponent.

Consideration of Additional Research Project for FY 2020-2021 (cont.):

Mr. Blair opened the meeting for Commissioner clarifying questions, public comment, and subsequent Commission comments on the issue. He advised no action is needed unless a Commissioner offers a specific motion.

Conn Cole, FDEM, IFMO spoke on the project providing additional details.

Commission Clarifying Questions: None

Public Comment:

Joe Belcher, FHBA, MAP and FICAP stated that he is opposed to the research as this is code change and should follow the code change process.

Dallas Theisen, FSPA stated they oppose this as a research project.

Dale Calhoun, FNGA, FPGA, advised they are also opposed to this as a research project, it should go through the regular code change process.

Mike Silvers, FRSA, stated they agreed with the prior speakers and are opposed to this being a research project.

Paul Coats, AWC stated they are also opposed.

Commissioner Comment:

Acting Chairman Schock stated he had some reservations that this would have met the technical enrichment process when it went before HRAC. He stated he was not specifically opposed.

Commissioners Schiffer, Smith, Swope, Boyer, Calleja, Gilson and Batts, were in opposition, and stated this needs to go through the regular code process.

No action was taken by the Commission. Mr. Blair advised this item will not be funded as a research project.

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.

Accessibility Waivers (cont.):

TopFlite Manufacturing Building – Waiver 481- SW Corner of SW 142 Avenue and SE 14 Court, Homestead 33035 - Issue: Vertical accessibility to the second floor.

Mr. Vogel presented the waiver. He advised that the Council recommended denying the request for a waiver for vertical accessibility based on the fact that the project is new construction, and unnecessary, unreasonable or extreme hardship had not been demonstrated.

Commissioner Schiffer entered a motion to deny the request for a waiver for vertical accessibility based on the fact that the project is new construction, and unnecessary, unreasonable or extreme hardship had not been demonstrated. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 24 to 0.

Interstruct Orlando Office – Waiver 473 – 814 West Church Street, Orlando 32805 - Issue: Vertical accessibility to the mezzanine.

Mr. Vogel presented the waiver. He advised that the Council recommended granting the request for waiver for vertical accessibility to the mezzanine based on the grounds of economic hardship.

Commissioner Schiffer entered a motion to grant the request for a waiver for vertical accessibility to the mezzanine based on the grounds of economic hardship. Commissioner John seconded the motion. The motion passed unanimously with a vote of 24 to 0.

Sanctuary MiMo – Waiver 480 – 7610 Biscayne Boulevard, Miami Beach 33118 - Issue: Vertical accessibility to second floor.

Mr. Vogel presented the waiver. He advised that the Council recommended granting the request for waiver for vertical accessibility on the grounds of the historical nature of the property.

Commissioner Schiffer entered a motion to grant the request for a waiver for vertical accessibility to the second floor based on the grounds of the historical nature of the property. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 24 to 0.

Redgrave & Rosenthal Office Building, Renovation and Addition – Waiver 479 – 14881 Hagen Ranch Road – Delray Beach 33446 – Issue: Vertical accessibility to the second floor.

Mr. Vogel presented the waiver. He advised that the Council recommended granting the request for waiver for vertical accessibility to the extent it has been made necessary on the grounds the space will house no more than five people and is not open to the public.

Larry Schneider was present on the call representing the property and stated he was available if there were questions from the Commission.

Accessibility Waivers (cont.):

Redgrave & Rosenthal Office Building, Renovation and Addition – Waiver 479 – 14881 Hagen Ranch Road – Delray Beach 33446 (cont.):

Commissioner Schiffer entered a motion to grant the request for waiver for vertical accessibility to the extent it has been made necessary on the grounds the space will house no more than five people and is not open to the public. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 24 to 0.

119 Grand Avenue Alteration – Waiver 476 – 119 Grand Avenue – Coral Gables 33133 - Issue: Vertical accessibility to the second floor.

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

Larry Schneider was present on the call representing the property and stated he was available if there were questions from the Commission.

