



**FLORIDA
BUILDING
COMMISSION**

"STRONGER CODES THROUGH SCIENCE AND CONSENSUS"



**FACILITATOR'S SUMMARY REPORT OF THE
DECEMBER 12, 2023 FLORIDA BUILDING COMMISSION MEETING
WEB-BASED AND TELECONFERENCE VIRTUAL MEETING**

PROCESS DESIGN, CONSENSUS-BUILDING AND FACILITATION BY



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**FLORIDA BUILDING COMMISSION
DECEMBER 12, 2023 FACILITATOR’S MEETING SUMMARY REPORT**

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Florida Peninsula – From Space



FLORIDA BUILDING COMMISSION
DECEMBER 12, 2023 FACILITATOR'S MEETING SUMMARY REPORT



OVERVIEW OF COMMISSION'S KEY ACTIONS AND DECISIONS
TUESDAY, DECEMBER 12, 2023

I. PLENARY SESSION SUMMARY AND OVERVIEW

The Commission conducted their December 12, 2023 Plenary Session as web-based and teleconference virtual meeting. At the December meeting the Commission considered and decided on Chair's issues and recommendations, Executive Director's announcements, product and entity approvals, applications for accreditor and course approvals, applications for waivers from accessibility requirements, petitions for declaratory statements, a legal report, and recommendations from the Commission's various committees. 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 TACs' Recommendations to the Commission Regarding Proposed Errata and Glitch Amendments Review Process for the 2023 Code Update Process; **3)** Adopt the Commission Errata and Glitch Amendment Review and Approval Process for the 2023 Code Update Process; **4)** Proceed with rule adoption for Rule 61G20-2.004 – Private Provider Form; **5)** Uphold the Binding Interpretation Panel's interpretation of the Florida Building Code regarding Binding Interpretation #243; **6)** Issue a Non-Binding Advisory Opinion stating that the amendments are not technical amendments to the Florida Building Code, and to adopt staff's analysis regarding the questions presented in the Petition; and **7)** Elect Michael Bourré the new chair of the Florida Building Commission effective December 31, 2023.

(Attachment 1 – Meeting Evaluation Results)

II. CHAIR'S WELCOME

Chairman Schock welcomed the Commission, DBPR staff, and the public to the December 12, 2023 web-based and teleconference virtual plenary session of the Florida Building Commission.

The Chair noted that in addition to considering regular procedural issues, updates, petitions, and reports, the primary task for the December 12, 2023 meeting was to adopt the TACs' and Commission review and approval process for proposed errata and glitch amendments, and conducting a rule workshop on Rule 61G20-2.005, F.A.C. – Private Provider Form.

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 the Commission begins discussion or there is a formal motion on the floor.

III. COMMISSION ATTENDANCE

The following Commissioners participated in the December 12, 2023 virtual meeting:

Jim Schock (Chair), James Batts, Michael Bourré (Vice Chair), David Brown, David Compton, Jeff Gross, Rodney Hershberger, David John, Brian Langille, Grey Marker, Brad Schiffer, Fred Schilling, Brian Swope, Tim Tolbert, and Stephen Wilcox.

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

Absent Commissioners:

Asael Marrero (excused).

DBPR STAFF PARTICIPATING

Sabrina Evans, Jim Hammers, Mo Madani, Marilita Peters, 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

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 Receive Update Regarding the Florida Building Code, 8th Edition, (2023), Workplan.
- ~~To Review/Approve Submittals for Energy Code Compliance Software for Compliance with the Florida Building Code, 8th Edition (2023), Energy Conservation.~~
- To Conduct A Rule Development Workshop for Rule 6120-2.005, F.A.C
- To Consider/Decide on Product Approval, DBPR, and Entity Approval.
- To Consider/Decide on Applications for Accreditor and Course Applications.
- To Consider/Decide on Applications for Waivers from Accessibility Requirements.

- To Receive a Legal Report Briefing.
- To Consider/Decide on Petitions for Declaratory Statements.
- To Consider/Decide Regarding the Appeal of Binding Interpretation #243.
- To Consider/Decide Regarding Petition for Non-Binding Advisory Opinion by Jack A. Butler.
- To Receive/Decide on Reports and Recommendations from Committees.
- To Review Nominations Submitted for Commission Chairman and Elect Future Chair.
- To Hear Public Comment.
- To Identify Needed Next Steps, Assignments, and Agenda Items for Next Meeting (February 13, 2024, Virtual meeting).

Commission Action:

MOTION – The Commission voted unanimously, 14 - 0 in favor, to approve the agenda for the December 12, 2023 meeting as amended*.

**Removal of the Approval of Energy Code Compliance Software Submittals agenda item.*

(Attachment 2 – December 12, 2023 Commission Agenda)

V. APPROVAL OF THE OCTOBER 17, 2023 MEETING MINUTES AND FACILITATOR’S SUMMARY REPORT

The Chair asked whether there were any corrections or additions to the posted October 17, 2023 Meeting Minutes and/or Facilitator’s Summary Report that were posted electronically in advance of the meeting. There were none offered, and the Commission took the following action:

Commission Action:

MOTION – The Commission voted unanimously, 14 - 0 in favor, to approve the October 17, 2023 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

A) Appointments

- There were no appointments for the December meeting.

B) Future Commission Meeting Dates

The Chair reported that the Commission’s next meeting is February 13, 2024, and will be conducted as a Web-Based and Teleconference Virtual Meeting. Following are the dates for the remaining regular bimonthly Commission meetings scheduled for 2024:

- April 16, 2024, Onsite (Rule workshop for Code errata and rule workshop for milestone inspection requirements)
- June 18, 2024 Virtual (Second rule workshop for milestone inspection requirements, if necessary)
- August 13, 2024, Web-Based and Teleconference Virtual Meeting
- October 15, 2024, Onsite (In conjunction with TAC meetings for I-Code changes review)
- December 10, 2024, Onsite (Commission review of I-Code changes)

C) Updated Commission Milestones

The Chair reminded participants that the Updated Commission Milestones document (updated as of October 17, 2023) is linked to the December 12, 2023 FBC Agenda on the BCIS.

