



**FLORIDA
BUILDING
COMMISSION**

"STRONGER CODES THROUGH SCIENCE AND CONSENSUS"



**FACILITATOR'S SUMMARY REPORT OF THE
7 FEBRUARY 2023 FLORIDA BUILDING COMMISSION**

VIRTUAL MEETING VIA WEBINAR AND TELECONFERENCE

PROCESS DESIGN, CONSENSUS-BUILDING AND FACILITATION BY



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FLORIDA BUILDING COMMISSION
7 FEBRUARY 2023 FACILITATOR’S MEETING SUMMARY REPORT

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Florida Peninsula – From Space



FLORIDA BUILDING COMMISSION
7 FEBRUARY 2023 FACILITATOR'S MEETING SUMMARY REPORT



OVERVIEW OF COMMISSION'S KEY ACTIONS AND DECISIONS
TUESDAY, FEBRUARY 7, 2023

I. PLENARY SESSION SUMMARY AND OVERVIEW

The Commission conducted their 7 February 2023 meeting virtually via webinar and teleconference. At the February meeting the Commission considered and decided on Chair's issues and recommendations, Executive Director's announcements and discussions, accessibility waiver applications, product and entity approvals, applications for accreditor and course approvals, and recommendations from the Commission's various committees. The Commission deferred action on proposed changes to incorporate requirements for swim-up bars into the 7th Edition (2021), Florida Building Code consistent with Department of Health (DOH) Rule 64E-9.004 pending final action from DOH on their Rule. In addition, the Commission received a briefing on Binding Interpretation #243. Specific actions included voting to: **1)** Approve the updated Workplan and Schedule for development of the 8th Edition (2023), Florida Building Code; **2)** Adopt the Revised TAC Review and Recommendation Process for Comments Received on the Draft 8th Edition (2023), Florida Building Code; and **3)** Adopt the Revised Commission's Review and Approval Process for Comments Received on the Draft 8th Edition (2023), Florida Building Code.

(Attachment 1 — Meeting Evaluation Results)

II. CHAIR'S WELCOME

Chairman Schock welcomed the Commission, DBPR staff, and the public to February 7, 2023 virtual plenary session of the Florida Building Commission.

The Chair noted that in addition to considering regular procedural issues, updates, and reports, the primary task for the 7 February 2023 meeting was to discuss the Commission's next steps regarding approving proposed changes for incorporating requirements for swim-up bars consistent with Department of Health's Rule 64E-9.004 into the 7th Edition (2020), Florida Building Code.

The Chair explained, as always the Commission would provide an opportunity for public comment on each of the Commission's substantive discussion topics. Chairman Schock expressed 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 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 7 February 2023 meeting conducted virtually via webinar and teleconference:

Jim Schock (Chair), James Batts, Michael Bourré (Vice Chair), David Brown, David Compton, Charles Fisher, Jeff Gross, Rodney Hershberger, David John, Brian Langille, Brad Schiffer, Brian Swope, and Tim Tolbert.

(13 of the 14 seated Commissioners attended — 93%).

Absent Commissioners:

Grey Marker.

DBPR STAFF PARTICIPATING

Thomas Campbell, Sabrina Evans, Jim Hammers, Mo Madani, and Justin Vogel.

MEETING FACILITATION

Meetings are facilitated, and meeting reports prepared 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 7 February 2023 meeting as amended. 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 Receive Update Regarding the Florida Building Code, 8th Edition, (2023), Workplan.
- To Approve Revised Process for TAC and Commission Consideration of Comments Regarding the Draft Florida Building Code, 8th Edition, (2023).
- To Discuss Next Steps Regarding Approving Proposed Changes to Incorporate Requirements for Swim-up Bars Consistent with Department of Health Rule 64E-9.004.
- To Consider/Decide on Product Approval, DBPR, and Entity Approval Applications.

- To Consider/Decide on Advanced Code Course Applications and Accreditor Applications.
- To Consider/Decide on Accessibility Waiver Applications.
- To Receive a Legal Report Briefing.
- To Receive Briefing on Binding Interpretation #243.
- To Receive/Decide on Reports and Recommendations from Committees.
- To Hear Public Comment.
- To Identify Needed Next Steps, Assignments, and Agenda Items for Next Meeting (March 14, 2023, on-site Westin Lake Mary, Orlando North - Lake Mary, Florida).

Amendments to the Posted Agenda:

To amend Agenda Item #7 from approving to discussing next steps regarding proposed changes to incorporate requirements for swim-up bars consistent with Department of Health Rule 64E-9.004.