Commissioner Schiffer entered a motion to grant the request for a waiver for vertical accessibility to the second floor based on the grounds of economic hardship. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 24 to 0.

David Goodson, Property Owner – Waiver 468 – 310 Bradford Road, Tallahassee 32303 - Issue: Vertical accessibility to the second floor.

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

Commissioner Schiffer entered a motion to grant the request for a waiver for vertical accessibility to the second floor based on the grounds of economic hardship. Commissioner John seconded the motion. The motion passed unanimously with a vote of 24 to 0.

Historic Munroe House – Waiver 474 – 133 No. Gadsden Street, Tallahassee 32301 - Issue: Vertical accessibility to the second floor.

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

Commissioner Schiffer entered a motion to grant the request for a waiver for vertical accessibility to the second floor based on the grounds of economic hardship. Commissioner Boyer seconded the motion. The motion passed unanimously with a vote of 24 to 0.

Product Approval:

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

Entities:

Commissioner Compton entered a motion to approve the 19 product approval entities as posted. Commissioner Dean seconded the motion. The motion passed unanimously with a vote of 24 to 0.

Product Approval Applications without Comments Consent Agenda (2017):

Commissioner Compton entered a motion to approve the 52 products on the consent agenda list. Commissioner Dean seconded the motion. The motion passed unanimously with a vote of 24 to 0.

Product Approval Applications without Comments Consent Agenda (2020):

Commissioner Compton entered a motion to approve the 453 products on the consent agenda list. Commissioner Dean seconded the motion. The motion passed unanimously with a vote of 24 to 0.

Product Approval Application with Comments (2017):

29783 R-3 – Commissioner Compton entered a motion for approval of 29783 R-3. Commissioner Dean seconded the motion. The motion passed with a vote of 24 to 0.

33111- Commissioner Compton entered a motion for approval of 33111. Commissioner Dean seconded the motion. The motion passed with a vote of 24 to 0.

32387 R-1 – Commissioner Compton entered a motion for conditional approval of 32387 R-1. Commissioner Dean seconded the motion. The motion passed with a vote of 24 to 0.

Product Approval Application with Comments (2020):

4103 R-11 – Commissioner Compton entered a motion for conditional approval of 4103 R-11. Commissioner Dean seconded the motion. The motion passed with a vote of 24 to 0.

5823 R-9 - Commissioner Compton entered a motion for approval of 5823 R-9. Commissioner Dean seconded the motion. The motion passed with a vote of 24 to 0.

6890 R-7 – Commissioner Compton entered a motion for approval of 6890 R-7. Commissioner Dean seconded the motion. The motion passed with a vote of 24 to 0.

Product Approval Application with Comments (2020) (cont.):

7060 R-7- Commissioner Compton entered a motion for approval of 7060 R-7. Commissioner Dean seconded the motion. The motion passed with a vote of 24 to 0.

12611 R-5- Commissioner Compton entered a motion for approval of 12611 R-5. Commissioner Dean seconded the motion. The motion passed with a vote of 24 to 0.

13241 R-4- Commissioner Compton entered a motion for approval of 13241 R-4. Commissioner Dean seconded the motion. The motion passed with a vote of 24 to 0.

15539 R-3- Commissioner Compton entered a motion for approval of 15539 R-3. Commissioner Dean seconded the motion. The motion passed with a vote of 24 to 0.

16055 R-3- Commissioner Compton entered a motion for approval of 16055 R-3. Commissioner Dean seconded the motion. The motion passed with a vote of 24 to 0.

16093 R-3- Commissioner Compton entered a motion for approval of 16093 R-3. Commissioner Dean seconded the motion. The motion passed with a vote of 24 to 0.

16107 R-12- Commissioner Compton entered a motion for approval of 16107 R-12. Commissioner Dean seconded the motion. The motion passed with a vote of 24 to 0.

Public Comment from Jamie Gascon, Miami-Dade supported staff recommendation for approval.

