



FLORIDA BUILDING COMMISSION

"STRONGER CODES THROUGH SCIENCE AND CONSENSUS"



FACILITATOR'S SUMMARY REPORT OF THE DECEMBER 7, 2020 FLORIDA BUILDING COMMISSION

VIRTUAL MEETING VIA WEBINAR AND TELECONFERENCE

PROCESS DESIGN, CONSENSUS-BUILDING AND FACILITATION BY



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FLORIDA BUILDING COMMISSION

DECEMBER 7, 2020 FACILITATOR’S MEETING SUMMARY REPORT

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FLORIDA BUILDING COMMISSION
DECEMBER 15, 2020 FACILITATOR'S SUMMARY REPORT



OVERVIEW OF COMMISSION'S KEY ACTIONS AND DECISIONS

TUESDAY, DECEMBER 15, 2020

I. PLENARY SESSION SUMMARY AND OVERVIEW

In response to the coronavirus COVID-19 pandemic, the Commission conducts their December 15, 2020 meeting as a virtual meeting via webinar and teleconference. At the December 15, 2020 virtual meeting the Commission considered and decided on Chair's issues and recommendations, Executive Director's announcements and discussions, accessibility waiver requests, product and entity approvals, applications for accreditor and course approvals, petitions for declaratory statements, and recommendations from the Commission's various committees. The Commission received an update on the draft Workplan for development of the 8th Edition (2023), Florida Building Code; offered nominations for the election of a Commission Chair; and, a request to delay the implementation date for the 7th Edition (2020) FBC, Energy Conservation Code was made, but withdrawn by the proponent during the meeting. In addition, the Commission recognized commissioners who rolled-off of and resigned from the Commission. Specific actions included voting unanimously to: 1.) Approve IESVE Version 2021 for demonstrating compliance with the commercial building energy requirements of the 7th Edition (2020) Florida Building Code, Energy Conservation for the following code compliance method: ASHRAE 90.1 2016 Performance Method Appendix G; 2.) Approve Energy Gauge USA Version 7 for demonstrating compliance with the residential building energy requirements of the 7th Edition (2020) Florida Building Code, Energy Conservation for the following code compliance methods: R402 Prescriptive R-Value Method, Prescriptive Total UA Alternative Method, Performance Method – R405, and ERI Method – R406; and, 3.) Approve Energy Gauge Summit 7.00 for demonstrating compliance with the commercial building energy requirements of the 7th Edition (2020) Florida Building Code, Energy Conservation for the following code compliance methods: FEC Total Building Performance Method, FEC Prescriptive Method, FEC Component Performance Alternative Method, ASHRAE Prescriptive Method, and ASHRAE Energy Cost Budget Method.

(Attachment 1—Meeting Evaluation Results)

II. ACTING CHAIR'S WELCOME

Acting Chair Schock welcomed the Commission, DBPR staff and the public to the December 15, 2020 virtual meeting conducted via webinar and teleconference plenary session of the Florida Building Commission.

The Acting Chair noted that in addition to considering regular procedural issues, and updates and reports, is to approve submittals for approval of Energy compliance software for demonstrating compliance with the 7th Edition (2020) FBC, Energy Conservation.

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

III. COMMISSION ATTENDANCE

The following Commissioners participated in the Tuesday, December 15, 2020 virtual meeting conducted via webinar and teleconference:

Jim Schock (Acting Chair), Hamid Bahadori, James Batts, Michael Bourré, Bob Boyer, Don Brown, Kelly Smith Burk, Oscar Calleja, David Compton, Nan Dean, Charles Fisher, John Gatlin, David Gilson, Jeff Gross, Robert Hamberger, Rodney Hershberger, David John, Paul Jones, Brian Langille, Grey Marker, Brad Schiffer, Drew Smith, Brian Swope, and Don Whitehead.

(24 of the 24 currently seated Commissioners attended—100%).

Absent Commissioners:

None.

DBPR STAFF PARTICIPATING

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

MEETING FACILITATION

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



PROJECT WEBPAGE

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

IV. AGENDA REVIEW AND APPROVAL

The Commission voted unanimously, 23 - 0 in favor, to approve the agenda for the December 15, 2020 meeting as posted/presented. Following are the key agenda items approved for consideration:

- To Approve Regular Procedural Topics (Agenda and Minutes).
- To Consider/Decide on Chair's Discussion Issues/Recommendations.
- To Consider/Decide on Executive Director Announcements and Discussions.
- To Review Proposed Workplan for the Florida Building Code, 8th Edition (2023).
- To Consider/Decide on Accessibility Waiver Applications.
- To Consider/Decide on Approvals/Revocations of Products & Product Approval Entities.
- To Consider Applications for Accreditor and Course Approval.
- To Receive a Legal Report Briefing.
- To Consider/Decide on Petitions for Declaratory Statements
- To Consider/Decide on Submittals for Approval of Energy Compliance Software for Compliance with the 7th Edition (2020) FBC, Energy Conservation.
- To Receive/Decide on Reports and Recommendations from Committees.
- To Receive Nominations for Commission Chairman.
- To Consider Requests for Delay of the 7th Edition (2020) FBC, Energy Conservation Code.
- To Hear Public Comment.
- To Identify Needed Next Steps, Assignments, and Agenda Items for Next Meetings (January 12, 2021 and February 9, 2021 virtual meetings).