(Attachment 2 — 7 February 2023 Commission Agenda)

V. APPROVAL OF THE 13 DECEMBER 2022 MEETING MINUTES AND FACILITATOR’S SUMMARY REPORT

MOTION— The Commission voted unanimously, 13 - 0 in favor, to approve the 13 December 2022 Meeting Minutes and Facilitator’s Summary Report as posted/presented.

Amendments: There were no amendments offered to the meeting minutes.

VI. CHAIR’S DISCUSSION ISSUES AND RECOMMENDATIONS

Appointments

Chairman Schock announced the following:

Existing Building Inspection Workgroup Appointments

The Chair reported that the Existing Building Inspection Workgroup (EBIWG) started Phase 2 of the Commission’s legislative assignment on February 1, 2023 which is to consult with the State Fire Marshal to provide recommendations to the Legislature for the adoption of comprehensive structural and life safety standards for maintaining and inspecting all types of buildings and structures in this state that are three stories or more in height. To this end he had appointed three additional members with fire service experience as follows:

The Chair appointed Tony Apfelbeck to the Workgroup and thanked him for agreeing to serve.

The Chair appointed Hamid Bahadori to the Workgroup and thanked him for agreeing to serve.

The Chair appointed Stephen Kowkabany to the Workgroup and thanked him for agreeing to serve.

Updated Commission Milestones

The Chair reminded participants that the Updated Commission Milestones document (updated as of 13 December 2022) is linked to the 7 February 2023 FBC Agenda on the BCIS.

VII. EXECUTIVE DIRECTOR ANNOUNCEMENTS AND DISCUSSIONS

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

A) Legislative Update – Bills Impacting Commission

Tom reported he would send additional Bill Matrices in late February or early March, during March, at the end of Session, and after Session with relevant Bills that passed.

HB 89 – Building Construction

Revises definition of term "class A air-conditioning contractor"; prohibits certain persons or entities from making substantive changes to building plans after permit has been issued; provides exceptions; requires certain persons to provide certain information to certain persons or entities; provides that certain persons are subject to disciplinary action under certain circumstances.

HB 195 – Upgrades to Education Facilities as Emergency Shelters

Exempting costs not exceeding a specified sum associated with certain upgrades to education facilities from being included in certain cost per student station calculations; specifying eligible upgrades; requiring costs associated with certain upgrades to be consistent with prevailing market costs in the area in which the education facility is located, etc.

HB 327/SB 408 – Fire Sprinkler System Projects

Provides requirements for simplified permitting process for certain fire sprinkler system projects; revises definition of term "contractor" as it relates to fire sprinkler systems.

B) Future Commission Meeting Dates

Tom reported that the Commission's next meeting will be March 14, 2023, and will be conducted onsite at the Westin Lake Mary, Orlando North - Lake Mary, Florida. Following are the dates for the regular bimonthly Commission meetings scheduled for the remainder of 2023:

- April 11, 2023, Web-Based and Teleconference Virtual Meeting
- June 20, 2023, Onsite or Virtual, TBD
- August 15, 2023, Web-Based and Teleconference Virtual Meeting
- October 17, 2023, Onsite, Location TBD
- December 12, 2023, Web-Based and Teleconference Virtual Meeting

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

Mo Madani provided the Commission with an update on the Workplan and Schedule for development of the 2023 Code Update Process—8th Edition (2023), Florida Building Code, and answered member questions.

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

Commission Action:

MOTION— The Commission voted unanimously, 13 – 0 in favor, to approve the updated Workplan and Schedule for development of the 8th Edition (2023), Florida Building Code.

Jeff Blair reviewed the proposed *Revised TAC Review and Recommendation Process for Comments Received on the Draft 8th Edition (2023), Florida Building Code* and answered member questions.

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

Commission Action:

MOTION — The Commission voted unanimously, 13 – 0 in favor, to adopt the Revised TAC Review and Recommendation Process for Comments Received on the Draft 8th Edition (2023), Florida Building Code.

Jeff Blair subsequently reviewed the proposed *Revised Commission Review and Recommendation Approval Process for Comments Received on the Draft 8th Edition (2023), Florida Building Code* and answered member questions.

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

Commission Action:

MOTION — The Commission voted unanimously, 13 – 0 in favor, to adopt the Revised Commission’s Review and Approval Process for Comments Received on the Draft 8th Edition (2023), Florida Building Code.

