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Plenary Session

FEBRUARY 7, 2023

8:30 A.M.

Minutes

COMMISSIONERS PRESENT:

James Schock, Chairman
James Batts
Michael Bourré
Donald Brown
David Compton
Jeff Gross

Rodney Hershberger
David John
Brian Langille
Brad Schiffer
Brian Swope
Tim Tolbert

COMMISSIONERS NOT PRESENT:

Grey Marker

STAFF PRESENT:

Mo Madani
Justin Vogel
Thomas Campbell

Jim Hammers
Sabrina Evans
Marlita Peters

MEETING FACILITATION:

The meeting was facilitated by Jeff Blair from Facilitated Solutions, LLC. Consultation, Process Design & Facilitation. Information at: facilitatedsolutions.org

Time: 8:30 a.m.

Chairman Schock welcomed Commissioners, staff, and members of the public to the February 7, 2023 virtual plenary session of the Florida Building Commission via webinar and teleconference.

Chairman Schock stated the primary focus of the February meeting, in addition to considering regular procedural issues, updates, briefing and reports, is to discuss the Commission's next step regarding approving proposed changes for incorporating requirements for swim up bars into the Florida Building Code for consistency with Department of Health rule 64E-9.004, F.A.C.

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

Roll Call:

Mr. Blair performed roll call for the Florida Building Commission. A quorum was determined with 12 members present at roll call.

Agenda Approval:

Commissioner Bourré entered a motion to approve the agenda for today's meeting as posted. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 12 to 0.

Approval of Previous Meeting Minutes and Facilitator Report for December 13, 2022:

Commissioner Brown entered a motion to approve the minutes from December 13, 2022 as posted. Commissioner Bourré seconded the motion. The motion passed unanimously with a vote of 12 to 0.

Chairman's Discussion Issues and Recommendations:

TAC Appointments

Existing Building Inspection Workgroup:

Chairman Schock stated he appointed Anthony Apfelbeck, Hamid Bahadori, and Stephan Kowkabany to the Existing Building Inspection Workgroup. They are all fire safety professionals.

Milestones:

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

Executive Director Announcements and Discussions:

Mr. Campbell informed the Commission that there were no bills impacting the Commission. HB-89 touches on multiple topics, and HB-327 and SB-408 make changes to fire sprinkler permit processes for certain types of projects.

Mr. Campbell stated he will send another matrix towards the start of session, by the end of February and beginning of March, with any bills impacting the Commission.

Mr. Campbell stated the June 20th meeting may change into a virtual meeting and he will update the Commission during the March meeting.

Mr. Campbell provided the Commission with information on the upcoming meeting dates:

- March 14, 2023- Onsite, Westin Lake Mary, Florida
- April 11, 2023- Virtual Meeting
- June 20, 2023- TBD
- August 15, 2023- Virtual Meeting
- October 17, 2023- Onsite, TBD
- December 12, 2023- Virtual Meeting

Florida Building Code, 8th Edition, (2023) Update-Workplan Status:

Mr. Madani provided brief details on the status of the updated Workplan and schedule for the development of the 2023 Code Update Process-8th Edition.

Motion:

Commissioner Bourré entered a motion to approve the updated Workplan and schedule for the development of the 2023 Code Update Process-8th Edition. Commissioner Hershberger seconded the motion. The motion passed unanimously with a vote of 12 to 0.

Proposed Revised:

- A) **Revised-** Process for TAC consideration of comments regarding the draft Florida Building Code, 8th Edition, (2023)

Mr. Blair reviewed the revision of the TAC's recommendation process for comments received on the 8th Edition (2023) Florida Building Code.

Motion:

Commissioner Brown entered a motion to adopt the revised TAC review recommendation process for comments received on the 8th Edition (2023) Florida Building Code. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 12 to 0.

- B) Revised-** Process for Commission consideration of comments regarding the draft Florida Building Code, 8th Edition, (2023)

Mr. Blair reviewed the revision of the Commission's recommendation process for comments received on the 8th Edition (2023) Florida Building Code.

Motion:

Commissioner Bourré entered a motion to adopt the revised Commission review recommendation process for comments received on the 8th Edition (2023) Florida Building Code. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 12 to 0.

