



**FLORIDA
BUILDING
COMMISSION**

"STRONGER CODES THROUGH SCIENCE AND CONSENSUS"



**FACILITATOR'S SUMMARY REPORT OF THE
FEBRUARY 13, 2024 FLORIDA BUILDING COMMISSION MEETING
WEB-BASED AND TELECONFERENCE VIRTUAL MEETING**

PROCESS DESIGN, CONSENSUS-BUILDING AND FACILITATION BY



**REPORT BY JEFF A. BLAIR
FACILITATED SOLUTIONS, LLC**

FacilitatedSolutionsJB@gmail.com
<http://facilitatedsolutions.org>

*This document is available in alternate formats upon request to DBPR, Florida Building Codes and Standards,
2601 Blair Stone Road, Tallahassee, FL 32399, (850) 487-1824*

FLORIDA BUILDING COMMISSION
FEBRUARY 13, 2024 FACILITATOR’S MEETING SUMMARY REPORT

TABLE OF CONTENTS

<i>TABLE OF CONTENTS</i>		<i>1</i>
<i>TABLE OF ATTACHMENTS</i>		<i>2</i>
I.	MEETING SUMMARY AND OVERVIEW	3
II.	CHAIR’S WELCOME	4
III.	COMMISSION ATTENDANCE	4
IV.	MEETING OBJECTIVES	5
V.	MINUTES APPROVAL	5
VI.	CHAIR’S DISCUSSION ISSUES AND RECOMMENDATIONS	6
VII.	EMERGENCY RULE EXTENSION CONSIDERATION	8
VIII.	WORKPLAN FOR 8TH. EDITION AND 9TH. EDITION, FBC APPROVAL	9
IX.	LETTERS OF CERTIFICATION OF EQUIVALENCE TO DOE	11
X.	ENERGY CODE COMPLIANCE SOFTWARE SUBMITTAL APPROVAL	12
XI.	PRODUCT AND ENTITY APPROVALS	12
XII.	ACCREDITOR AND COURSE APPROVALS	13
XIII.	ACCESSIBILITY WAIVER APPLICATIONS	14
XIV.	LEGAL REPORT	14
XV.	PETITIONS FOR DECLARATORY STATEMENTS	14
XVI.	PRODUCT APPROVAL COMPLAINT	15
XVII.	COMMITTEE REPORTS AND RECOMMENDATIONS	16
XVIII.	COMMISSION AND GENERAL PUBLIC COMMENT	18
IX.	NEXT MEETING OVERVIEW AND ASSIGNMENTS	18

<i>ATTACHMENTS</i>	19 - 32
1. MEETING EVALUATION RESULTS.....	19
2. COMMISSION MEETING AGENDA	21
3. KEY TO COMMON ABBREVIATIONS	23
4. COMMISSION HISTORY AND OVERVIEW	24
5. UPDATED MEETING SCHEDULE AND WORKPLAN FOR 8 TH EDITION (2023), FBC	26
6. WORKPLAN FOR DEVELOPMENT OF THE 9 TH EDITION (2026), FBC	30