Amendments to the Posted Agenda:

There were no amendments to the posted agenda.

(Attachment 2—December 15, 2020 Commission Agenda)

V. APPROVAL OF THE OCTOBER 13, 2020 FACILITATOR'S SUMMARY REPORT AND MEETING MINUTES

MOTION—The Commission voted unanimously, 23 - 0 in favor, to approve the October 13, 2020 Facilitator's Summary Report and Meeting Minutes as posted/presented.

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

VI. CHAIR'S DISCUSSION ISSUES AND RECOMMENDATIONS

Recognition for Commissioners

Acting-Chair Schock reported as follows:

Retiring. Commissioner Hamberger is retiring and as a result is resigning from the Commission effective December 16, 2020. In his position as one of the Code Official representatives Robert served from August 27, 2013 – Dec. 15, 2020, and was a member of the Product Approval POC and Fire TAC. The Acting Chair thanked Robert for his service to the citizens for Florida, and wished him the best in retirement.

Commissioner Positions Eliminated. There are 7 commissioners who will be rolling-off of the Commission effective January 1, 2021 as a result of 2020 legislation eliminating their positions. The Acting-Chair took the opportunity to recognize each of them in turn as follows:

Hamid Bahadori

On behalf of the Commission Hamid Bahadori was recognized for his service on the Commission as the Fire Protection Technologist representative. Hamid was appointed on Feb. 20, 2002 and served until December 31, 2020. Hamid is the longest serving remaining Commissioner, and at the end of his service in December will have served for two months short of 19 years. In addition, Hamid chaired the Fire TAC and served on the Code Administration TAC. The Acting Chair commended and thanked Hamid for his years of dedicated service to the citizens of Florida.

Bob Boyer

On behalf of the Commission Bob Boyer was recognized for his service on the Commission as one of the Code Official representatives. Bob was appointed on Nov. 5, 2008 and served until December 31, 2020. In addition, Bob served on the Code Administration TAC, Plumbing TAC, and Roofing TAC. The Acting Chair commended and thanked Bob for his years of dedicated service to the citizens of Florida.

Kelly Smith Burk

On behalf of the Commission Kelly Smith Burk was recognized for her service on the Commission in the FDACS Energy Office position. Kelly was appointed on May 5, 2016 and served until December 31, 2020. In addition, Kelly served on the Education POC and the Energy TAC. The Acting Chair commended and thanked Kelly for her years of dedicated service to the citizens of Florida.

Oscar Calleja

On behalf of the Commission Oscar Calleja was recognized for his service on the Commission as the Mechanical Contractor representative. Oscar was appointed on Nov. 22, 2012 and served until December 31, 2020. In addition, Oscar chaired the Mechanical TAC and served on the Energy TAC. The Acting Chair commended and thanked Oscar for his years of dedicated service to the citizens of Florida.

John Gatlin

On behalf of the Commission John Gatlin was recognized for his service on the Commission as the State Insurance representative. John was appointed on Nov. 16, 2018 and served until December 31, 2020. In addition, John served on the Fire TAC and the Special Occupancy TAC. The Acting Chair commended and thanked John for his years of dedicated service to the citizens of Florida.

Drew Smith

On behalf of the Commission Drew Smith was recognized for his service on the Commission as the Green Building Industry representative. Drew was appointed on Nov. 5, 2008 and served until December 31, 2020. In addition, Drew chaired the Energy TAC and served on the Education POC. The Acting Chair commended and thanked Drew for his years of dedicated service to the citizens of Florida.

Don Whitehead

On behalf of the Commission Don Whitehead was recognized for his service on the Commission as the Public Education representative. Don was appointed on August 18, 2017 and served until December 31, 2020. In addition, Don chaired the Special Occupancy TAC. The Acting Chair commended and thanked Don for his years of dedicated service to the citizens of Florida.

The Acting chair encouraged commissioners who were rolling off the Commission to contact Tom Campbell if they would like to continue serving on TACs.

2021-2022 Research Projects

The Acting Chair reported that the Hurricane Research Advisory Committee would be meeting in the next couple of months to prioritize topical issues for research projects with the goal of encouraging researchers (PIs) to propose specific research projects consistent with the HRAC's identified priorities. This will commence the process of evaluating research projects for fiscal year 2021-2022 and will culminate with the Commission making the decision on which research projects to fund during the Commission's August 2021 meeting.