D) Legislative Update – Bills Impacting Commission

Mo Madani provided an overview of pending legislation (bills) impacting the Commission as follows:

HB 267 (SB 684) – Residential Building Permits

Staff Analysis: The bill creates an expedited process for issuing residential building permits and amends timeframes used by local governments to approve/disapprove building permit applications.

Impact – No impact on the Florida Building Code (FBC). However, the Commission would need to amend the Florida Building Code to reflect some of the bill’s changes.

SB 44 Public Restroom Requirements

Staff Analysis: The bill requires that a hook be installed within the reach range of an average-sized person while the person is sitting on the toilet seat located in a wheelchair accessible toilet compartment.

Impact – No impact on the FBC. However, the Commission would need to amend the Florida Building Code to reflect the bill’s changes.

HB 557 – Movable Tiny Houses

Staff Analysis: The bill provides that park trailer may be referred to as a “movable tiny home”; provides requirements for construction and inspection of a movable tiny home as per the FBC; amends s. 553.73, F.S. requiring the Florida Building Commission to review and adopt updates to certain codes which pertain to the superstructure requirements for movable tiny homes.

Impact – No impact on the FBC.

SB 496 – Low Voltage Alarm System Projects

Staff Analysis: The bill clarifies the installation requirements for low-voltage electric fences and prohibits local governments from adopting or maintaining additional requirements for low-voltage alarm system projects.

Impact – No impact on the FBC. However, the Commission would need to amend the Florida Building Code to reflect the bill’s changes.

SB 612 – Building Construction Regulations and System Warranties

Staff Analysis: The bill amends s. 553.775, F.S. to authorize prevailing parties in proceedings on interpretations of the Florida Building Code and the Florida Accessibility Code for Building Construction to recover attorney fees.

Impact – No impact on the FBC.

VII. 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, 15 – 0 in favor, to approve the updated Workplan and Schedule for development of the 8th Edition (2023), Florida Building Code.

(Attachment 5 – 2023 Code Update Workplan and Schedule)

TACs’ Recommendations to the Commission Regarding Proposed Errata and Glitch Amendments Review Process

Jeff Blair reviewed the proposed process for the TACs’ development of recommendations to the Commission regarding proposed errata and glitch amendments to the 8th Edition (2023), Florida Building Code.

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, 15 – 0 in favor, to adopt the TACs’ Recommendations to the Commission Regarding Proposed Errata and Glitch Amendments Review Process for the 2023 Code Update Process.

Commission Errata and Glitch Amendment Review and Approval Process

Jeff Blair reviewed the proposed process for the Commission’s review and approval of errata and glitch amendments to the 8th Edition (2023), Florida Building Code.

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, 15 – 0 in favor, to adopt the Commission Errata and Glitch Amendment Review and Approval Process for the 2023 Code Update Process

VIII. RULE WORKSHOP FOR RULE 61G20-2.005 F.A.C.

The Chair noted that at the October 17, 2023 meeting the Commission voted to initiate rulemaking for Rule 61G20-2.005 (Private Provider Form). During the December meeting, the Commission conducted the Workshop and following public comment voted to update the form used by private providers to address changes to the private provider statute that were made in 2005, and to update language in the notary block to reflect statutory changes made in 2019.

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

Commission Actions:

MOTION – The Commission voted unanimously, 15 - 0 in favor, to proceed with rule adoption for Rule 61G20-2.004 – Private Provider Form, incorporating all approved revisions, and to delegate authority to Mo Madani to sign rulemaking documents on behalf of the Commission.

IX. APPROVAL OF ENERGY CODE COMPLIANCE SOFTWARE SUBMITTALS FOR DEMONSTRATING COMPLIANCE WITH THE 8TH. EDITION (2023), FLORIDA BUILDING CODE, ENERGY CONSERVATION

There were no Energy Code compliance software submittals.

X. APPLICATIONS FOR PRODUCT AND ENTITY APPROVAL

Commissioner Hershberger presented the Product Approval Oversight Committee's recommendations for entities approvals to the 2023 Code on the consent agenda for approval.

Commission Action on the Consent Agenda for Entities Approvals – 2023 Code:

MOTION – The Commission voted unanimously, 15 - 0 in favor, to approve the consent agenda of product approval entities to the 2023 Code (19) as posted/presented.

Commissioner Hershberger presented the Product Approval Oversight Committee's recommendations for products recommended for approval to the 2020 Code on the consent agenda for approval.

Commission Action on the Consent Agenda for Product Approvals – 2020 Code:

MOTION – The Commission voted unanimously, 15 - 0 in favor, to approve the consent agenda of products (3) recommended for approval to the 2020 Code as posted/presented.

Jeff Blair presented the Product Approval Oversight Committee's recommendations for product approvals to the 2020 Code with comments.

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

MOTION – The Commission voted unanimously, 15- 0 in favor, to conditionally approve FL 42525 to allow the applicant to revise the evaluation report to confirm compliance with AAMA 501.

Commissioner Hershberger presented the Product Approval Oversight Committee's recommendations for product approvals to the 2023 Code on the consent agenda for approval.

Commission Actions on the Consent Agenda for Product Approval – 2023 Code:

MOTION – The Commission voted unanimously, 15 - 0 in favor, to approve the consent agenda of products (1,195*) recommended for approval to the 2023 Code as amended.

**Amended as follows:*

FL 40520, FL 40522, and FL 40521 were pulled from the Consent Agenda at the request of the Applicants.

FL 40904 – R6 and FL 1422 - R6 were pulled from the Consent Agenda at the request of DBPR staff.

Jeff Blair presented the Product Approval Oversight Committee's recommendations for product approvals to the 2023 Code pulled for individual consideration.

Commission Actions Regarding Product Approval Applications Pulled From Consent Agenda for Individual Consideration – 2023 Code:

MOTION – The Commission voted unanimously, 15 - 0 in favor, to conditionally approve products FL 40520 and FL 40522 to allow the applicant to revise the installation instructions for the purpose of correcting the allowable loads as appropriate.