Florida Peninsula – From Space



FLORIDA BUILDING COMMISSION
FEBRUARY 13, 2024 FACILITATOR'S MEETING SUMMARY REPORT



OVERVIEW OF COMMISSION'S KEY ACTIONS AND DECISIONS
TUESDAY, FEBRUARY 13, 2024

I. PLENARY SESSION SUMMARY AND OVERVIEW

The Commission conducted their February 13, 2024 Plenary Session as web-based and teleconference virtual meeting. At the February meeting the Commission considered and decided on Chair's issues and recommendations, 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 promulgation of an Emergency Rule to delay the provisions of Section 718, Florida Building Code, Plumbing, 8th Edition (2023), upon Expiration of Emergency Rule 61G20ER23-3, F.A.C. for at least three-months from April 1 - June 30, 2024; **2)** Initiate rulemaking pursuant to subsection 557.79(9)(a), F.S., the annual technical amendment process, and to delegate authority to Mo Madani to sign rulemaking documents on behalf of the Commission; **3)** Approve the updated Workplan and Schedule for development of the 8th Edition (2023), Florida Building Code; **4)** Approve the Draft Workplan for development of the 9th Edition (2026), Florida Building Code; **5)** Select the 2024 I-Codes once finalized by the ICC, and the 2024 NEC as the model codes for conducting the Commission's model code update review process for development of the 9th Edition (2026), Florida Building Code; **6)** Send a Letter of Certification of Equivalence to DOE certifying the equivalence of the 8th Edition (2023), Florida Building Code, Energy Conservation's commercial building provisions to ASHRAE 90.1-2019; **7)** Send a Letter of Certification of Equivalence to DOE certifying that the residential building provisions of the 8th Edition (2023), Florida Building Code, Energy Conservation meet or exceed the 2021 International Energy Conservation Code (IECC), for low-rise residential buildings; **8)** Approve Energy Code Compliance Software for the 8th Edition (2023) Florida Building Code, Energy Conservation, specifically Integrated Environmental Solutions', IESVE Software 2023 for demonstrating compliance with commercial building energy requirements using the ASHRAE 90.1-2019 appendix G Performance Rating Method; and **9)** Not to initiate an investigation and to dismiss the complaint regarding FL 22267 and FL 17897.5, E.S. Windows, Inc.

(Attachment 1 – Meeting Evaluation Results)

II. CHAIR’S WELCOME

Chairman Bourré welcomed the Commission, DBPR staff, and the public to the February 13, 2024 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 February 13, 2024 meeting was to approve an Energy Code compliance software submittal, and approve letters of Certification of Equivalence to the U.S Department of Energy (DOE) for the 8th Edition (2023), Florida Building Code, Energy Conservation for the residential and commercial provisions of the Code.

The Chair explained, as always the Commission would provide an opportunity for public comment on each of the Commission’s substantive discussion topics. Chairman Bourré 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 February 13, 2024 virtual meeting:

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

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

Absent Commissioners:

Jeff Gross.

DBPR STAFF PARTICIPATING

Sabrina Evans, Jim Hammers, Mo Madani, Marlita 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 and Decide on Chair's Discussion Issues and Recommendations.
- To Consider Whether to Approve the Promulgation of an Emergency Rule to Delay the Provisions of Section 718, Florida Building Code, Plumbing, 8th Edition (2023), upon Expiration of Emergency Rule 61G20ER23-3, F.A.C.
- To Receive an Update and Approve the Updated Florida Building Code, 8th Edition (2023), Workplan.
- To Receive an Overview and Approve the Draft Florida Building Code, 9th Edition (2026), Workplan.
- To Receive and Consider Letter of Certification of Equivalence to DOE – The 8th Edition (2023) Florida Building Code, Energy Conservation to ASHRAE 90.1 – 2019
- To Receive and Consider Letter of Certification of Equivalence to DOE - the residential energy building code “8th Edition (2023) Florida Building Code, Energy Conservation” to the updated edition of the 2021 International Energy Conservation Code (IECC).
- To Review and Approve Energy Compliance Software for Compliance with the Florida Building Code, 8th Edition (2023), Energy Conservation.
- To Consider and Decide on Applications for Product Approval and Entity Approval
- To Consider and Decide on Applications for Accreditor and Course Approval.
- To Consider and Decide on Applications for Waiver from Accessibility Requirements.
- To Receive a Legal Report Briefing.
- To Consider and Decide on Petitions for Declaratory Statements.
- To Consider and Decide on Complaint by PGT Regarding FL 22267 and FL 17897.5 E.S. Windows, Inc.
- To Receive and Accept on Reports and Recommendations from Committees.
- To Hear Public Comment.
- To Identify Needed Next Steps, Assignments, and Agenda Items for Next Meeting (April 16, 2024, Onsite meeting – Doubletree by Hilton at the Entrance to Universal Orlando).

Commission Action:

MOTION – The Commission voted unanimously, 15 - 0 in favor, to approve the agenda for the February 13, 2024 meeting as amended.