Proposed Changes to Incorporate Requirements for Swim-up Bars Consistent with Department of Health Rule 64E-9.004.

This item was pulled pending further Department of Health action.

Entity Approval:

Commissioner Hershberger stated that the POC recommends approval of the consent agenda of 13 product approval entities.

Motions:

Commissioner Hershberger entered a motion for approval of the consent agenda of 13 product approval entities. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 12-0.

Product Approval:

Commissioner Hershberger stated that the POC recommends approval of the consent agenda of 106 products.

Motions:

Commissioner Hershberger entered a motion for approval of the consent agenda of 106 product. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 12-0.

Application for Accreditor and Advanced Course Approval:

Commissioner Bourré stated the Education POC did not receive for consideration any accreditor applications. The Education POC reviewed 2 advanced accredited courses and recommends conditional approval for course 1115.0 and conditional approval for course 1116.0.

Motion:

Commissioner Bourré entered a motion to conditionally approve advanced accredited courses 1115.0 and 1116.0. Commissioner Brown seconded the motion. The motion was passed unanimously with a vote of 12 to 0.

Accessibility Waiver Applications:

- 1) **2268 SW 22 St- Waiver 583- 22668 SW ST, Coral Gables 33145- Issue:** Vertical accessibility to the second floor.

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

Motion:

Commissioner Schiffer entered a motion to accept the Council's recommendation to grant the waiver on the basis of economic hardship. Commissioner Hershberger seconded the motion. The motion passed unanimously with a vote of 12 to 0.

- 2) **Lexington Hotel- Waiver- 600- 4299 Collins Ave, Miami Beach 33140 – Issue:** Vertical accessibility to the front entry to the lobby.

Mr. Vogel presented the waiver and advised that the Council recommended granting the request for a waiver for vertical accessibility to the extent it has been made necessary.

Motion:

Commissioner Schiffer entered a motion to accept the Council's recommendation to grant the waiver on the basis of the extent it has been made necessary. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 12 to 0.

- 1) **Ocean Coast Hotel – 2707 Sadler Road, Fernandina Beach 3204-Issue:** vertical accessibility to the second floor.

Mr. Vogel presented the waiver and advised that the Council recommended granting the request for a waiver for vertical accessibility on the grounds of technical infeasibility.

Motion:

Commissioner Schiffer entered a motion to accept the Council’s recommendation to grant the waiver on the basis of technical infeasibility. Commissioner Hershberger seconded the motion. The motion passed unanimously with a vote of 12 to 0.

Legal Report:

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

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

Binding Interpretation #243:

Mr. Madani provided a briefing on binding interpretation #243.

Committee Reports and Recommendations

Education Program Oversight Committee:

Commissioner Bourré provided a brief summary of the Education POC’s January 31, 2023 meeting.

Commissioner Bourré entered a motion to accept the report from the January 31, 2023 meeting. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 12-0.

Exiting Building Inspection Workgroup:

Mr. Blair provided a brief summary of the Existing Building Inspection Workgroup’s February 2, 2023 meeting.

Commissioner Compton entered a motion to accept the report from the February 2, 2023 meeting. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 12-0.

Product Approval Program Oversight Committee:

Commissioner Hershberger provided a brief summary of the Product Approval POC’s January 31, 2023.

Motion:

Commissioner Hershberger entered a motion to accept the report from January 31, 2023 meeting. Commissioner Compton seconded the motion. The motion was passed unanimously with a vote of 12-0.

Swimming Pool Technical Advisory Committee:

Commissioner Batts provided a brief summary of the Swimming Pool TAC's January 31, 2023 meeting.

Motion:

Commissioner Batts entered a motion to accept the report from the January 31, 2023 meeting. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 12 to 0.

Commissioner Comment:

None

Public Comment:

Mike Silvers, FRSA, asked the staff a question.

Mr. Madani provided an answer to Mr. Silvers' question.

Mike Silvers, FRSA, asked the staff a question.

Mr. Blair provided an answer to Mr. Silvers' question.

Adjourn Commission Plenary Session:

Chairman Schock stated the next meeting will be March 14, 2023 onsite in Lake Mary Florida, he said there being no further business before the Commission at this time he would adjourn the Commission meeting. The meeting adjourned at 9:14 a.m.