MOTION – The Commission voted unanimously, 15 - 0 in favor, to conditionally approve product FL 40521 to allow the applicant to revise the installation drawing in order to limit the window height to 84 inches maximum and to remove 90” and 96” window height from the chart.

MOTION – The Commission voted unanimously, 15 - 0 in favor, to conditionally approve products FL 40904 – R6 and FL 1422 – R6 to allow the manufacturer to update the QA contract.

Jeff Blair presented the Product Approval Oversight Committee’s recommendations for product approvals to the 2023 Code with comments.

Commission Actions Regarding Product Approval Applications With Comments – 2023 Code:

MOTION – The Commission voted unanimously, 15- 0 in favor, to conditionally approve FL 23358, and FL 33106 based on the conditions recommended by DBPR staff analysis, and as recommended by the Product Approval POC and reflected in the posted documentation.

Commission Actions Regarding DBPR Applications:

There was no Commission action required regarding the December 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. 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, 15 – 0 in favor, to approve advanced accredited course numbers (13): 1199.0, 1202.0, 1181.0, 1197.0, 1198.0, 1175.0, 1177.0, 1185.0, 1186.0, 1189.0, 1190.0, 1163.0, and 1164.0.

MOTION – The Commission voted unanimously, 15 – 0 in favor, to conditionally approve for compliance with Rule 61G20-6.002, advanced accredited course number (1): 1179.0.

MOTION – The Commission voted unanimously, 15 – 0 in favor, to deny advanced accredited course number: 1193.0.

MOTION – The Commission voted unanimously, 15 – 0 in favor, to approve administratively approved updated course number (1): 970.1.

MOTION – The Commission voted unanimously, 15 – 0 in favor, to conditionally approve for compliance with Rule 61G20-6.002, administratively approved updated course number (1): 987.1.

MOTION – The Commission voted unanimously, 15 – 0 in favor, to approve administratively self-affirmed with one change updated course number (1): 1046.1.

MOTION – The Commission voted unanimously, 15 – 0 in favor, to conditionally approve for compliance with Rule 61G20-6.002, administratively approved self-affirmed (one-change) updated course number (1): 1117.1.

MOTION – The Commission voted unanimously, 12 – 0 in favor, to accept the withdrawal of administratively approved self-affirmed (one-change) updated course number 1022.1 at the applicant’s request.

MOTION – The Commission voted unanimously, 15 – 0 in favor, to deny administratively approved self-affirmed (one-change) updated course number (1): 1028.1.

XII. APPLICATIONS FOR WAIVERS FROM ACCESSIBILITY REQUIREMENTS

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:

- 1. The Venue at the Historic Stanton Ford Building – Waiver 647** - 3H301 N Main Street, Hastings, FL 32145

MOTION – The Commission voted unanimously, 15 – 0 in favor, to grant the waiver for vertical accessibility to the second floor on the grounds of the historical nature of the property.

- 2. Chrome Hearts LLC– Waiver 645**- 4502 WNE 2nd Avenue, Hastings, FL 32145

MOTION – The Commission voted unanimously, 15 – 0 in favor, to grant the waiver for vertical accessibility to the second floor on the grounds of technical infeasibility and economic hardship.

XIII. LEGAL REPORT

Justin Vogel, Commission Legal Counsel, updated the Commission on outstanding legal matters relevant to the Commission. Justin reported there were no outstanding legal issues to report for the December 2023 meeting.

XIV. 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 2023-040 by Carl Brown of FDS Engineering Associates, Inc. (A TSG Company)**

Withdrawn by the Applicant prior to the TAC meeting—No action was required by the Commission.

- 2. DS 2023-039 by Doug Sposito of Collier County, FL Building and Permitting Department**

Motion – The Commission voted unanimously, 15 - 0 in favor, to approve the Code Administration TAC’s recommendation on the Petition, to adopt staff’s analysis regarding the questions presented in the Petition.

XV. APPEAL OF BINDING INTERPRETATION #243

The Chair explained that Justin reported at the March meeting that Binding Interpretation #243 had been appealed by the City of Miami.

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.

Jeff Blair reviewed the Procedural Sequencing the Commission used for consideration of the Appeal as follows:

- 1) Justin Vogel, the Commission's legal counsel, will provide an Explanation of Relevant Legal Criteria and the Code Administration TAC's recommendation.
- 2) Appellant's (City of Miami - Building Official) Explanation Why the Panel's Interpretation Should be Overturned (5 Minutes).
- 3) Commission Member's Clarifying Questions for the Appellant.
- 4) Respondent's (Delia Hospitality – Thomas Robertson, attorney) Response Why the Interpretation Should be Upheld (5 Minutes).
- 5) Commission Member's Clarifying Questions for the Respondent.
- 6) Public Comment (3 minutes/person).
- 7) Commission Discussion/Deliberation.
- 8) Commission Action.

Mo Madani reviewed the Panel's answer to Binding Interpretation #243 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."

TAC Recommendation: The Code Administration TAC recommended that the Commission uphold the Binding Interpretation Panel's interpretation of the Florida Building Code regarding Binding Interpretation #243.

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

Commission Actions:

MOTION— The Commission voted unanimously, 15 – 0 in favor, to uphold the Binding Interpretation Panel's interpretation of the Florida Building Code regarding Binding Interpretation #243.

XVI. PETITION FOR A NON-BINDING ADVISORY OPINION

The Chair reported that the Commission received a Petition for a Non-Binding Advisory Opinion from Jack A. Butler.

Jeff Blair reviewed the Procedural Sequencing the Commission used for consideration of the Appeal as follows:

- 1) Justin Vogel, the Commission's legal counsel, will provide the legal background on the Petition.
- 2) Mo Madani, the Commission's Technical Director, will provide staff's analysis on the Petition.
- 3) Commissioner Clarifying Questions regarding Staff Analysis.
- 4) Petitioner's Presentation of their Petition for a Non-Binding Advisory Opinion (Jack Butler of Butler & Butler, LLC) (5 minutes collectively for Petitioner's side).
- 5) Commissioner Clarifying Questions for the Petitioner.
- 6) Broward County Board of Rules and Appeals' response to the Petition for a Non-Binding Advisory Opinion (5 minutes collectively for BORA's side).
- 7) Commissioner Clarifying Questions for BORA.
- 8) Public Comment (3 minutes per person).
- 9) Commission Discussion and Decision Regarding Responding to the Petition for a Non-Binding Advisory Opinion and stating whether the amendments are technical amendment to the Florida Building Code.