(Attachment 2 – February 13, 2024 Commission Agenda)

V. APPROVAL OF THE DECEMBER 12, 2023 AND DECEMBER 28, 2023 MEETING MINUTES AND FACILITATOR’S SUMMARY REPORTS

The Chair asked whether there were any corrections or additions to the posted December 12, 2023 and/or December 28, 2023 Meeting Minutes and/or Facilitator’s Summary Reports 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, 15 - 0 in favor, to approve the December 12, 2023 and December 28, 2023 Meeting Minutes and Facilitator’s Summary Reports as posted/presented.

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

VI. CHAIR’S DISCUSSION ISSUES AND RECOMMENDATIONS

A) Appointments

Vice Chair

Chairman Bourré appointed Jim Schock to serve as the Commission’s vice chair, and thanked him for agreeing to serve, and for his leadership as the Commission’s first elected chair (Jan. 2021 – Dec. 2023).

Code Administration TAC

- The Chair stepped down from the Code Administration TAC, appointed Jim Schock to serve on the TAC, and thanked him for agreeing to serve.

Education POC

- The Chair stepped down from the Education POC, appointed Brian Langille to replace him as chair, added Jim Schock to the POC, and thanked Brian and Jim for agreeing to serve..

Hurricane Research Advisory Committee

- The Chair reported that he will serve as chair of the HRAC.

Structural TAC

The Chair stepped down from the Structural TAC, appointed Jim Schock to serve on the TAC, and thanked Jim for agreeing to serve.

B) Congratulations to Tom Campbell

On behalf of the Commission, the Chair congratulated Tom Campbell, the Commission’s previous Executive Director, for his recent appointment as Director of DBPR’s Division of Professions. Professions is in charge of overseeing all of DBPR’s many boards, including the Florida Building Commission. The Chair congratulated Tom on his well-deserved promotion, and indicated the Commission looks forward to working with him in his new role.

C) Future Commission Meeting Dates

The Chair reported that the Commission’s next meeting is April 16, 2024, Onsite, in conjunction with the ICC Annual meeting – Doubletree by Hilton at the Entrance to Universal Orlando (Rule workshop for milestone inspection requirements, and final action on the proposed errata and glitch amendments). Following are the dates for the remaining regular bimonthly Commission meetings scheduled for 2024:

- 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)

D) Updated Commission Milestones

The Chair reminded participants that the Updated Commission Milestones document (updated as of December 28, 2023) is linked to the February 13, 2024 FBC Agenda on the BCIS.

E) Legislative Update – Bills Impacting Commission

Mo Madani provided an overview of pending legislation (bills) impacting the Commission and/or the Florida Building Code as follows:

HB 267 (SB 648 Similar) – Residential Building Permits (Building Regulations)

Requires certain local governing bodies to create a program to expedite the process for issuing residential buildings permits; Removes provisions relating to acquiring building permits for certain residential dwellings; requires local jurisdiction to reduce permit fees; revises timeframes for approving or denying building permits; specifies when permit application is deemed complete & sufficient; requires opportunity for in-person or virtual meeting before second request for additional information may be made; reduces permit fees if certain timeframes are not met; specifies that permit requirements apply to single-family residential units and single-family residential dwellings; requires that local governments follow prescribed timeframes unless local ordinance is more stringent.

Requiring the Florida Building Commission to modify the Florida Building Code provisions to exempt replacement windows, doors, or garage doors in an existing building from sealed drawing.

Providing for reverting the definition for wind-borne debris region to that of the 7th Edition (2020) Florida Building Code, Residential.

SB 44 – Public Restroom Requirements

Requires Florida Building Commission to adopt requirements in Florida Building Code for certain public restroom facilities constructed or renovated after specified date.

HB 557 – Movable Tiny Homes

Amends s. 320.01, F.S.; 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.

SB 496 – Low Voltage Alarm System Projects

Amends S. 553.793, F.S.; Specifies that nonelectric fence or wall must enclose the outside perimeter of a low-voltage electric fence; permits low-voltage electric fences to be installed in areas within more than one zoning category; prohibits local governments from adopting or maintaining certain ordinances or rules that provide additional requirements for low-voltage alarm system projects.