Updated Commission Milestones

The Acting Chair reminded participants that the Updated Commission Milestones document (updated as of October 13, 2020) is linked to the December 15, 2020 FBC Agenda on the BCIS.

VII. EXECUTIVE DIRECTOR ANNOUNCEMENTS AND DISCUSSIONS

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

Effective Date for the 7th Edition (2020), Florida Building Code

Tom reminded participants that the effective date for the 7th Edition (2020), Florida Building Code is midnight December 31, 2020.

Future Commission Meeting Dates

Tom reported that the Commission would be meeting on January 12, 2021 starting at 8:30 AM. The meeting will be a virtual meeting conducted by webinar. The main goal of the meeting will be to elect a new chair. Additional items may be added to the agenda as needed and we will keep you informed about any additions to the agenda. . Following are the remaining regularly Commission meeting dates scheduled to date:

- 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.

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

Mo Madani provided the Commission with an update on the draft Workplan and Schedule for development of the 2023 Code Update Process—8th Edition (2023), Florida Building Code. Acting Chair Schock indicated that the update was for informational purposes only, and that the Commission would approve the Workplan for the 2023 Code development process once all of the I-Codes are adopted and available for review. Mo noted that the International Existing Building Code should be available in one week, the International Energy Conservation Code in mid-January, 2021, and the International Residential Code in mid-February, 2021. In addition, Mo noted that the staff is also waiting for the ICC to provide a list of all of the I-Code changes made for the 2021 Editions.

(Attachment 5—2023 Code Update Workplan)

IX. CONSIDERATION OF ACCESSIBILITY WAIVER APPLICATIONS

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

Commission Actions Regarding Accessibility Waiver Applications:

1. Porter Mansion – Waiver 482 - 510 N. Julia Street, Jacksonville 32202

MOTION—The Commission voted unanimously, 23 – 0 in favor, to grant the waiver for vertical accessibility to the second floor and attic based on the grounds of the historical nature of the property.

2. 226 Jefferson – Waiver 408 - 226 Jefferson Ave, Miami Beach 33139

MOTION—The Commission voted unanimously, 23 – 0 in favor, to grant the waiver for vertical accessibility to the first story based on the grounds of economic hardship.

3. Alex Harris – Waiver 478 - 331 West Forsyth Street, Jacksonville 32202

MOTION—The Commission voted unanimously, 23 – 0 in favor, to grant the waiver for vertical accessibility to the second floor based on the grounds of economic hardship.

4. Villa Cinco – Waiver 495 - 1420 Collins Avenue, Miami Beach 33139

MOTION—The Commission voted unanimously, 23 – 0 in favor, to grant the waiver for vertical accessibility to the second floor units on the grounds of technical infeasibility, and the historical nature of the property.

5. Norman J Clement Community Center – Waiver 334 - 730 Wailes Street, Tallahassee 32303

MOTION—The Commission voted unanimously, 24 – 0 in favor, to grant the waiver for vertical accessibility to the second floor based on the grounds of economic hardship.

6. Krenwal Corporation – Waiver 485 - 220 Collins Ave, Miami Beach 33139

MOTION—The Commission voted unanimously, 24 – 0 in favor, to grant the waiver for vertical accessibility to the second floor based on the grounds of economic hardship and technical infeasibility.

X. CONSIDERATION OF APPLICATIONS FOR PRODUCT AND ENTITY APPROVAL

Jeff Blair presented the Product Approval Oversight Committee's recommendations for entities and product approvals on the consent agenda for approval, and product approvals with comments and/or discussion.

Commission Actions on the Consent Agendas for Approval:

MOTION—The Commission voted unanimously, 24 - 0 in favor, to approve the consent agenda of product approval entities (14) as posted/presented.

MOTION—The Commission voted unanimously, 24 - 0 in favor, to approve the consent agenda of products (9) recommended for approval to the 2017 Code as posted/presented.

MOTION—The Commission voted unanimously, 24 - 0 in favor, to approve the consent agenda of products (1243) recommended for approval to the 2020 Code as amended*.

MOTION—The Commission voted unanimously, 24 - 0 in favor, to approve the supplemental consent agenda of products (2) recommended for approval to the 2020 Code as amended.

Commission Action on Products Pulled from Consent Agenda:

MOTION—The Commission voted unanimously, 24 - 0 in favor, to conditionally approve FL 7989 R-8* to allow the applicant to correct the drawings to display the missing tables.

Commission Actions Regarding Product Approval Applications With Comments—2020 Code:

1.) Members of the public were offered an opportunity to comment on the consent agenda of products with comments recommended for approval (49), commissioners were offered an opportunity to pull products off of the consent agenda, and then a vote was taken on the consent agenda for approval and subsequently on any products pulled for individual consideration.