Staff Analysis for the Petition.

Question 1: Are the subject amendments, implicitly classified as administrative amendments by BORA, actually technical amendments that are subject to additional requirements prior to and following adoption?

Answer: The answer to the Petitioner's question is no.

Question 2: Did BORA properly follow the local amendment adoption procedure described in s.553.73(4), Florida Statutes, when the subject amendments were adopted as part of a larger package of amendments?

Answer: This question falls outside the scope of a nonbinding advisory opinion petition.

Code Administration TAC Recommendation: To recommend the Commission issue a Non-Binding Advisory Opinion stating that the amendments are not technical amendments to the Florida Building Code, and to adopt staff's analysis regarding the questions presented in the Petition.

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

Commission Actions:

MOTION – The Commission voted unanimously, 15 – 0 in favor, to issue a Non-Binding Advisory Opinion stating that the amendments are not technical amendments to the Florida Building Code, and to adopt staff's analysis regarding the questions presented in the Petition.

XVII. 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 December 12, 2023 Agenda on the BCIS.

Code Administration TAC

Commissioner Brown presented the TAC's report and any recommendations.

Commission Action:

MOTION – The Commission voted unanimously, 15 – 0 in favor, to accept the TAC's report as presented/posted (December 1, 2023).

Education POC

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

Commission Action:

MOTION – The Commission voted unanimously, 15 – 0 in favor, to accept the POC's report as presented/posted (November 30, 2023).

Energy TAC

Mo Madani presented the TAC's report and any recommendations.

Commission Action:

MOTION – The Commission voted unanimously, 15 – 0 in favor, to accept the TAC's report as presented/posted (November 27, 2023).

Existing Building Inspection Workgroup

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

Commission Action:

MOTION – The Commission voted unanimously, 15 – 0 in favor, to accept the Workgroup's reports as presented/posted (October 30, 2023 and December 4, 2023).

Product Approval POC

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

Commission Action:

MOTION – The Commission voted unanimously, 15 – 0 in favor, to accept the POC's report and Facilitator's Summary Report as presented/posted (November 30, 2023).

XVIII. ELECTION OF COMMISSION CHAIR

The Chair explained that pursuant to Rule 61G20-2.001, F.A.C. - Commission Organization and Operations, the Commission will need to elect the next chair during the December 2023 meeting. As the first elected chair, Chairman Schock's term will end on December 31, 2023 when the 8th. Edition (2023), Florida Building Code becomes effective. The term for all subsequent chairs will run from the

date that a new edition of the Florida Building Code becomes effective until the subsequent edition of the Florida Building Code goes into effect. The next elected chair's term will run from December 31, 2023 until the effective date of the 9th Edition of the Code. There are no term limits so any commissioner who has served for at least one year is eligible. In addition, the elected chair will appoint the vice chair.

The Chair requested that Jeff Blair explain and facilitate the process, and subsequently conduct the motion and vote. Jeff noted that at the October 17, 2023 meeting commissioners were invited to nominate themselves or other commissioners for the Commission Chair. There was only one nomination submitted to DBPR staff in writing, and it was in support of re-electing Chairman Schock as the Commission Chair. Chairman Schock expressed that he appreciated the sentiment; however, he did not wish to be re-elected, and nominated Michael Bourré, the Commission's current vice chair.

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

Commission Actions:

MOTION – The Commission voted unanimously, 15 – 0 in favor, to elect Michael Bourré as the Commission Chair effective December 31, 2023.

XIX. 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:

- There were numerous comments from commissioners in appreciation of Chairman Schock's leadership of the Commission over the past several years.

XX. 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:

- Jamie Gascon, Miami-Dade County: Thanked Chairman Schock for his leadership as chair, and in the development of the 8th Edition, (2023), Florida Building Code.
- Arlene Stuart, AZT Consulting: Agreed with Jamie Gascon's comment.
- Mike Silvers, FRSA: Seconded Jamie Gascon's comment.
- Mo Madani: Appreciated Chairman Schock for his leadership.
- Jeff Blair: Expressed it has been a pleasure working with Chairman Schock over the years.

XXI. NEXT COMMISSION MEETING OVERVIEW AND ASSIGNMENTS

The February 13, 2024 meeting will focus on the Commission’s regular procedural and substantive issues, and any rule development initiatives. The February 2024 meeting will be conducted as a web-based and teleconference virtual meeting.

(Attachment 5 – Commission Meeting Schedule)

STAFF ASSIGNMENTS FROM THE DECEMBER 12, 2023 COMMISSION MEETING

- Justin Vogel to notify the appropriate DBPR legislative staff regarding the Commission’s concerns with the provisions of SB 612 related to amending the Code to authorize prevailing parties in proceedings on interpretations of the Florida Building Code and the Florida Accessibility Code for Building Construction to recover attorney fees.
- DBPR staff to review whether there are adequate provisions in DBPR’s Manufactured Buildings regulations and/or the Florida Building Code to address “movable tiny homes” as contemplated by the provisions of HB 557.

ADJOURNMENT

The Chair thanked Commission members, staff and the public for their participation, and adjourned the meeting at 10:51 a.m. on Tuesday, December 12, 2023.

ATTACHMENT 1
FLORIDA BUILDING COMMISSION MEETING EVALUATION RESULTS

DECEMBER 12, 2023 – VIRTUAL MEETING

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

Number of Respondents: 9 of 15 (60% response rate) Commissioners participating in the meeting completed meeting evaluations.