HB 579 – Use of Private Providers for Plans Review and Inspection

Modifies provisions relating to the use of private providers for plans review and building inspection, including requiring those who use architect/engineers as agents/employees of private provider firms to qualify the business organization in accordance with their practice act. Authorizes owner or contractor to file complaint with Department of Commerce against local jurisdiction if certain fees are not reduced. Requires local building official to issue permit or provide specified written notice within certain time period.

HB 749 (SB 1766) – Flood Damage Prevention

Provides maximum voluntary freeboard requirements for new construction and substantial improvements to existing construction; prohibits voluntary freeboard from being used in calculation

of maximum allowable height for certain construction; authorizes local governments to adopt by ordinance minimum freeboard requirement or maximum voluntary freeboard that exceeds minimum requirements; requires Florida Building Commission to adopt by rule minimum freeboard requirements and to incorporate such requirements into next edition of FBC; requires commission to review freeboard requirements every 5 years.

SB 1130 (HB 1185) – Florida Building Code

Requires certain unvented attics and enclosed rafter assemblies to meet certain code requirements and for these provisions to be adopted into the Florida Building Code.

HB 1647 (HB 1526) – Local Regulation of Nonconforming and Unsafe Structures

Prohibits local governments from restricting or preventing demolition of certain structures and buildings; authorizes local government to review application for demolition permit; requires replacement structures to be developed in accordance with local development regulations; provides severability; preempts certain regulation to state.

VII. CONSIDERATION OF EXTENSION OF EMERGENCY RULE 61G20ER23-3, F.A.C.

Chairman Bourré noted that at the December 28, 2023 Emergency Meeting of the Commission the Commission considered a Petition for Emergency Rulemaking from Buchanan Ingersoll & Rooney representing Advanced Pace Technologies LLC d/b/a Advanced Plumbing Technology (“APT”) to delay provisions of Section 718 of the Florida Building Code, Plumbing, 8th Edition (2023).

The Commission voted unanimously to initiate emergency rule making pursuant to subsection 120.54(4), F.S., delaying the implementation of Section 718 of the Florida Building Code, Plumbing, 8th Edition (2023) for at least three-months from December 31, 2023 to March 30, 2024, and adopt proposed Rule 61G20ER23-3 – Effective Date for Section 718 Building Sewer and Drain Rehabilitation Requirements, based on the Findings and Rationale provided in the draft emergency rule language provided by DBPR.

For the February 2204 meeting the Commission was asked to consider promulgating a new Emergency Rule in order to extend the effects of Emergency Rule 61G20ER23-3, F.A.C. for an additional three months, once that rule expires.

The Chair reminded the Commission that the discussions would be limited to the merits of extending the effects of the Emergency Rule approved on December 28, 2023. The Emergency Rule approved by the Commission does not address the technical or any substantive aspects of the Code provision, and only addresses a delay in the implementation date for the Code provision pending further evaluation of the issue including a recommendation from the Plumbing TAC regarding the relevant Code provisions.

The technical issues will be evaluated by the TAC during the Glitch process meetings held on February 21-22, 2024 to consider the additional comments that were submitted late, and will subsequently be considered and decided on by the Commission during the April 16, 2024 meeting.

Jeff Blair reviewed the Procedural Sequencing the Commission used for consideration of extending the effects of the Emergency Rule as follows:

- 1) DBPR rules attorney, Bob Ehrhardt, acting as the Commission’s legal counsel addressed the Commission regarding extending the effects of the Emergency Rule.

- 2) Mo Madani, the Commission’s Technical Director, answered any technical questions the Commission had.
- 3) Commissioner Clarifying Questions.
- 4) Public Comment (3 minutes per person).
- 5) Chair’s Summary of Options for Commission Action (Motions).
- 6) Commission Discussion and Decision Regarding extending the effects of the Emergency Rule.