MOTION—The Commission voted unanimously, 24 - 0 in favor, to approve the consent agenda of products with comments (49) recommended for approval to the 2020 Code.

2.) Members of the public will be offered an opportunity to comment on the products with comments recommended for conditional approval (32) based on the conditions recommended by DBPR staff, commissioners will be offered an opportunity to pull products off of the consent agenda, and then a vote will be taken on the consent agenda for conditional approvals and subsequently on any products pulled for individual consideration.

MOTION—The Commission voted unanimously, 24 - 0 in favor, to approve the consent agenda of products with comments (32) recommended for conditional approval to the 2020 Code based on the conditions recommended by DBPR staff, and conditional approval for product FL 8523 R-8 to allow the applicant to test the product to the small missile test.

Commission Actions Regarding DBPR Applications:

There was no Commission action required regarding the December 2020 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 Dean 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, 24 – 0 in favor, to approve advanced accredited course numbers: 1022.0, 1019.0, 1021.0, 1026.0, 1015.0, 1025.0, 1024.0, 1011.0, 1012.0, 1009.0, and 1010.0.

MOTION—The Commission voted unanimously, 24 – 0 in favor, to conditionally approve advanced accredited course number: 1013.0.

MOTION—The Commission voted unanimously, 24 – 0 in favor, to approve administratively approved updated courses numbers: 860.1, and 948.1.

MOTION—The Commission voted unanimously, 24 – 0 in favor, to approve administratively approved updated course with one change numbers: 844.1, 845.1, 594.3, 163.2, 531.2, 922.1, and 918.1.

XII. LEGAL REPORT

Justin indicated that there were no new relevant legal updates to report to the Commission for the December 2020 meeting, and rulemaking initiatives approved by the Commission are ongoing.

XIII. CONSIDERATION OF PETITIONS FOR DECLARATORY STATEMENTS

Justin Vogel, Commission Legal Counsel, presented each declaratory statement in turn. Following are the actions taken by the Commission regarding the petitions for declaratory statements.

1. DS 2020-062 by Todd Schlemmer of UC12 Construction Services, LLC

Motion—The Commission voted unanimously, 24 - 0 in favor, to accept the withdrawal of the Petition at the Petitioners request, and to dismiss the Petition.

2. DS 2020-064 by Paul Danforth of GFA International, Inc.

Motion—The Commission voted unanimously, 24 - 0 in favor, to approve the Structural TAC's recommendation on the Petition (to approve staff's analysis (Option 2) for Q1 and Q2).

3. DS 2020-056 by Jonathan Sargeant of Omegaflex, Inc.

Motion—The Commission voted unanimously, 24 - 0 in favor, to approve the Plumbing TAC's recommendation on the Petition (to approve staff's analysis (Option 2) for Q1 as amended).

4. DS 2020-059 by Mark Wesson of Wesson Air Inc.

Motion—The Commission voted unanimously, 24 - 0 in favor, to approve the Energy TAC's recommendation on the Petition (to approve staff's analysis for Q1, Q2, and Q3).

XIV. ENERGY CODE COMPLIANCE SOFTWARE FOR THE 7TH EDITION (2020) FLORIDA BUILDING CODE, ENERGY CONSERVATION APPROVAL

Acting Chair Schock noted that The 7th Edition (2020), Florida Building Code would become effective on December 31, 2020 and the Commission has received three (3) submittals from vendors seeking approval of their software for demonstrating compliance with the requirements of the 7th Edition (2020) Florida Building Code, Energy Conservation during the December 2020 meeting,

The Commission was asked to approve Energy Code Compliance Software for the 7th Edition (2020) Florida Building Code, Energy Conservation, specifically IESVE Version 2021 for demonstrating compliance with commercial building energy requirements; Energy Gauge USA Version 7 for demonstrating compliance with residential building energy requirements; and, EnergyGauge Summit 7.00 for demonstrating compliance with commercial building energy requirements.

Commissioner Smith noted that the Energy TAC reviewed the IESVE Version 2021 software, the EnergyGauge USA Version 7 software, and the EnergyGauge Summit 7.00 and recommended approval for all three.

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

Commission Actions:

MOTION—The Commission voted unanimously, 24 – 0 in favor, to approve IESVE Version 2021 for demonstrating compliance with the commercial building energy requirements of the 7th Edition (2020)

Florida Building Code, Energy Conservation for the following code compliance method: ASHRAE 90.1 2016 Performance Method Appendix G.