1. OVERALL MEETING ASSESSMENT.

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

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

- 10 Chair's Discussion Issues/Recommendations.
- 10 8th. Edition (2023) Workplan and Errata & Glitch Review & Approval Processes Approval.
- 10 Rule Development Workshop for Rule 6120-2.005, F.A.C.
- 10 Applications for Products and Product Approval Entities Approvals.
- 10 Applications for Accreditor and Course Approvals.
- 10 Applications for Waivers from Accessibility Requirements Decisions.
- 10 Legal Report.
- 10 Petitions for Declaratory Statements Decisions.
- 10 Appeal of Binding Interpretation #243 Decision.
- 10 Petition for Non-Binding Advisory Opinion Decision.
- 10 TAC, POC, Committee, and Workgroup Reports and Recommendations.
- 10 Commission Chair Election Results.

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

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

4. COMMISSIONERS LEVEL OF SATISFACTION WITH THE MEETING.

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

5. HOW WELL THE NEXT STEPS WERE COMMUNICATED.

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

6. WHAT COMMISSIONERS LIKED BEST ABOUT THE MEETING.

- Everything. Great job as always!
- It was well run and flowed smoothly.
- I was concerned about going into the meeting without an Executive Director. Jeff and the staff did an excellent job of handling the meeting with this staff position vacant.

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

- It's perfect!
- Donuts would be nice. Ha!

COMMENTS ON SPECIFIC EVALUATION TOPICS.

- None were offered.

**ATTACHMENT 2
DECEMBER 12, 2023 MEETING AGENDA**

**FLORIDA BUILDING COMMISSION
PLENARY SESSION
VIRTUAL MEETING**

MEETING OBJECTIVES

- To Approve Regular Procedural Topics (Agenda and Minutes).
- To Consider/Decide on Chair’s Discussion Issues/Recommendations.
- To Receive Update Regarding the Florida Building Code, 8th Edition, (2023), Workplan.
- To Review/Approve Submittals for Energy Code Compliance Software for Compliance with the Florida Building Code, 8th Edition (2023), Energy Conservation.
- To Conduct A Rule Development Workshop for Rule 6120-2.005, F.A.C
- To Consider/Decide on Product Approval, DBPR, and Entity Approval.
- To Consider/Decide on Applications for Accreditor and Course Applications.
- To Consider/Decide on Applications for Waivers from Accessibility Requirements.
- To Receive a Legal Report Briefing.
- To Consider/Decide on Petitions for Declaratory Statements.
- To Consider/Decide Regarding the Appeal of Binding Interpretation #243.
- To Consider/Decide Regarding Petition for Non-Binding Advisory Opinion by Jack A. Butler.
- To Receive/Decide on Reports and Recommendations from Committees.
- To Review Nominations Submitted for Commission Chairman and Elect Future Chair.
- To Hear Public Comment.
- To Identify Needed Next Steps, Assignments, and Agenda Items for Next Meeting (February 13, 2024, Virtual meeting).

COMMISSION AND COMMITTEES — ON SITE & VIRTUAL MEETINGS

October 30, 2023	9:00 a.m.	Existing Building Inspection Workgroup
November 27, 2023	10:00 a.m.	Energy Technical Advisory Committee
November 30, 2023	9:00 a.m.	Education Program Oversight Committee
November 30, 2023	10:00 a.m.	Product Approval Program Oversight Committee
November 30, 2023	2:00 p.m.	Accessibility Advisory Council Committee
December 1, 2023	1:30 a.m.	Code Admin Technical Advisory Committee
December 4, 2023	9:00 a.m.	Existing Building Inspection Workgroup

MEETING AGENDA — DECEMBER 12, 2023

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

8:30 a.m.	1)	Welcome and Opening, Roll Call
	2)	Review and Approval of Meeting Agenda
	3)	Review and Approval of the October 17, 2023 Meeting Minutes and Facilitator’s Summary Report

4)	Chair's Discussion Issues Appointments Future Meetings Updated Commission Milestones
5)	Florida Building Code, 8th Edition, (2023) Update – Workplan Status
6)	Rule Workshop for Rule 61G20-2.005, F.A.C. – Private Provider Form
7)	Energy Compliance Software for Compliance with the Florida Building Code, 8th Edition (2023), Energy Conservation Submittals Approval
8)	Applications for Product and Entity Approval
9)	Applications for Accreditor and Course Approval
10)	Applications for Waiver from Accessibility Requirements
11)	Legal Report
12)	Declaratory Statements A. DS 2023-040 by Carl Brown of FDS Engineering Associates, Inc. (A TSG Company) - Withdrawn B. DS 2023-039 by Doug Sposito of Collier County, FL Building and Permitting Department
13)	Appeal of Binding Interpretation #243
14)	Petition for a Non-Binding Advisory Opinion by Jack A. Butler
15)	Committee Reports A. Code Admin Technical Advisory Committee (December 1, 2023) B. Education Program Oversight Committee (November 30, 2023) C. Energy Technical Advisory Committee (November 27, 2023) D. Existing Building Inspection Workgroup (October 30, 2023) and (Dec. 4, 2023) E. Product Approval Program Oversight Committee (November 30, 2023)
16)	Nominations and Election of Commission Chair
17)	Commissioner Comment
18)	Public Comment
19)	Adjourn Commission Plenary Session

ATTACHMENT 3
KEY TO COMMON ABBREVIATIONS

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 70 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 DECEMBER 12, 2023

COMMISSION MEETING DATES FOR 2024	
1) February 13, 2024	Web-Based and Teleconference Virtual Meeting
2) April 16, 2024	Onsite (Rule workshop for milestone inspection requirements)
3) June 18, 2024	Virtual Meeting (Second rule workshop for milestone inspection requirements, if necessary)
4) August 13, 2024	Web-Based and Teleconference Virtual Meeting
5) October 15, 2024	Onsite (In conjunction with TAC meetings for I-Code changes review)
6) December 10, 2024	Onsite (Commission review of I-Code changes)

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 (<i>By Rule -45 day min before TAC review</i>)	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	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 TACs/Commission on impactful code changes.	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
Deadline for requesting amendments to be pulled off consent agendas for individual consideration	11/22/2022
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>	Completed
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	2/21 - 24/2023 Completed
Rule Development Workshop Commission – 1-day meeting	March 14, 2023 Completed
Rule Development Workshop To review comment requesting consideration of the latest editions of ICC 500 and ICC 600 for inclusion in the 2023 update to the FBC	May 10, 2023 Completed