The Chair explained there were two options for the Commission to consider regarding whether to extend the effects of the Emergency Rule, as follows:

- **Option 1:** To approve the Promulgation of an Emergency Rule to Delay the Provisions of Section 718, Florida Building Code, Plumbing, 8th Edition (2023), upon Expiration of Emergency Rule 61G20ER23-3, F.A.C. for at least three-months from April 1 - June 30, 2024.
- **Option 2:** To not approve the Promulgation of an Emergency Rule to Delay the Provisions of Section 718, Florida Building Code, Plumbing, 8th Edition (2023), upon Expiration of Emergency Rule 61G20ER23-3, F.A.C.

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 approve the Promulgation of an Emergency Rule to Delay the Provisions of Section 718, Florida Building Code, Plumbing, 8th Edition (2023), upon Expiration of Emergency Rule 61G20ER23-3, F.A.C. for at least three-months from April 1 - June 30, 2024.

VIII. 8TH. EDITION (2023), AND 9TH. EDITION (2026), FLORIDA BUILDING CODE WORKPLAN DEVELOPMENT UPDATES

A) CONSIDERATION OF WHETHER TO INITIATE RULEMAKING FOR A PROPOSED TECHNICAL ANNUAL AMENDMENT

Chairman Bourré reported that the Structural TAC met on January 24, 2024 to review proposed errata and glitch comments and is recommending the Commission determine the best format for evaluating proposed glitch amendment *S-FBC-B-Ch. 2 – Glitch #1* (Proposed change to “Wind-Borne Debris” definition). The TAC determined the proposed glitch amendment did not meet the glitch criteria, but the issue should be referred to the Commission for further consideration.

Staff is recommending, after consultation and agreement from me, that the issue should be evaluated in terms of technical, legal, policy, and economic considerations, and the best format to do so is to initiate rulemaking pursuant to subsection 557.79(9)(a), F.S., the annual technical amendment process.

The Chair stated that the Commission has gone through a deliberative process with extensive opportunities for public comment and engagement during the development of the 8th. Edition (2023) Code, and they were recommending initiation of the annual technical amendment process to address the single issue of the proposed change to the term “Wind-Borne Debris” in the Updated Code. The Chair made it clear that the Commission is not encouraging any additional amendments during this proposed annual technical amendment process

Following are the sequence of steps followed for the Commission’s consideration regarding whether to initiate an annual technical amendment rulemaking initiative:

- Justin Vogel provided a legal analysis regarding the annual technical amendment process.
- Mo Madani reviewed the Workplan and Schedule proposed for the annual technical amendment rulemaking initiative.
- Commissioners were provided an opportunity to ask clarifying questions of staff.
- A Public comment opportunity was provided.
- Commission discussion and decision on whether to initiate rulemaking pursuant to the annual technical amendment procedures.

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

Commission Actions:

MOTION – The Commission voted unanimously, 15 – 0 in favor, to initiate rulemaking pursuant to subsection 557.79(9)(a), F.S., the annual technical amendment process, and to delegate authority to Mo Madani to sign rulemaking documents on behalf of the Commission.

(Attachment 5 – 2023 Code Update Workplan and Schedule)

B) 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 – Approved 2023 Code Update Workplan and Schedule)

C) 9TH EDITION (2026), FLORIDA BUILDING CODE DEVELOPMENT WORKPLAN

Mo Madani provided the Commission with a Draft Workplan for development of the 2026 Code Update Process – 9th Edition (2026), 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 select the 2024 I-Codes once finalized by the ICC, and the 2024 NEC as the model codes for conducting the Commission’s model code update review process for development of the 9th Edition (2026), Florida Building Code.

MOTION – The Commission voted unanimously, 15 – 0 in favor, to approve the Workplan for development of the 9th Edition (2026), Florida Building Code.