(Attachment 5 — 2023 Code Update Workplan and Schedule)

(Attachment 6 — Revised TAC and Commission Review of Comments Processes)

IX. REVIEW AND DECISION ON THE COMMISSION’S NEXT STEPS REGARDING PROPOSED CHANGES TO RULE 64E-9.004

The Chair stated that at the December meeting the Commission was informed that the Department of Health was amending their Rule 64E-9.004 (Operational Requirements) requirements to provide for the sanitation and safety criteria to permit swim-up bars in public swimming pools in Florida. In order to correlate the requirements the Commission needed to incorporate these changes into the Florida Building Code Rule 61G20-1.001, and as a result the Commission voted unanimously to publish a Notice of Rule Development to initiate the rulemaking process to incorporate the Department of Health’s changes to Rule 64E-9.004 (Operational Requirements) into the Florida Building Code Rule 61G20-1.001.

In order to provide the Commission with recommended language for the swim-up bar requirements for the 7th Edition (2021), Florida Building Code the Swimming Pool TAC met on January 25, 2023 and developed recommended language for the requirements.

The Chair explained that originally it was planned that the Commission would consider the Swimming Pool TAC’s recommendations regarding DBPR staff’s proposed swim-up bar Code language for incorporation into the 7th Edition (2020), Florida Building Code during the 7 February 2023 meeting. However, DOH conducted a rule hearing on 2 February 2023 and received feedback from several stakeholders. They are currently evaluating the feedback and determining whether to make any changes to the rule language. As a result, the Commission will not act on the TAC’s recommendations during the 7 February 2023 meeting pending final action by DOH.

X. CONSIDERATION OF APPLICATIONS FOR PRODUCT AND ENTITY APPROVAL

Commissioner Hershberger presented the Product Approval Oversight Committee's recommendations for entities and product approvals on the consent agenda for approval.

Commission Actions on the Consent Agendas for Approval:

MOTION— The Commission voted unanimously, 13 - 0 in favor, to approve the consent agenda of product approval entities (13) as posted/presented.

MOTION— The Commission voted unanimously, 13 - 0 in favor, to approve the consent agenda of products (106) recommended for approval to the 2020 Code as posted/presented.

Commission Actions Regarding DBPR Applications:

There was no Commission action required regarding the February 2023 DBPR Applications. The complete results of Commission decisions regarding applications for product and entity approvals are available on the BCIS. (*See BCIS Website for Linked Committee Report*)

XI. CONSIDER APPLICATIONS FOR ACCREDITOR AND COURSE APPROVAL

Commissioner Bourré presented the applications, and the Commission reviewed and decided on the accreditor and course applications submitted for their consideration as follows:

Commission Actions:

MOTION — The Commission voted unanimously, 13 – 0 in favor, to conditionally approve advanced accredited course number(s): 1115.0 and 1116.0.

XII. ACCESSIBILITY WAIVER APPLICATIONS

Justin Vogel, Accessibility Advisory Council legal advisor, presented the Accessibility Advisory Council's recommendations for the waiver applications, and the Commission reviewed and decided on the waiver application submitted for their consideration.

Commission Actions Regarding Accessibility Waiver Applications:

A. 2268 SW 22 ST – Waiver 583 - 2268 SW 22 ST, Coral Gables 33145

MOTION — The Commission voted unanimously, 13 – 0 in favor, to grant the waiver for vertical accessibility to the first and second floor on the grounds of on the grounds of economic hardship.

B. Lexington Hotel – Waiver 600 - 4299 Collins Ave, Miami Beach 33140

MOTION — The Commission voted unanimously, 13 – 0 in favor, to grant the waiver for vertical accessibility to the front entry of the lobby to the extent it has been made necessary.

C. Ocean Coast Hotel – Waiver 603 - 2707 Sadler Road, Fernandina Beach 32034

MOTION — The Commission voted unanimously, 13 – 0 in favor, to grant the waiver for vertical accessibility to the second floor on the grounds of technical infeasibility.

XIII. LEGAL REPORT

Justin Vogel, Commission Legal Counsel, updated the Commission on outstanding legal matters relevant to the Commission by indicating there were no pending issues relevant to the Commission.

XIV. BINDING INTERPRETATION #243 BRIEFING

The Chair reported that Binding Interpretation #243 was petitioned by Delia Hospitality, LLC regarding the City of Miami BO's interpretation pursuant to Building, Chapter 1, Sections 105.4.1.1, 105.6, and 105.4.11.3 of the 5th Edition (2014) Florida Building Code.

The issue involved a petition for a binding interpretation challenging the revocation of a permit by the local jurisdiction based on their determination that the permit had expired due to “lack of progress” or abandonment.