Meetings - Conference call/webinar/concurrently – in the afternoon Appropriate TACs (Roofing, Structural and Special Occupancy) Residential Construction Cost Impact Workgroup (RCCIWG) Florida Building Commission – Conference call/webinar – in the afternoon	
Integrated Draft 8 th Edition (2023) FBC – Posted online	May 22, 2023
Rule Development Workshop To review comment requesting withdrawal of Modification # SP10413 to retain the existing language of Chapter 4, Section 464.4.2.2 in the 7 th Edition (2020) for inclusion in the 8 th Edition (2023), Florida Building Code.	June 20, 2023 Completed
Special Occupancy TAC meeting – June 12, 2023 (Conference call/webinar)	Completed
Hearing on 8 th Edition (2023) FBC to consider received comments	No Hearing Requested
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	If Requested
Rule Submitted to Secretary of State and Supplement/Integrated posted online – subject to addressing all JAPC’s concerns	Being Routed
Final FBC -PDF posted	June 2023
Printed Code available	August 2023
8th Edition (2023) FBC Effective Date (6 – months after publication)	12/31/2023
<i>Glitch/Errata</i>	
Deadline for submitting glitch amendments and errata regarding the draft 8 th Edition (2023) update to the FBC	November 1, 2023
Proposed glitch amendments and errata reviewed by staff and posted to the Commission website	November 14, 2023
1 st 45 day comment period ends (<i>By law -45 day min before TAC review</i>)	December 30, 2023
TACs consider proposed modifications (1 st 45-day comment period) TACs meetings – 3 days of conference call/webinar meetings	Jan. 23 -25, 2024
TACs recommendations posted to the website Starting date for the 2 nd 45-day comment period	February 8, 2024
2 nd 45 - day comment period ends (<i>by law – 45 - day min before Commission review</i>)	March 24, 2024
Rule Development Workshop To review and take final action on proposed glitch amendments and errata regarding the draft 8 th Edition (2023) update to the FBC	April 16, 2024

ATTACHMENT 6

TAC RECOMMENDATIONS TO THE COMMISSION REGARDING PROPOSED ERRATA AND GLITCH AMENDMENTS REVIEW PROCESS 2023 CODE UPDATE PROCESS – 8TH EDITION (2023), FLORIDA BUILDING CODE (ADOPTED UNANIMOUSLY DECEMBER 12, 2023)

SECTION 1. GENERAL PROVISIONS

- Facilitator will serve as moderator, call for motions, and assist with adopted process and groundrules.
- One person speaks at a time.
- Limit your comment and be concise. Do not read lengthy prepared statements; summarize and submit complete text of comment for the record.
- Facilitator will limit comments to a maximum of three-minutes (3) per person.
- 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 or opposition to proposed errata or glitch amendment to provide the TAC with a sense of stakeholder preferences.

SECTION 2. ERRATA AND GLITCH AMENDMENT CRITERIA

Pursuant to Section 553.73, F.S., in order for a proposed Code change to be accepted as a glitch amendment, it must fall within one of the following criteria:

Section 553.73 (8)(a), F.S. – The Commission may approve amendments that are needed to address:

1. Conflicts within the updated code;
2. Conflicts between the updated code and the Florida Fire Prevention Code adopted under chapter 633;
3. Unintended results from the integration of previously adopted amendments with the model code;
4. Equivalency of standards;
5. Changes to or inconsistencies with federal or state law; or
6. Adoption of an updated edition of the National Electrical Code if the commission finds that delay of implementing the updated edition causes undue hardship to stakeholders or otherwise threatens the public health, safety, and welfare.

(8)(b) The Commission may issue errata to the Code... For purposes of this paragraph, “errata to the Code” means a list of errors on current and previous editions of the Florida Building Code.

SECTION 3. TAC REVIEW OF PROPOSED ERRATA AND GLITCH AMENDMENTS PROCESS

- Facilitator will introduce each proposed errata and glitch amendment by TAC, in turn.
- Proponents of proposed errata or glitch amendment will speak first (3 Minutes/Person).
- Opponents of proposed errata or glitch amendment will follow proponents (3 Minutes/Person).
- Proponents and opponents will be allowed one (1) collective two-minute counterpoint opportunity to address any new point(s) raised by previous commentor(s), but only if they address new points specific to the comment(s) raised by the commentor(s) and if they provide new points. No repeating of previous comments/points.
- **Withdrawal of Glitch Amendment:** A proposed glitch amendment may be withdrawn by the proponent at any time prior to TAC consideration of that amendment.
- After public comment on a proposed errata or glitch amendment the TAC will take action on the proposed amendment by voting either to recommend the Commission approve the amendment, or to deny the amendment.
- A proposed errata or glitch amendment shall not be recommended for approval by the TAC if it does not comply with the criteria for approval pursuant to Section 553.73 (8), Florida Statute.
- The TAC's recommendations will be submitted to the Commission as the TAC's recommendations on proposed errata and glitch amendment to the Florida Building Code.
- The recommendations will be provided to the Commission on consent agendas.
- Motions require a two-thirds (67%) favorable vote for approval*; those amendments which receive less than a two-thirds favorable vote will be considered unapproved and deemed recommended for denial.

**Pursuant to Section 553.73 (3)(b), F.S., in order for a Technical Advisory Committee to make a favorable recommendation to the Commission, the proposal must receive a two-thirds vote of the members present at the Technical Advisory Committee meeting. At least half of the regular members must be present in order to conduct a meeting.*

SECTION 4. CONSENT AGENDAS OF TACs' RECOMMENDATIONS TO THE COMMISSION

CONSENT AGENDA 1 – CONSENT AGENDAS OF ERRATA RECOMMENDED FOR APPROVAL: TAC recommends errata meet errata definition, and TAC recommends approval of errata As Submitted (AS); or TAC recommends errata meet errata definition, and TAC recommends approval of errata As Modified (AM) by the TAC. The TACs' recommendations for approval of specific proposed errata are on "Consent Agendas Recommended for Approval," one per TAC. The consent agenda of errata recommended for Approval relevant to each TAC will be considered by the Commission as a single consent agenda per TAC.

