

**FLORIDA BUILDING COMMISSION  
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**Plenary Session**

**FEBRUARY 8, 2022**

**8:30 A.M.**

## **Minutes**

### **COMMISSIONERS PRESENT:**

James Schock, Chairman  
James Batts  
Michael Bourré  
David Compton  
Charles Fischer  
David Gilson  
Jeffery Gross

Rodney Hershberger  
David John  
Paul Jones  
Brian Langille  
Grey Marker  
Brad Schiffer  
Brian Swope

### **COMMISSIONERS NOT PRESENT:**

Donald Brown

### **STAFF PRESENT:**

Mo Madani  
Justin Vogel  
Thomas Campbell

Jim Hammers  
Sabrina Evans  
Marlita Peters

**Time: 8:30 a.m.**

Chairman Schock welcomed Commissioners, staff, and members of the public to the February 8, 2022, virtual plenary session of the Florida Building Commission via webinar and teleconference.

Chairman Schock stated the primary focus of the February meeting, in addition to considering regular procedural issues, updates and reports, is to decide on two declaratory statements and receive a briefing on binding interpretation #233

Chairman Schock stated that, as always, we will provide an opportunity for public comment on each of the Commission's substantive discussion topics. He advised that if anyone wanted to comment on a specific substantive Commission agenda item, that they please wait until the facilitator invites members of the public to speak at the appropriate times throughout the meeting. Chairman Schock stated that public input is welcome, but should be offered before there is a formal motion on the floor.

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

**Roll Call:**

Mr. Campbell performed roll call for the Florida Building Commission. A quorum was determined with 14 members present at roll call.

**Agenda Approval:**

Commissioner Bourré entered a motion to approve the agenda for today's meeting as posted. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 14 to 0.

**Approval of Previous Meeting Minutes for December 14, 2021:**

Commissioner Schiffer entered a motion to approve the minutes from December 14, 2021 as posted. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 14 to 0.

**Chairman's Discussion Issues and Recommendations:**

**TAC Appointments:**

### **Fire TAC**

Chairman Schock stated he was appointing Doug Edwards to the Fire TAC to replace Cheryl Edwards who is retiring. He thanked Cheryl for her years of service and Doug for agreeing to serve.

### **Structure TAC**

Chairman Schock stated he was appointing Jason Seals to the Structural TAC to replace Steve Orłowski who recently resigned from the TAC. He thanked Steve for his years of service and Jason for agreeing to serve.

### **Milestones:**

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

### **Executive Director Announcements and Discussions:**

Mr. Campbell provided the Commission information on the Bill Matrix and Relevant Bills with details on CS/HB 1702, SB 7042, and HB719.

### **Future Meetings:**

Mr. Campbell reminded everyone that the Commission's next meeting will be April 12, 2022 and conducted onsite at the Doubletree Riverside hotel in Jacksonville, Florida.

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

- April 12, 2022, Onsite, (Doubletree Riverside in Jacksonville, Florida)
- June 7, 2022, Webinar/Teleconference Virtual Meeting
- August 9, 2022. Webinar/Teleconference Virtual Meeting
- October 11, 2022, Onsite, Location TBD (Coincides with TAC meetings for Code Mods)
- December 13-14, 2022, Onsite, Location TBD (Code mod approval)

### **Florida Building Code, 8<sup>th</sup> Edition, (2023) Update-Workplan Status**

Mo Madani provided brief details on the status of the update to the Florida Building Code.

### **Motion:**

Commissioner Schiffer entered a motion to approve the updated Florida Building Code Workplan. Commissioner Compton seconded the motion. The motion was passed unanimously with a vote of 14 to 0.

### **Applications for Product (2020) and Entity Approval**

Commissioner Hershberger entered a motion for approval of the consent agenda of 14 product approval entities. Commissioner Compton seconded the motion. The motion was passed unanimously with a vote of 14 to 0.

Commissioner Hershberger entered a motion for approval of the consent agenda of 155 product approval applications. Commissioner Compton seconded the motion. The motion was passed unanimously with a vote of 14 to 0.

Mr. Campbell stated the members of the public will be offered an opportunity to comment on the consent agenda of 8 products with comments recommended for approval.

#### **Motion:**

Commissioner Hershberger entered a motion to approve the consent agenda of 8 products with comments recommended for approval for the 2020 code. Commissioner Compton seconded the motion. The motion was passed with a vote of 14 to 0.

Mr. Campbell stated the members of the public will be offered an opportunity to comment on the consent agenda of 3 products with comments recommended for conditional approval by DBPR staff.

#### **Motion:**

Commissioner Hershberger entered a motion to approve the consent agenda of 3 products with comments recommended for conditional approval for the 2020 code based on the conditions recommended by DPBR staff analysis and reflected in the posted documentation. Commissioner Compton seconded the motion. The motion was passed with a vote of 14 to 0.