Mo Madani briefed the Commission reporting that the answer to Binding Interpretation #243 was as follows:

Q1) Whether the building official has the ability to revoke a permit due to a “lack of progress” on the project.

A1) Yes; the building official has the ability to revoke a permit due to a “lack of progress”.

Q2) Whether a “lack of progress” was intended to encompass minimal amounts of progress.

A2) No; the existence of some progress on the project means there is not a “lack of progress.”

Panel Comment: The Panel felt that the term “lack of progress” was not sufficiently defined in the Building Code, and the use of the term [lack of] “extensive progress” by the building inspector is subjective and not a term used in the Building Code.

XV. COMMITTEE REPORTS AND RECOMMENDATIONS

Chairman Schock requested TAC and POC chairs to confine their reports to a brief summary of any key recommendations, emphasizing any issues requiring an action from the Commission. The Chair requested if the TAC/POC requires Commission action, to frame the needed action in the form of a proposed motion to ensure that the Commission understands exactly what the TACs' and/or POCs' are recommending, and the specific action requested of the Commission. Acceptance of a committee report does not approve any recommendations contained within the report, and all specific recommendations must be considered by separate motions. Committee reports are linked to the Commission's 7 February 2023 Agenda on the BCIS.

Education POC

Commissioner Bourré presented the POC's report and any recommendations.

Commission Action:

MOTION — The Commission voted unanimously, 13 – 0 in favor, to accept the POC's report as presented/posted (January 31, 2023).

Existing Building Inspection Workgroup

Jeff Blair presented the Workgroup's report and any recommendations.

Commission Action:

MOTION — The Commission voted unanimously, 13 – 0 in favor, to accept the EBIWG’s report as presented/posted (February 2, 2023).

Product Approval POC

Commissioner Hershberger presented the TAC’s report and any recommendations.

Commission Action:

MOTION — The Commission voted unanimously, 13 – 0 in favor, to accept the POC’s report as presented/posted (January 31, 2023).

Swimming Pool TAC

Commissioner Batts presented the TAC’s report and any recommendations.

Commission Action:

MOTION — The Commission voted unanimously, 13 – 0 in favor, to accept the TAC’s report as presented/posted (January 25, 2023).

XVI. COMMISSION MEMBER COMMENTS AND ISSUES

Chair 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:

- None were offered.

XVII. 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, Chair Schock invited members of the public to address the Commission on any issues under the Commission’s purview.

Public Comments:

- Mike Silvers, FRSA: Will Staff be advising TACs that comments are restricted to editorial and correlation fixes?
- Mo: Staff will point-out if the subject is a new subject.
- Mike Silvers, FRSA: Can the Commission vote on a Code Amendment from the December be turned over by less than a 75% vote?
- Jeff Blair, FBC Facilitator: No, 75% is the requirement for all Commission votes on Code Amendments.

XVIII. NEXT COMMISSION MEETING OVERVIEW AND ASSIGNMENTS

The March 14, 2023 meeting will focus on the Commission's regular procedural and substantive issues, and to conduct a Rule Development Workshop (Rule 61G20-1.001) on the Commission's Draft 8th Edition (2023), Florida Building Code. The March meeting will be conducted onsite at the Westin Lake Mary, Orlando North - Lake Mary, Florida.

The TACs will be meeting virtually between February 22-24, 2023 to provide the Commission with their recommendations regarding comments submitted on the Commission's Draft 8th Edition (2023), Florida Building Code. Subsequently, the Commission will meet on March 14, 2023 to conduct a Rule Development Workshop (Rule 61G20-1.001) on the Commission's Draft 8th Edition (2023), Florida Building Code.

(Attachment 5 — Commission Meeting Schedule)

OTHER COMMISSION ACTIONS

All Commission actions taken during the 7 February 2023 meeting are reflected within specific agenda items.

STAFF ASSIGNMENTS FROM THE 7 FEBRUARY 2023 COMMISSION MEETING

- There were no specific assignments resulting from the 7 February 2023 meeting.

ADJOURNMENT

The Chair thanked Commission members, staff and the public for their participation, and adjourned the meeting at 9:14 am on Tuesday, February 7, 2023.

ATTACHMENT 1
FLORIDA BUILDING COMMISSION MEETING EVALUATION RESULTS

7 FEBRUARY 2023 — VIRTUAL WEBINAR TELECONFERENCE MEETING

Average rank using a 0 to 10 scale, where 0 means totally disagree and 10 means totally agree.

Number of Respondents: 6 of 13 (46% response rate) Commissioners participating in the virtual meeting completed meeting evaluations.