CONSENT AGENDA 2 – CONSENT AGENDAS OF ERRATA RECOMMENDED FOR DENIAL: TAC recommends errata do not meet errata definition, and TAC recommends Denial; or TAC recommends errata meet errata definition, and TAC recommends Denial on the proposed Code text fix. The TACs' recommendations for denial of specific proposed errata are on "Consent Agendas Recommended for

Denial,” one per TAC. The consent agenda of errata recommended for Denial relevant to each TAC will be considered by the Commission as a single consent agenda per TAC.

CONSENT AGENDA 3 – CONSENT AGENDAS OF GLITCH AMENDMENTS RECOMMENDED FOR APPROVAL: TAC recommends amendments meet Glitch criteria, and TAC recommends approval of Glitch amendments As Submitted (AS); or TAC recommends amendments meet Glitch criteria, and TAC recommends approval of Glitch amendments As Modified (AM) by the TAC. The TACs’ recommendations for approval of specific proposed Glitch Amendments are on “Consent Agendas Recommended for Approval,” one per TAC. The consent agenda of Glitch Amendments recommended for Approval relevant to each TAC will be considered by the Commission as a single consent agenda per TAC.

CONSENT AGENDA 4 – CONSENT AGENDAS OF GLITCH AMENDMENTS RECOMMENDED FOR DENIAL: TAC recommends amendments do not meet Glitch criteria, and TAC recommends **Denial**; or TAC recommends amendments meet Glitch criteria, and TAC recommends **Denial** on the proposed Code text fix. The TACs’ recommendations for denial of specific proposed Glitch Amendments are on “Consent Agendas Recommended for Denial,” one per TAC. The consent agenda of Glitch Amendments recommended for Denial relevant to each TAC will be considered by the Commission as a single consent agenda per TAC.

SECTION 5. COMMISSION CONSIDERATION OF GLITCH (ERRATA) AMENDMENTS

Section 553.73 (8)(b), F.S. The Commission may issue errata to the Code pursuant to the rule adoption procedures in Chapter 120 to list demonstrated errors in provisions contained within the Florida Building Code. The determination of such errors and the issuance of errata to the Code must be approved by a 75-percent supermajority vote of the Commission. For purposes of this paragraph, “errata to the Code” means a list of errors on current and previous editions of the Florida Building Code.

ATTACHMENT 7

COMMISSION ERRATA AND GLITCH AMENDMENTS REVIEW AND APPROVAL PROCESS 2023 CODE UPDATE PROCESS – 8TH EDITION (2023), FLORIDA BUILDING CODE (ADOPTED UNANIMOUSLY DECEMBER 12, 2023)

SECTION 1. ORGANIZATION OF TAC RECOMMENDATIONS FOR ERRATA AND GLITCH AMENDMENTS

For each technical code area (Accessibility, Code Administration, Electrical, Energy, Fire, Mechanical, Plumbing, Roofing, Special Occupancy, Structural, and Swimming Pool), TAC recommendations on proposed Glitch amendments will be organized on four consent agendas per TAC, as follows:

Consent Agenda 1: TAC recommends errata meet errata definition, and TAC recommends approval of errata As Submitted (AS); or TAC recommends errata meet errata definition, and TAC recommends approval of Errata As Modified (AM) by the TAC.

Consent Agenda 2: TAC recommends errata do not meet errata definition, and TAC recommends Denial; or TAC recommends errata meet errata definition, and TAC recommends Denial on the proposed Code text fix.

Consent Agenda 3: TAC recommends amendments meet glitch criteria, and TAC recommends approval of glitch amendments As Submitted (AS); or TAC recommends amendments meet glitch criteria, and TAC recommends approval of glitch amendments As Modified (AM) by the TAC.

Consent Agenda 4: TAC recommends amendments do not meet glitch criteria, and TAC recommends Denial; or TAC recommends amendments meet glitch criteria, and TAC recommends Denial on the proposed Code text fix.

Any Commissioner may pull any proposed errata or glitch amendment off of a “Consent Agenda Recommended for Approval” or a “Consent Agenda Recommended for Denial” for individual consideration based on public comment (submitted in writing or verbally).

SECTION 2. GLITCH (ERRATA) AMENDMENT CRITERIA

Pursuant to Section 553.73, F.S., in order for a proposed Code change to be accepted as a glitch amendment, it must fall within one of the following criteria:

Section 553.73 (8)(a), F.S. – The Commission may approve amendments that are needed to address:

7. Conflicts within the updated code;
8. Conflicts between the updated code and the Florida Fire Prevention Code adopted under chapter 633;
9. Unintended results from the integration of previously adopted amendments with the model code;
10. Equivalency of standards;
11. Changes to or inconsistencies with federal or state law; or
12. Adoption of an updated edition of the National Electrical Code if the commission finds that delay of implementing the updated edition causes undue hardship to stakeholders or otherwise threatens the public health, safety, and welfare.

Section 553.73 (8)(b), F.S. The Commission may issue errata to the Code pursuant to the rule adoption procedures in Chapter 120 to list demonstrated errors in provisions contained within the Florida Building Code. The determination of such errors and the issuance of errata to the Code must be approved by a 75-percent supermajority vote of the Commission. For purposes of this paragraph, “errata to the Code” means a list of errors on current and previous editions of the Florida Building Code.

SECTION 3. COMMISSION CONSIDERATION OF TAC’S RECOMMENDATIONS ON ERRATA AND GLITCH AMENDMENTS

CONSENT AGENDA 1 – QUALIFIES AS ERRATA AND APPROVE

Commission will vote that the errata on the consent agendas **meet** the definition of errata, and to **approve** the errata **As Submitted** or **As Modified** by the TAC.