MOTION—The Commission voted unanimously, 24 – 0 in favor, to approve Energy Gauge USA Version 7 for demonstrating compliance with the residential building energy requirements of the 7th Edition (2020) Florida Building Code, Energy Conservation for the following code compliance methods: R402 Prescriptive R-Value Method, Prescriptive Total UA Alternative Method, Performance Method – R405, and ERI Method – R406.

MOTION—The Commission voted unanimously, 24 – 0 in favor, to approve Energy Gauge Summit 7.00 for demonstrating compliance with the commercial building energy requirements of the 7th Edition (2020) Florida Building Code, Energy Conservation for the following code compliance methods: FEC Total Building Performance Method, FEC Prescriptive Method, FEC Component Performance Alternative Method, ASHRAE Prescriptive Method, and ASHRAE Energy Cost Budget Method.

XV. COMMITTEE REPORTS AND RECOMMENDATIONS

Acting Chair 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 Acting Chair requested if the TAC/POC requires Commission action, to frame the needed action in the form of a proposed motion. This will ensure that the Commission understands exactly what the TACs and POCs are recommending, and the subsequent action requested of the Commission. Acceptance of a committee report does not approve any recommendations contained within the report, and specific recommendations must be considered by separate motions. Committee reports are linked to the following URL (*Linked to Commission's December 15, 2020 Agenda*):

http://www.floridabuilding.org/fbc/commission/FBC_1220/index.htm

Education POC

Commissioner Dean presented the POC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 24 – 0 in favor, to accept the POC's report as presented/posted (December 7, 2020).

Energy TAC

Commissioner Smith presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 24 – 0 in favor, to accept the Energy TAC's report as presented/posted (December 10, 2020).

Plumbing TAC

Mo Madani presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 24 – 0 in favor, to accept the Plumbing TAC's report as presented/posted (December 8, 2020).

Product Approval POC

Commissioner Compton presented the POC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 24 – 0 in favor, to accept the POC’s report and Facilitator’s summary report as presented/posted (December 7, 2020).

Structural TAC

Commissioner Schock presented the TAC’s report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 24 – 0 in favor, to accept the Structural TAC’s report as presented/posted (December 8, 2020).

XVI. NOMINATIONS FOR COMMISSION CHAIR

Acting Chair Schock asked Jeff Blair to explain and facilitate the nomination process. Jeff explained that the Commission would accept nominations for the Commission chair after public comment, and subsequently any commissioner that would like to serve as the chair and has been on the Commission for at least one year should nominate his or her self. After self-nominations are complete if any Commissioner wished to nominate anyone else they were requested to do so. At the January meeting each nominee will have an opportunity to address the Commission on their reasons for wanting to serve as the Commission’s chair. Subsequently, the Commission will conduct a voting exercise and each commissioner will be asked to vote for their number one choice. If any commissioner receives greater than 50% on the first vote will be elected chair. If no Commissioner receives greater than 50% then the lowest ranking nominee will drop off, and a second vote will be taken with the remaining nominees. This process will be repeated until either a nominee achieves greater than 50% or by process of attrition there is only one nominee remaining.

Following are the nominees for Commission Chair:

Commissioner Jim Schock, Acting Chair, was the only nomination.

XVII. REQUEST TO DELAY 7TH EDITION (2020), FBC, ENERGY CONSERVATION

Acting Chair Schock explained that there has been a request from the Florida Homebuilders Association and the Gold Coast Builders Association to delay the 7th Edition (2020), Florida Building Code, Energy Conservation implementation date for six months from the date that an Energy Code compliance software program, such as EnergyGauge is approved by the Commission. In effect, the request was to delay implementation six months until June 15, 2021, since the Commission approved three software programs during the December 15, 2020 meeting.

Dane Bennett from the Florida Homebuilders Association (FHBA) explained that since the Commission had just approved three software programs the FHBA was withdrawing their request for delay. Dane noted that for future Code Update cycles it would be beneficial if incentives could be provided to encourage vendors to have their software ready for approval at least sixty days before the Code’s effective date.

Of note, DBPR staff posted to the BCIS research on past Code Update cycles from the 2010 – 2020 Code cycles showing that approving Energy Code compliance software just before the Code becomes effective has been the norm. Following are the effective dates of the Codes and when Energy Code compliance software was approved for each:

2010 FBC: effective date of March 15, 2012, with commercial software approved January 31, 2012 and residential April 8, 2012.

2014 FBC: effective date of June 30, 2015, with commercial and residential software approved June 19, 2015.

2017 FBC: effective date of December 31, 2017, with commercial software approved December 12, 2017 and residential October 17, 2017.

2020 FBC: effective date of December 31, 2020, with commercial and residential software approved December 15, 2020.

XVIII. COMMISSION MEMBER COMMENTS AND ISSUES

Acting 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:

- Jim Schock: appreciated the commissioners rolling-off of the Commission, and thanked them for working hard on the 2020 Code Update process.