1. OVERALL MEETING ASSESSMENT.

- 10.0 The background information was very useful.
- 10.0 The agenda packet was very useful.
- 10.0 The objectives for the meeting were stated at the outset.
- 10.0 Overall, the objectives of the meeting were fully achieved.

2. COMMISSIONERS LEVEL OF AGREEMENT THAT THE MEETING OBJECTIVES WERE ACHIEVED.

- 10.0 Chair's Discussion Issues/Recommendations.
- 10.0 Executive Director's Announcements and Discussions.
- 10.0 8th Edition (2022) Workplan Approval, and TAC and FBC Comment Review Processes.
- 10.0 Revised Process for TAC and FBC Consideration of Comments on Draft 8th Edition, FBC.
- 10.0 Applications for Products and Product Approval Entities Approvals.
- 10.0 Applications for Accreditor and Course Approvals.
- 9.8 Accessibility Waiver Applications.
- 9.8 Legal Report.
- 10.0 Binding Interpretation #243 Briefing.
- 10.0 TAC, POC, Committee, and Workgroup Reports and Recommendations.

3. HOW WELL THE FACILITATOR HELPED THE COMMISSIONERS ENGAGE IN THE MEETING.

- 10.0 The members followed the direction of the Facilitator.
- 10.0 The Facilitator made sure the concerns of all members were heard.
- 10.0 The Facilitator helped us arrange our time well.
- 10.0 Commission actions were documented accurately in previous meeting's Facilitator's Report.

4. COMMISSIONERS LEVEL OF SATISFACTION WITH THE MEETING.

- 10.0 Overall, I am very satisfied with the meeting.
- 10.0 I was very satisfied with the services provided by the Facilitator.
- 10.0 I am satisfied with the outcome of the meeting.

5. HOW WELL THE NEXT STEPS WERE COMMUNICATED.

- 10.0 I know what the next steps following this meeting will be.
- 10.0 I know who is responsible for the next steps.

6. WHAT COMMISSIONERS LIKED BEST ABOUT THE MEETING.

- Jeff as always does a great job moving the meeting forward. His efforts are much appreciated.
- Good meeting. On time and on point.
- He-Man Jeff Blair.

7. COMMENTS REGARDING HOW THE MEETING COULD HAVE BEEN IMPROVED.

- Don't have any comments. Jeff always runs the meeting well. Everyone was prepared.

SUGGESTIONS FOR IMPROVEMENTS FROM THE COMMENTS PROVIDED ABOVE

- None were offered.

ATTACHMENT 2
7 FEBRUARY 2023 MEETING AGENDA

FLORIDA BUILDING COMMISSION
PLENARY SESSION
WEB-BASED AND TELECONFERENCE VIRTUAL MEETING

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 Receive Update Regarding the Florida Building Code, 8th Edition, (2023), Workplan.
- To Approve Revised Process for TAC and Commission Consideration of Comments Regarding the Draft Florida Building Code, 8th Edition, (2023).
- To Approve Proposed Changes to Incorporate Requirements for Swim-up Bars Consistent with Department of Health Rule 64E-9.004.
- To Consider/Decide on Product Approval, DBPR, and Entity Approval Applications.
- To Consider/Decide on Advanced Code Course Applications and Accreditor Applications.
- To Consider/Decide on Accessibility Waiver Applications.
- To Receive a Legal Report Briefing.
- To Receive Briefing on Binding Interpretation #243.
- To Receive/Decide on Reports and Recommendations from Committees.
- To Hear Public Comment.
- To Identify Needed Next Steps, Assignments, and Agenda Items for Next Meeting (March 14, 2023, on-site Westin Lake Mary, Orlando North - Lake Mary, Florida).

COMMISSION & COMMITTEES — ON SITE & WEBINAR/TELECONFERENCE MEETINGS

January 25, 2023	10:00am	Swimming Pool Technical Advisory Committee
January 31, 2023	9:00am	Education Program Oversight Committee
January 31, 2023	10:00am	Product Approval Program Oversight Committee
January 31, 2023	2:00pm	Accessibility Advisory Council
February 2, 2023	10:00am	Existing Building Inspection Workgroup

MEETING AGENDA — FEBRUARY 7, 2023

All Agenda Times—including Adjournment—are Approximate and Subject to Change

8:30a.m.	1.)	Welcome and Opening, Roll Call
	2.)	Review and Approval of Meeting Agenda
	3.)	Review and Approval of the December 13, 2022 Meeting Minutes and Facilitator’s Summary Report
	4.)	Chair’s Discussion Issues TAC Appointments:

		Updated Commission Milestones:
	5.)	Executive Director Announcements and Discussions Future Meetings: March 14, 2023-Onsite, Westin, Lake Mary April 11, 2023-Virtual Meeting June 20, 2023-Onsite, TBD August 15, 2023-Virtual Meeting October 17, 2023-Onsite, TBD December 12, 2023-Virtual Meeting
	6.)	Florida Building Code, 8th Edition, (2023) Update – Workplan Status Revised TAC Review of Public Comment Process Regarding Draft Code Revised Commission Review of Public Comment Process Regarding Draft Code
	7.)	Proposed Changes to Incorporate Requirements for Swim-up Bars consistent with Department of Health Rule 64E-9.004. A. Proposed Code Language for Swim-Up Bars B. SW 10382-AM-A1 C. 64E-9.004-NPR D. 64E-9.004-NOC
	8.)	Applications for Product (2020) and Entity Approval
	9.)	Applications for Accreditor and Course Approval
	10.)	Applications for Waiver from Accessibility Requirements <u>Waivers Report</u> 1. <u>2268 SW 22 ST – WAIVER 583</u> - 2268 SW 22 ST, CORAL GABLES 33145 - ISSUE: VERTICAL ACCESSIBILITY TO THE SECOND FLOOR. 2. <u>LEXINGTON HOTEL – WAIVER 600</u> - 4299 COLLINS AVE, MIAMI BEACH 33140 - ISSUE: VERTICAL ACCESSIBILITY TO THE FRONT ENTRY TO THE LOBBY 3. <u>OCEAN COAST HOTEL – WAIVER 603</u> - 2707 Sadler Road, Fernandina Beach 32034 - Issue: Vertical accessibility to the second floor.
	11.)	Legal Report
	12.)	Briefing on Binding Interpretation #243
	13.)	Committee Reports A. Education Program Oversight Committee (January 31, 2023) B. Existing Building Inspection Workgroup (February 2, 2023) C. Product Approval Program Oversight Committee (January 31, 2023) D. Swimming Pool Technical Advisory Committee (January 25, 20223)
	14.)	Commissioner Comment
	15.)	Public Comment
	16.)	Adjourn Commission Plenary Session

ATTACHMENT 3
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 4

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 at Florida State University 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 comprehensive and transparent 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 since January 1, 2021 is a 19-member building construction industry representative stakeholder group who successfully created, implemented, maintains, and updates the new statewide Florida Building Code. The Commission is comprised of 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; a natural 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 invited 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 interests, providing extensive opportunities for public input. In addition many of the Commission's decisions require rule development to implement, affording additional entry points for public input.

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 69 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 2012, 2018, and 2021 assessments of residential building code enforcement systems for life safety and property protection in hurricane prone regions.

In summary, the Florida Building Commission provides a forum for stakeholders representing key interests to participate in a consensus-building process where issues affecting the construction industry are discussed and evaluated on their technical merits and cost-benefits to the citizens of the State of Florida. In addition, as a result of the Commission's proven consensus-building process and success in developing consensus on tough issues, the Florida Legislature frequently assigns policy issues to the Commission for evaluation and implementation.

ATTACHMENT 5
COMMISSION’S UPDATED MEETING SCHEDULE AND
2023 CODE UPDATE WORKPLAN
UPDATED 7 FEBRUARY 2023

COMMISSION MEETING DATES FOR 2023

1) February 7, 2023	Web-Based and Teleconference Virtual Meeting
2) March 14, 2023	Onsite, Westin Lake Mary, Florida
3) April 11, 2023	Web-Based and Teleconference Virtual Meeting
4) June 20, 2023	Onsite or Virtual, TBD
5) August 15, 2023	Web-Based and Teleconference Virtual Meeting
6) October 17, 2023	Onsite, Location TBD
7) December 12, 2023	Web-Based and Teleconference Virtual Meeting

COMMISSION’S 2023 CODE UPDATE DEVELOPMENT WORKPLAN

8TH EDITION (2023) FBC CODE UPDATE DEVELOPMENT TASKS

8TH EDITION (2023) UPDATE TO THE FLORIDA BUILDING CODE—	
TASKS	SCHEDULE
<i>Selection of the model codes:</i>	
2020 NEC published and available to the public;	08/25/2019
2021 International Codes published and available to the public;	January 2021
Commission selects 2021 I Codes “model codes” and 2020 NEC to conduct its review	2/9/2021 Completed
<i>Review of the model code changes:</i>	
In coordination with ICC, staff post complete listing of the code changes to the I Codes online	2/25/2021 Completed
Staff post on Commission website/Building Code Information System (BCIS) analysis of the 2021 I-Code change to provide for identification of the following: <ul style="list-style-type: none"> • 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 	5/17/2021 Completed
Residential Construction Cost Impact Workgroup (RCCIWG) reviews the 2021 changes to the International Residential Code (IRC) and provides comments to the Commission’s TACs on impactful code changes.	6/29/2021 Completed
RCCIWG meeting – Conference call/Webinar	
45 day public review and comment period ends (By Rule -45 day min before TAC review)	7/1/2021 Completed