16546 R-13- Commissioner Compton entered a motion for approval of 16546 R-13. Commissioner Dean seconded the motion. The motion passed with a vote of 24 to 0.

16554 R-8 - Commissioner Compton entered a motion for approval of 16554 R-8. Commissioner Dean seconded the motion. The motion passed with a vote of 24 to 0.

16736 R-3- Commissioner Compton entered a motion for approval of 16736 R-3. Commissioner Dean seconded the motion. The motion passed with a vote of 24 to 0.

17647 R-2- Commissioner Compton entered a motion for approval of 17647 R-2. Commissioner Dean seconded the motion. The motion passed with a vote of 24 to 0.

17668 R-2- Commissioner Compton entered a motion for approval of 17668 R-2. Commissioner Dean seconded the motion. The motion passed with a vote of 24 to 0.

19588 R-3- Commissioner Compton entered a motion for conditional approval of 19588 R-3. Commissioner Dean seconded the motion. The motion passed with a vote of 24 to 0.

21462 R-5- Commissioner Compton entered a motion for approval of 21462 R-5. Commissioner Dean seconded the motion. The motion passed with a vote of 24 to 0.

Product Approval Application with Comments (2020) (cont.):

21854 R-2- Commissioner Compton entered a motion for conditional approval of 21854 R-2. Commissioner Dean seconded the motion. The motion passed with a vote of 24 to 0.

26981 R-2- Commissioner Compton entered a motion for conditional approval of 26981 R-2. Commissioner Dean seconded the motion. The motion passed with a vote of 24 to 0.

29520 R-5- Commissioner Compton entered a motion for approval of 29520 R-5. Commissioner Dean seconded the motion. The motion passed with a vote of 24 to 0.

32388 R-1- Commissioner Compton entered a motion for conditional approval of 32388 R-1. Commissioner Dean seconded the motion. The motion passed with a vote of 24 to 0.

33108- Commissioner Compton entered a motion for approval of 33108. Commissioner Dean seconded the motion. The motion passed with a vote of 24 to 0.

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 courses 1007.0 and 1008.0. Commissioner Brown seconded the motion. The motion passed with a vote of 23-0 with Commissioner Schiffer abstaining from the vote.

Commissioner Dean entered a motion to approve advanced accredited courses 988.0. Commissioner Burk seconded the motion. The motion passed with a vote of 23-0 with Commissioner John abstaining from the vote.

Commissioner Dean entered a motion to approve advanced accredited courses 995.0, 996.0, 997.0, 1001.0, 1005.0, 1006.0, 994.0, 982.0, 986.0, 992.0, 993.0, 989.0, 990.0, 987.0, and 981.0. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 24 to 0.

Commissioner Dean entered a motion to conditionally approve advanced accredited course, 991.0. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 24 to 0.

Commissioner Dean entered a motion to conditionally approve advanced accredited course, 977.0. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 24 to 0.

Pending advanced accredited courses for recommendation (cont.):

Commissioner Dean entered a motion to conditionally approve advanced accredited course, 972.0. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 24 to 0.

Pending administratively approved updated courses for recommendation: None

Pending administratively approved Self Affirmed (One Change) updated courses for recommendation:

Commissioner Dean entered a motion to approve self affirmed one change updated course 607.3. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 24 to 0.

Commissioner Dean entered a motion to conditionally approve self affirmed updated course 270.3. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 24 to 0.

Legal Report:

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

Mr. Vogel stated at the August meeting he reported that DBPR received a letter from the Joint Administrative Procedures Committee (JAPC) in June pertaining to Rule Chapter 61G20-3 (Product Approval Rule), and he provided a response to the Committee with some explanations and proposals for some minor updates to the rule chapter to address their concerns.

Mr. Vogel advised that there were 10 proposed changes in total, one involves removing a duplicative reference, one involves making a reference to the Building Code more explicit, six involve providing updated copies of forms which are currently in use, and the last two involve capitalizing the word "statutes." He advised that a list of the affected provisions and changes has been included on the agenda; they are located within sections 61G20-3.006, 3.008, 3.011, and 3.015.