- Public Comment on the TAC recommendations by technical code area.
- Commission will decide whether to pull any specific proposed errata for individual consideration by technical code area.
- Commission will vote to approve Consent Agenda of TAC recommendations as presented or as amended if any additional errata are pulled for individual consideration by technical code area.
- The vote is in favor of TAC recommendations regarding the proposed errata (the package of proposed errata meets the errata definition and should be approved).
- Commission will individually discuss and vote on all errata pulled for individual consideration (meets errata definition and the proposed code text to correct the error).

CONSENT AGENDA 2 – DOES NOT QUALIFY AS ERRATA AND DENY, OR QUALIFIES AS ERRATA AND DENY

Commission will vote that the errata on the consent agendas **do not** meet the definition of errata, and to **deny** the errata, or vote that the errata on the consent agendas **do** meet the definition of errata, and to **deny** the errata.

- Public Comment on the TAC recommendations by technical code area.
- Commission will decide whether to pull any specific proposed errata for individual consideration by technical code area.
- Commission will vote to approve Consent Agenda of TAC recommendations as presented or as amended if any additional errata are pulled for individual consideration by technical code area.
- The vote is in favor of TAC recommendations regarding the proposed errata (the package of proposed errata do not meet the definition of errata and should be denied).
- Commission will individually discuss and vote on all errata pulled for individual consideration (meets errata definition and the proposed code text to correct the error).

CONSENT AGENDA 3 – QUALIFIES AS A GLITCH AMENDMENT AND APPROVE

Commission will vote that the amendments on the consent agendas **are** glitch amendments, and to **approve** the amendments **As Submitted** or **As Modified** by the TACs.

- Public Comment on the TAC recommendations by technical code area.
- Commission will decide whether to pull any specific proposed glitch amendments for individual consideration by technical code area.

- Commission will vote to approve Consent Agenda of TAC recommendations as presented or as amended if any additional amendments are pulled for individual consideration by technical code area.
- The vote is in favor of TAC recommendations regarding the proposed glitch amendments (the package of proposed amendments meets the glitch criteria and should be approved by the TAC).
- Commission will individually discuss and vote on all amendments pulled for individual consideration (meets glitch criteria and the proposed code text to correct the glitch).

CONSENT AGENDA 4 – DOES NOT QUALIFY AS A GLITCH AMENDMENT AND DENY, OR QUALIFIES AS A GLITCH AMENDMENT AND DENY

Commission will vote that the amendments on the consent agendas **are not** glitch amendments, and to **deny** the amendment, or vote that the amendments on the consent agendas **are** glitch amendments, and to **deny** the amendments.

- Public Comment on the TAC recommendations by technical code area.
- Commission will decide whether to pull any specific proposed glitch amendments for individual consideration by technical code area.
- Commission will vote to approve Consent Agenda of TAC recommendations as presented or as amended if any additional amendments are pulled for individual consideration by technical code area.
- The vote is in favor of TAC recommendations regarding the proposed glitch amendments (the package of proposed amendments should be denied).
- Commission will individually discuss and vote on all amendments pulled for individual consideration (meets glitch criteria and the proposed code text to correct the glitch).

SECTION 4. GENERAL PROVISIONS

- Facilitator will serve as the moderator.
- One person speaks at a time.
- Limit your comment and be concise.
- Do not read lengthy prepared statements; Summarize and submit complete comment text for the record.
- Offer new points or state agreement with previous speakers; Please do not repeat what has been stated.
- The Commission wants to hear all view points, but not repeats of the same views.
- Comments will be limited to a maximum of three-minutes (3) per person.
- Facilitator will assist with process and groundrules.
- Facilitator will introduce **Consent Agenda 1** for those errata recommended by TACs as: **“Meets Definition of Errata and Approve As Submitted or As Modified,”** by technical code area.
- Public will be provided an opportunity for comment (3 Minutes/Person).
- Commissioners will decide which, if any, amendments to pull for individual consideration.
- Commission will vote to approve Consent Agenda of TAC recommendations as presented or as amended if any additional errata are pulled for individual consideration by technical code area.
- Facilitator will introduce **Consent Agenda 2** for those errata recommended by TACs as: **“Does Not Meet Definition of Errata and Deny, or Does Meet Definition of Errata and Deny”** by technical code area.

- Public will be provided an opportunity for comment (3 Minutes/Person).
- Commissioners will decide which, if any, errata to pull for individual consideration.
- Commission will vote to approve Consent Agenda of TAC recommendations as presented or as amended if any additional errata are pulled for individual consideration by technical code area.
- Facilitator will introduce **Consent Agenda 3** for those amendments recommended by TACs as: **“Meets the Glitch Criteria and Approve as Submitted,”** or **“Meets the Glitch Criteria and Approve as Modified”** by technical code area.
- Public will be provided an opportunity for comment (3 Minutes/Person).
- Commissioners will decide which, if any, amendments to pull for individual consideration.
- Commission will vote to approve Consent Agenda of TAC recommendations as presented or as amended if any additional amendments are pulled for individual consideration by technical code area.
- Facilitator will introduce **Consent Agenda 4** for those amendments recommended by TACs as: **“Does Not Meet the Glitch Criteria and Deny,”** or **“Meets the Glitch Criteria and Deny”** by technical code area.
- Public will be provided an opportunity for comment (3 Minutes/Person).
- Commissioners will decide which, if any, amendments to pull for individual consideration.
- Commission will vote to approve Consent Agenda of TAC recommendations as presented or as amended if any additional amendments are pulled for individual consideration by technical code area.

SECTION 5. ERRATA AND AMENDMENTS PULLED FOR INDIVIDUAL CONSIDERATION

- Commission will consider individually any errata and amendments pulled from the Consent Agendas.
- Facilitator will introduce each errata and amendment in turn.
- Proponents of proposed errata or amendment will speak first (3 Minutes/Person).
- Opponents of proposed errata or amendment will follow proponents (3 Minutes/Person).
- No point counter points.
- Groundrules for commenting apply (See Section 4).
- Clarifying questions by Commission members only.
- The Commission will vote either to approve or deny the errata or glitch amendment.
- Once a motion is on the floor, discussion is limited to Commission members except as allowed by the Chair.
- Motions require a $\geq 75\%$ favorable vote for approval; those with less than a 75% favorable vote, are deemed denied.