Staff post on Commission website analysis of the 2021 I-Code changes with public comments (Tracking Charts and code change monographs)	8/2/2021 Completed
TACs review the 2021 changes to the I Codes and make recommendations to the Commission regarding those changes as follows: That the Commission rejects certain model code provisions by consent agenda. <ul style="list-style-type: none"> (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. <ul style="list-style-type: none"> (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. <ul style="list-style-type: none"> (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	9/22-30/2021 and 10/1-7/2021 Completed
Staff post TACs' recommendations online for further public review	10/15/2021 Completed
Deadline for requesting amendments (2021 I-Codes changes) to be pulled of the consent agenda for individual consideration	11/19/2021 Completed
Commission considers TACs' recommendations regarding the latest changes to the model codes - on site meeting (TBD)	12/14-15/2021 Completed
Staff post Commission's recommendations online	1/3/2022 Completed
<i>Proposed modification to the foundation code and Commission's approved I – Codes changes</i>	
Period for public to propose modifications to the 7 th Edition (2020) FBC and the Commission's approved I-Codes changes	1/4/2022 – 2/15/2022 Completed
Proposed amendments reviewed by staff and posted to the Commission website	3/3/2022 Completed
1 st 45 day comment period ends (<i>By law -45 day min before TAC review</i>)	4/17/2022
Staff post on Commission website proposed code changes (Tracking Charts and Detail Reports) Staff assign TAC members specific proposed code change for review in advance of the TAC meetings in June	5/2/2022 Completed Completed
TACs consider proposed modifications (1 st 45 day comment period) TACs meetings - 4-day on-site meetings	6/20-24/2022 Completed

TACs recommendations posted to the website Starting date for the 2 nd 45 day comment period	7/13/2022 Completed
Residential Construction Cost Impact Workgroup (RCCIWG) reviews the TACs' recommendations with regard to the proposed modifications to the Florida Residential Code (FRC) and provides comments to the <u>TACs/Commission</u> on impactful code changes. RCCIWG Virtual Meeting	08/17/22 Completed
2 nd 45 day comment period ends (<i>by law – 45 day min before Commission review</i>)	8/26/2022
Staff post on Commission website proposed code changes with comments (Tracking Chats and Details Reports)	9/21/2022 Completed
TACs consider public comments on their actions on the proposed mods TACs meetings – 6-day meetings [5-day on-site and 1 – day via conference/webinar]	10/6-13/2022 Completed
Staff post on Commission website TACs consideration of public comments	11/10/2022 Completed
Deadline for requesting amendments to be pulled off consent agendas for individual consideration	11/22/2022 Completed
Commission considers TAC recommendations (2 nd 45 day comment period) Commission – 1-day meeting	12/13/2022 Completed
8 th Edition (2023) FBC (7 th Edition (2020) FBC, Florida Supplement and Commission's approved I Codes) posted online	12/20/2022
<i>Provide Supplements to ICC for integration into the 7th Edition (2020) FBC</i>	
Deadline for submitting comments on the Draft 8th. Edition (2023) update to the FBC (Supplements plus 7th. Edition (2020) FBC)	January 31, 2023
TACs review comments to Rule Development Workshop of March 14, 2023 and make recommendations to the Commission TACs meetings - 3-days of conference call/webinar meetings	2/22 - 24/2023
Rule development Workshop Commission – 1-day meeting	March 14, 2023
Integrated Draft 8 th . Edition (2023) FBC – Posted online	May 22, 2023
Hearing on 8 th . Edition (2023) FBC to consider received comments	TBD
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 (8th. 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.	