### **Application for Accreditor and Advanced Course Approval**

Commissioner Bourré stated the Education POC did not receive for consideration any accreditor applications. The Education POC reviewed 3 advanced accredited courses and recommended conditional approval on 1084.0 and 1086.0 and approval on 1083.0.

#### **Motion:**

Commissioner Bourré entered a motion to conditionally approve advanced accredited courses 1084.0 and 1086.0. Commissioner Schiffer seconded the motion. The motion was passed unanimously with a vote of 14 to 0.

Commissioner Bourré entered a motion to approve advanced accredited course 1083.0. Commissioner Schiffer seconded the motion. The motion was passed unanimously with a vote of 14 to 0.

### **Administratively Approved Updated Courses**

Commissioner Bourré stated the Education POC reviewed 1 administratively approved self-affirmed updated course 1046.0.

#### **Motion:**

Commissioner Bourré entered a motion to conditionally approve of course 1046.0. Commissioner Schiffer seconded the motion. The motion was passed unanimously with a vote of 14 to 0.

### **Administratively Approved Updated Courses one Change**

Commissioner Bourré stated the Education POC reviewed 1 administratively approved self-affirmed updated course 939.1.

#### **Motion:**

Commissioner Bourré entered a motion to deny course 939.1 based on it containing more than one change. Commissioner Schiffer seconded the motion. The motion was passed unanimously with a vote of 14 to 0.

### **Legal Report**

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

Mr. Vogel stated he had no legal issues to report at this time.

### **Declaratory Statements**

Chairman Schock advised that Justin Vogel will serve as legal counsel and review the petitions.

### **DS 2021-064 by Pricilla Huff of Advanced Building Products, Inc.**

Mr. Vogel provided a brief description of the declaratory statement.

#### **Petitioner's Question:**

Does AMP product's manufactured for drainage and ventilation need to go through the product approval process to be approved by the Florida Building Code if they are not structural?

**Answer:**

The answer to the petitioner's question is no. Based on rules 61G20-3.001 Scope and 61G20-3.002 Definitions, the drainage and ventilation products in question are not structure products and therefore do not fall within the scope of the State product Approval program. However, these products must meet the requirements of the Florida Building Code and are subject to approval by the local authority having jurisdiction.

**Motion:**

Commissioner Hershberger entered a motion to approve the Product Approval POC's recommendation. Commissioner Compton seconded the motion. The motion was passed unanimously with a vote of 14 to 0.

**DS 2022-002 by Allen Douglas, ACEC-FL**

Mr. Vogel provided a brief description of the declaratory statement.

**Petitioner's Question:**

Pursuant to Sections 553.79 and 553.791, Florida Statutes, may a qualified private entity perform both private provider services and required threshold inspections on the same threshold building?

**Staff's Suggested Answer:**

Yes, Section 553.79(5)(a) Florida Statutes, does not prohibit an entity from both performing special inspections on a threshold building and private provider services for that building. A special inspector does not "serve as a surrogate" for carrying out the responsibilities of the building official merely by providing private provider services, since the local enforcing agency possesses and retains various oversight responsibilities and powers with respect to both special inspections and private provider services.

As long as an entity has the appropriate qualifications to offer private provider services and to perform threshold inspections, the provisions of section 553.79(5), Florida Statutes, do not prohibit that entity from performing both private provider services and threshold inspections on the same building.

**Motion:**

Commissioner Gilson entered a motion to approve the Code Administration TAC's recommendation on the Petition. Commissioner Schiffer seconded the motion. The motion was passed unanimously with a vote of 14 to 0.

**Binding Interpretation #233**

Mr. Madani provided a briefing on binding interpretation #233.

**Committee Reports and Recommendations:**

**Code Administration:**

Commissioner Gilson provided a brief summary of the Code Administration TAC's January 31, 2022 meeting.

Commissioner Gilson entered a motion to accept the report from the January 31, 2022 meeting. Commissioner Schiffer seconded the motion. The motion was passed unanimously with a vote of 14 to 0.

**Education Program Oversight Committee**

Commissioner Bourré provided a brief summary of the Education POC's February 1, 2022 meeting.

Commissioner Bourré entered a motion to accept the report from the February 1, 2022 meeting. Commissioner Schiffer seconded the motion. The motion was passed unanimously with a vote of 14 to 0.

**Product Approval Program Oversight Committee:**

Commissioner Hershberger provided a brief summary of the Product Approval POC's February 2, 2022 meeting.

Commissioner Hershberger entered a motion to accept the report from the February 2, 2022 meeting. Commissioner Compton seconded the motion. The motion was passed unanimously with a vote of 14 to 0.

**Commission Comment:**

None

**Public Comment:**

Christopher Dawson of Gray Robinson asked a clarifying question regarding the submission of errata.

Mr. Vogel provided an answer to Mr. Dawson's question along with Chairman Schock.

FBC Plenary Session

February 8, 2022

Page 8

**Adjournment:**

There were no further questions or comments, and Chairman Schock ended the training session at 9:22 a.m.