XIX. 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, Acting-Chair Schock invited members of the public to address the Commission on any issues under the Commission's purview.

Public Comments:

- Arlene Stuart, AZS Consulting: thanked commissioner rolling-off of the Commission for their service, with a special mention to Drew Smith and Oscar Calleja. In addition, Kelly Smith Burk was also mentioned.
- Linda Patrick, City of Gainesville: thanked commissioner rolling-off of the Commission, and looked forward to working with the new commissioners for the next Code Update process.

XX. NEXT COMMISSION MEETING OVERVIEW AND ISSUES

The January 12, 2021 meeting will focus on election of the Commission's chair. The January meeting will be conducted as a virtual meeting via webinar. In addition, the Commission's next regularly scheduled meeting is scheduled for February 9, 2021 and will focus on the Commission's regular procedural and substantive issues, and any relevant rule development initiatives. The February meeting will be conducted as a virtual meeting via webinar.

(Attachment 5—Commission Meeting Schedule)

OTHER COMMISSION ACTIONS

All Commission actions taken during the December 15, 2020 meeting are reflected within specific agenda items.

STAFF ASSIGNMENTS FROM THE DECEMBER 15, 2020 COMMISSION MEETING

All Commission actions taken during the December 15, 2020 meeting are reflected within specific agenda items.

ADJOURNMENT

After a closing roll call confirmed that the Commission retained a quorum (23 of the 24 Commission members who responded to the opening roll call), the Acting-Chair thanked Commission members, staff and the public for their participation, and adjourned the meeting at 9:49 AM on Tuesday, December 15, 2020.

ATTACHMENT 1
FLORIDA BUILDING COMMISSION MEETING EVALUATION RESULTS

DECEMBER 15, 2020—VIRTUAL MEETING VIA WEBINAR AND TELECONFERENCE

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

Number of Respondents: 12 of 24 (50% response rate) Commissioners participating in the virtual meeting completed meeting evaluations.

1. OVERALL MEETING ASSESSMENT.

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

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

- 9.8 ___ Chair's Discussion Issues and Recommendations.
- 9.8 ___ 8th Edition (2022), Florida Building Code Workplan Update.
- 9.6 ___ Applications for Accessibility Waiver Applications Approvals.
- 9.8 ___ Applications for Products and Product Approval Entities Approvals.
- 9.6 ___ Applications for Accreditor and Course Approvals.
- 9.8 ___ Declaratory Statement Decisions.
- 9.8 ___ Energy Code Compliance Software Submittals Review and Approval.
- 9.8 ___ TAC, POC, Committee, and Workgroup Reports and Recommendations.
- 9.8 ___ Nominations for Commission Chair.
- 9.8 ___ Requests for Delay of the 7th Edition (2020) FBC, Energy Conservation Code Discussion.

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

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

4. COMMISSIONERS LEVEL OF SATISFACTION WITH THE MEETING.

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

5. HOW WELL THE NEXT STEPS WERE COMMUNICATED.

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

6. WHAT COMMISSIONERS LIKED BEST ABOUT THE MEETING.

- Quick and on point.
- My vote if for Jim to continue to be chair.
- The meeting was very efficient.
- The ADA agenda items.

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

- Why don't people mute themselves! It is very frustrating at times.
- As usual Jeff did an excellent job facilitating.

8. FEEDBACK ON HOW THE VIRTUAL MEETING WORKED AND COULD BE IMPROVED.

- Great Job!
- Very well done so no suggestions to improve.
- These are difficult during these challenging times.

SUGGESTIONS FOR IMPROVEMENTS FROM THE COMMENTS PROVIDED ABOVE

- None offered.

**ATTACHMENT 2
DECEMBER 15, 2020 MEETING AGENDA**

**FLORIDA BUILDING COMMISSION
PLENARY SESSION
DECEMBER 15, 2020
TELECONFERENCE/WEBINAR**

MEETING OBJECTIVES

- To Approve Regular Procedural Topics (Agenda and Minutes).
- To Consider/Decide on Chair's Discussion Issues/Recommendations.
- To Consider/Decide on Executive Director Announcements and Discussions.
- To Review Proposed Workplan for the Florida Building Code, 8th Edition (2023).
- To Consider/Decide on Accessibility Waiver Applications.
- To Consider/Decide on Approvals/Revocations of Products & Product Approval Entities.
- To Consider Applications for Accreditor and Course Approval.
- To Receive a Legal Report Briefing.
- To Consider/Decide on Petitions for Declaratory Statements
- To Consider/Decide on Submittals for Approval of Energy Compliance Software for Compliance with the 7th Edition (2020) FBC, Energy Conservation.
- To Receive/Decide on Reports and Recommendations from Committees.
- To Receive Nominations for Commission Chairman.
- To Consider Requests for Delay of the 7th Edition (2020) FBC, Energy Conservation Code.
- To Hear Public Comment.
- To Identify Needed Next Steps, Assignments, and Agenda Items for Next Meetings (January 12, 2021 and February 9, 2021 virtual meetings).