ATTACHMENT 6

REVISED TAC AND FBC REVIEW PROCESS FOR COMMENTS RECEIVED ON CODE

TAC REVIEW AND RECOMMENDATION PROCESS FOR COMMENTS RECEIVED ON THE DRAFT 8TH EDITION (2023), FLORIDA BUILDING CODE

COMMISSION CONSIDERATION OF COMMENTS — MARCH 14, 2023 RULE WORKSHOP (Adopted UNANIMOUSLY DECEMBER 13, 2023 & REVISED UNANIMOUSLY FEBRUARY 7, 2023)

TAC PUBLIC COMMENT REVIEW AND CONSIDERATION PROCESS

- Comments should be restricted to editorial and correlation fixes to the Draft.
- Facilitator will serve as moderator, call for motions, and assist with adopted process and ground rules.
- Facilitator will introduce each public comment in turn.
- Staff will review the relevant TAC's recommendation on the modification as appropriate.
- Facilitator will limit comments to a maximum of (3) three-minutes per person.
- Proponents of the public comment will speak first.
- Opponents of the public comment will follow proponents.
- Proponents/opponents will be allowed one (1) collective two-minute counterpoint opportunity to address any new point(s) raised by previous speakers(s), but only if they address new points specific to the comment(s) raised by the speaker(s) and if they provide new points. No repeating of previous comments/points.
- Limit your comment and be concise. Do not read lengthy prepared statements.
- Offer new points and/or state agreement with previous speakers; please do not repeat what has been stated.
- Facilitator may terminate a comment if it is repeating previous comments, and not simply stating agreement or offering new points.
- The TAC wants to hear all view-points to ensure all perspectives are considered, and not repeats of the same views.
- Proponents and Opponents not wishing to provide comments are encouraged to raise their hands in support of or opposition to comments to provide the TAC with a sense of stakeholder preferences.
- Clarifying questions may be asked by TAC members only. TAC members may ask questions of the public through the facilitator.
- Staff, proponent, or specified commenter will respond to TAC Member's questions.
- TACs should not attempt to revise or amend the comments in any way.
- Once a motion for an action on a comment is on the floor, discussion is limited to TAC members except as allowed by the Chair/Facilitator.
- Withdrawal of Comment: A proponent may withdraw their comment any time prior to TAC action.
- All public comments will be considered individually.
- The TAC will take action on each comment by voting either to recommend the Commission approve the comment, or deny the comment.
- Motions to approve require a two-thirds (67%) favorable vote for approval. Those with less than a two-thirds favorable vote are deemed denied.

**REVISED COMMISSION REVIEW AND APPROVAL PROCESS FOR COMMENTS RECEIVED ON THE
DRAFT 8TH EDITION (2023), FLORIDA BUILDING CODE**

**COMMISSION CONSIDERATION OF COMMENTS — MARCH 14, 2023 RULE WORKSHOP
(Adopted UNANIMOUSLY DECEMBER 13, 2023 & REVISED UNANIMOUSLY FEBRUARY 7, 2023)**

**COMMISSION PROCESS FOR REVIEWING TAC RECOMMENDATIONS ON WRITTEN PUBLIC
COMMENTS, AND PUBLIC COMMENTS OFFERED DURING RULE WORKSHOP**

- Facilitator will serve as moderator, call for motions, and assist with adopted process and ground rules.
- Facilitator will introduce each TAC recommendation (favorable) on public comments in turn.
- Staff will review the relevant TAC's recommendation.
- Facilitator will limit comments to a maximum of (3) three-minutes per person.
- Proponents of the TAC's recommendation on the public comment will speak first.
- Opponents of the TAC's recommendation on the public comment will follow proponents.
- Limit your comment and be concise. Do not read lengthy prepared statements.
- Offer new points and/or state agreement with previous speakers; please do not repeat what has been stated.
- Chair/Facilitator may terminate a comment if it is repeating previous comments.
- The Commission wants to hear all perspectives, and not repeats of the same views.
- Proponents/Opponents not wishing to provide comments are encouraged to raise their hands in support of or opposition to comments to provide a sense of stakeholder preferences.
- Clarifying questions of commenters is restricted to Commission members only.
- Staff, proponent, or specified commenter will respond to Commission Member's questions.
- Once a motion for an action on a comment is on the floor, discussion is limited to Commission members except as allowed by the Chair/Facilitator.
- All TAC favorable recommendations on public comments will be considered individually. The Commission will take action on each comment by voting either to approve the comment and amend their previous action, or deny the comment and retain their previous action.
- Once the Commission takes action on all of the TACs' favorable recommendations, members of the public will be afforded an opportunity to provide additional public comment, including commenting on issues that did not receive a favorable recommendation from the TACs.
- The same process will be used as above: public comment received, and after public comment on each issue brought forward is concluded, the Commission will decide whether to take any action.
- Motions require a 75% favorable vote for approval; those with less than a 75% favorable vote, are deemed not approved.