Mr. Vogel stated that in addition to the JAPC comments, during the comprehensive rule review ordered by the Governor, the Department identified Rule 61G20-3.010, F.A.C. (List of Approved Product Evaluation Entities, Validation Entities, Testing Laboratories, Certification Agencies, Quality Assurance Agencies and Accreditation Bodies), has been found to be unnecessary, and it is recommended that it be repealed. He advised that the Commission does not require a rule in order to post the listed entities on the BCIS. Mr. Vogel said staff is requesting that the Commission initiate rulemaking to repeal Rule 61G20-3.010.

Legal Report (cont.):

Motion – Rule Chapter 61G20-3

Commissioner Boyer entered a motion to initiate rulemaking to implement the specified changes to Rule Chapter 61G20-3 in response to the JAPC letter, and to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Commission. Commissioner Calleja seconded the motion. The motion passed unanimously with a vote of 24 to 0.

Motion – Repeal of Rule 61G20-3.010

Commissioner Boyer entered a motion to initiate rulemaking to repeal Rule 61G20-3.010, and to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Commission. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 24 to 0.

Committee Reports:

Education Program Oversight Committee:

Commissioner Dean provided a brief summary of the Education POC's October 1, 2020 teleconference meeting.

Commissioner Dean entered a motion to accept the report from the October 1, 2020, teleconference meeting. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 24 to 0.

Hurricane Research Advisory Committee:

Jeff Blair provided a brief summary of the Hurricane Research Advisory Committee's October 2, 2020 teleconference meeting.

Commissioner Schock entered a motion to approve the report of the Hurricane Research Advisory Committee's October 2, 2020 teleconference meeting. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 24 to 0.

Product Approval Program Oversight Committee:

Commissioner Compton provided a brief summary of the Product Approval POC's October 1, 2020 teleconference meeting.

Commissioner Compton entered a motion to approve the report of the Product Approval POC's October 1, 2020 teleconference meeting. Commissioner Dean seconded the motion. The motion passed unanimously with a vote of 24 to 0.

Commission Comments: None

Acting Chairman Schock expressed his appreciation for the efforts of the Commissioners that have rolled off, those that are remaining and those coming on. He stated we have always worked on a consensus basis and will continue to do so which is what has made this Commission very successful.

Acting Chairman Schock stated he would like to have a discussion at a future meeting regarding topics for research and limiting them to a possible guidance list provided by the HRAC. He said this list would be inclusive of topics or issues that the Committee could benefit from in providing guidance and zero in on items that could be looked at in the respect of benefit for the code.

Mr. Campbell advised all those participating on the call and the Commission, that the e-mail system at DBPR is down and if there is an issue that needs attention to please call Mr. Madani, Mr. Vogel or himself for assistance.

Public Comments:

Arlene Stewart, AZS requested information/status on the energy code software for Commercial/Residential.

Mr. Madani advised FSEC is working on the software updates to the 2020 FEC and they should be out soon. He further stated that on the subject of COMcheck, he has been in touch with DOE and that the application for technical assistant to update the program for Florida has been submitted. Currently, the update to the program is under development and is in the process for completion. Mr. Madani stated in regards to REScheck he is waiting on FSEC to complete the analysis. He said that these processes are moving forward and we will keep everyone notified.

Arlene Stewart, AZS asked that the Commission look at other areas for research and not just the actual Hurricane research, as there are other components. She said there are other areas that could use attention in the State.

Eric Stafford, IBHS wanted to go on record to advise that IBHS had no part with the FDEM proposal/project. He stated he was not disagreeing or agreeing with the information, but wanted to let the Commission know that IBHS was not involved.

Final Roll Call:

Mr. Blair performed a final roll call and 22 of 24 members were remaining on the call.

Adjournment:

Acting Chairman Schock stated the next meeting will be December 15, 2020 via teleconference/webinar. He said there being no further business before the Commission at this time the meeting was adjourned at 11:23 a.m.