COMMISSION COMMITTEES—WEBINAR AND TELECONFERENCE MEETINGS

December 7, 2020	9:00 a.m.	Education Program Oversight Committee
December 7, 2020	10:00 a.m.	Product Approval Program Oversight Committee
December 7, 2020	2:00 p.m.	Accessibility Advisory Council
December 8, 2020	10:00 a.m.	Structural Technical Advisory Committee
December 8, 2020	2:00 p.m.	Plumbing Technical Advisory Committee
December 10, 2020	2:00 p.m.	Energy Technical Advisory Committee

MEETING AGENDA—DECEMBER 15, 2020

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

8:30 a.m.	1.)	Welcome and Opening, Roll Call Virtual Meeting Participation Process Guidelines
	2.)	Review and Approval of Meeting Agenda
	3.)	Review and Approval of Previous Meeting Minutes and Facilitator's Summary

		Report for October 13, 2020
	4.)	Chair's Discussion Issues: 2021-2022 Research Projects: Appointments: Milestones:
	5.)	Executive Director Announcements and Discussions: Effective Date Florida Building Code, 7th Edition, (2020)-December 31, 2020 at 12:00am Future Meetings: <ul style="list-style-type: none"> • January 12, 2021-Webinar • February 9, 2021-Webinar or TBD • April 13, 2021-Webinar or TBD • June 8, 2020 - Hyatt Regency, Sarasota
	6.)	To Receive Information Regarding the Florida Building Code, 8th Edition, (2023) Workplan
	7.)	Accessibility Waiver Applications: (Accessibility Advisory Council Report)
	8.)	Applications for Product (2017) (2020) and Entity Approval
	9.)	Applications for Accreditor and Course Approval
	10.)	Legal Report
	11.)	Declaratory Statements: <ul style="list-style-type: none"> • DS 2020-062 by Todd Schlemmer of UC12 Construction Services, LLC • DS 2020-064 by Paul Danforth of GFA International, Inc. • DS 2020-056 by Jonathan Sargeant of Omegaflex, Inc. • DS 2020-059 by Mark Wesson of Wesson Air Inc.
	12.)	To review and approve energy compliance software for compliance with the Florida Building Code, 7th Edition, (2020) Energy Conservation
	13.)	Committee Reports: Education Program Oversight Committee (12/7/2020) Energy Technical Advisory Committee (12/10/2020) Plumbing Technical Advisory Committee (12/8/2020) Product Approval Program Oversight Committee (12/7/2020) Structural Technical Advisory Committee (12/8/2020)
	14.)	Nominations for Commission Chairman

15.)	<p>Requests to Delay the Florida Building Code, 7th Edition, (2020), Energy Conservation</p> <p>Gold Coast Builders Association Request to Delay the Florida Building Code, 7th Edition, (2020), Energy Conservation</p> <p>FHBA Comment Supporting Gold Coast Builders Request to Delay the Florida Building Code, 7th Edition, (2020), Energy Conservation</p>
16.)	Commissioner Comment
17.)	Public Comment
18.)	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 was asked by the Commission's chair to assist the newly created Florida Building Commission in its effort to build consensus for a uniform building code proposal. A complex consensus building process was put in place that included designing and facilitating meetings of 12 balanced technical advisory groups of 11 members each appointed by the Commission, as well as the Commission's meetings. Facilitated Solutions, LLC continues to work with the Commission by providing facilitation and consensus-building services using the same process and facilitator.

OVERVIEW

COMMISSION REPRESENTATION. The Florida Building Commission is a 27-member representative stakeholder group who successfully created, implemented, and maintains and updates the statewide Florida Building Code. The Commission is comprised of the Chair, and 26 members appointed to represent specific stakeholder groups. They are as follows: four code officials, two state government representatives, a local government representative, a representative of persons with disability, a structural engineer, a mechanical engineer, representatives of fire protection technology, the building management industry, and the insurance industry, a general contractor, residential contractor, mechanical contractor, plumbing contractor, electrical contractor, roofing/sheet metal/air conditioning contractor, a manufactured building representative, a building product manufacturer, a swimming pool contractor, a representative of the green building industry, a natural gas system distribution representative, and a member representing the Department of Agriculture and Consumer Services' Office of Energy.

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

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

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

ATTACHMENT 5
COMMISSION’S UPDATED MEETING SCHEDULE AND 2023 CODE UPDATE WORKPLAN
UPDATED DECEMBER 15, 2020

COMMISSION MEETING DATES FISCAL YEAR 2020-2021

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

COMMISSION’S 2023 CODE UPDATE DEVELOPMENT WORKPLAN

8TH EDITION (2023) FBC CODE UPDATE DEVELOPMENT TASKS

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;	TBD
Commission selects 2021 I Codes “model codes” and 2020 NEC to conduct its review	12/15/2020 TBD
<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	1/4/2021 TBD
Staff post on Commission website/Building Code Information System (BCIS) analysis of the 2021 I-Code change to provide for identification of the following: <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 	3/15/2021
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. RCCIWG meeting – on-site meeting (TBD)	TBD

45 day public review and comment period ends (<i>By Rule -45 day min before TAC review</i>)	4/30/2021
Staff post on Commission website analysis of the 2021 I-Code changes with public comments (Tracking Charts and code change monographs)	5/17/2021
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. (Due to such issues as being unnecessary, negatively impacting the level of public health, safety, or general welfare provided by an existing Florida Building Code provision, diminishing the requirements of provisions related to wind resistance or water intrusion, unnecessarily imposing additional costs, or potentially requiring modification or further investigation before being adopted for use in this state) That the Commission approves certain model code provisions by consent agenda. (When considering whether to recommend inclusion on a consent agenda for approval, the TACs shall consider such criteria as whether the model code provisions are editorial or organizational in nature, correct an error, provide clarification, provide for alternative design methods, improve the effectiveness of the code, are uncontroversial to affected stakeholders, or are required by law.) That the Commission approve or reject certain model code provisions after considering them individually (When recommending individual consideration of model code updates, the TACs shall consider such criteria as whether the update has the potential to impose significant costs, cause confusion or regulatory difficulty, may be unnecessary, is highly controversial to affected stakeholders, or requires further evaluation.) TACs meetings – on site - TBD	06/17-25/2021
Staff post TACs’ recommendations online for further public review	7/15/2021
Deadline for requesting amendments (2021 I-Codes changes) to be pulled of the consent agenda for individual consideration	9/17/2021
Commission considers TACs’ recommendations regarding the latest changes to the model codes - on site meeting (TBD)	10/11-12/2021
Staff post Commission’s recommendations online	11/1/2021
<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	11/2/2021 – 12/15/2021
Proposed amendments reviewed by staff and posted to the Commission website	1/3/2022
1 st 45 day comment period ends (<i>By law -45 day min before TAC review</i>)	2/18/2022
Staff post on Commission website proposed code changes (Tracking Charts and Detail Reports)	3/1/2022
TACs consider proposed modifications (1 st 45 day comment period) TACs meetings - 4-day on-site meetings	3/21-24/2022
TACs recommendations posted to the website Starting date for the 2 nd 45 day comment period	4/12/2022
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	5/6/2022

TACs/Commission on impactful code changes. RCCIWG meeting – on-site meeting (TBD)	
2 nd 45 day comment period ends (<i>by law – 45 day min before Commission review</i>)	5/26/2022
Staff post on Commission website proposed code changes with comments (Tracking Chats and Details Reports)	6/21/2022
TACs consider public comments on their actions on the proposed mods TACs meetings – 4-day meetings [2-day on-site (TBD) and 2 – day via conference/webinar] – As needed and as applicable	7/11-14/2022
Staff post on Commission website TACs consideration of public comments	7/22/2022
Commission considers TAC recommendations (2 nd 45 day comment period) Commission – 2-day meeting	8/15-16/2022
8 th Edition (2023) FBC (7 th Edition (2020) FBC, Florida Supplement and Commission’s approved I Codes) posted online	9/19/2022
<i>Provide Supplements to ICC for integration into the 7th Edition (2020) FBC</i>	
TACs review comments to Rule Development Workshop of February 13, 2020 and make recommendations to the Commission TACs meetings - 3-day on-site meetings and 3-day conference call/webinar meetings	1/23-30/2023
Rule development Workshop Commission – 1-day meeting	February 13, 2023
TACs review comments to Rule Development Workshop of April 11, 2023 and make recommendations to the Commission TACs meetings - 2-day conference call/webinar meetings	3/23-24/2023
Rule development Workshops Commission – 1-day meeting	April 11, 2023
Integrated Draft 8 th Edition (2023) FBC – Posted online	April 20, 2023
Hearing on 8 th Edition (2023) FBC to consider received comments	June 2, 2023
Final Rule Hearing on 8 th Edition (2023) FBC/Commission approves final version of Code 8 th Edition (2023) Florida Fire Prevention Code available in final format	TBD
Rule Submitted to Secretary of State and Supplement/Integrated posted online – subject to addressing all JAPC’s concerns	TBD
Final FBC -PDF posted	TBD
Printed Code available - subject to negotiation with ICC	TBD
2023 FBC (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 <u>no sooner than 6 months</u> 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.	