(Attachment 6 – Approved 2026 Code Update Workplan)

IX. LETTERS OF CERTIFICATION OF EQUIVALENCE TO DOE

The Chair indicated that with each Code Update states are required to certify that their energy codes are equivalent to the national code, and they are also required to certify equivalence within two years of the DOE updating the national code. With the adoption of the 2023 Florida Building Code Florida must certify that the 8th Edition (2023), Florida Building Code, Energy Conservation's commercial building provisions are equivalent to ASHRAE 90.1 – 2019. FSEC has done the analysis regarding the equivalence of Florida's Code to ASHRAE 90.1 – 2019, and based on the FSEC analysis, the Commission's staff concluded that that the deviations of the 8th Edition (2023) [FBC, Energy Conservation] from the ASHRAE 90.1-2019 Standard are quite small (by about 0.45 percent). Hence, the [8th Edition (2023) FBC, Energy Conservation] overall, for all practical purposes, may be considered equivalent to the original ASHRAE 90.1-2019.

In addition, the Energy TAC reviewed the analysis and accepted the research project report, and based on that action they provided a recommendation that the Commission send a Letter of Certification of Equivalence to the Department of Energy (DOE) by the required deadline.

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

Commission Action:

MOTION – The Commission voted unanimously, 15 - 0 in favor, to send a Letter of Certification of Equivalence to DOE certifying the equivalence of the 8th Edition (2023), Florida Building Code, Energy Conservation's commercial building provisions to ASHRAE 90.1-2019.

The Chair stated that with adoption of the 2023 Florida Building Code Florida must certify that the 8th Edition (2023), Florida Building Code, Energy Conservation's residential building provisions meet or exceed the 2021 International Energy Conservation Code (IECC), for low-rise residential buildings. FSEC has done the analysis supporting the equivalence of Florida's Code to the 2021 IECC. The FSEC analysis indicated that the 2023 FBC- EC was shown to somewhat exceed the stringency of the 2021 IECC on an overall basis.

In addition, the Energy TAC reviewed the analysis and accepted the research project report, and based on that action they provided a recommendation that the Commission send a Letter of Certification of Equivalence to the Department of Energy (DOE) by the required deadline.

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

Commission Action:

MOTION – The Commission voted unanimously, 15 - 0 in favor, to send a Letter of Certification of Equivalence to DOE certifying that the residential building provisions of the 8th Edition (2023), Florida Building Code, Energy Conservation meet or exceed the 2021 International Energy Conservation Code (IECC), for low-rise residential buildings.

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

Chairman Bourré explained that with adoption of each Edition of the Code the Commission is required to approve Energy Code compliance software for demonstrating compliance with the Updated Code.

For the February 2024 meeting the Commission was asked to approve an Energy Compliance Software submittal for demonstrating compliance with the 8th Edition (2023) Florida Building Code – Energy Conservation, specifically IESVE Software Version 2023 for demonstrating compliance with commercial building energy requirements using the ASHRAE 90.1-2019 Appendix G Performance Rating Method.

The Energy TAC met on January 23, 2024 to review the submittal and recommended approval.

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

Commission Actions:

MOTION– The Commission voted unanimously, 15 - 0 in favor, to approve Energy Code Compliance Software for the 8th Edition (2023) Florida Building Code, Energy Conservation, specifically Integrated Environmental Solutions’, IESVE Software 2023 for demonstrating compliance with commercial building energy requirements using the ASHRAE 90.1-2019 appendix G Performance Rating Method.

XI. APPLICATIONS FOR PRODUCT AND ENTITY APPROVAL

Commissioner Hershberger presented the Product Approval Program Oversight Committee’s recommendations for the consent agenda of entities recommended for approval to the 2023 Code, the consent agenda of products recommended for approval to the 2023 Code, and the supplemental consent agendas of products recommended for approval to the 2023 Code, each in turn.

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 (17) as posted/presented.

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 (362) recommended for approval to the 2023 Code as amended*.

**FL 22668-R5 and FL 22219 were pulled from the consent agenda by the POC for individual consideration.*

MOTION– The Commission voted unanimously, 15 - 0 in favor, to approve approval Supplemental Consent Agenda #1 (1 product: FL 9190-R11), and Supplemental Consent Agenda #2 (8 products: FL 1365-R10, FL 9190-R11, FL 17867-R4, FL 25870-R2, FL 29956-R2, FL 39785-R2, FL 41960-R1, and FL 45964) recommended for approval to the 2023 Code as reflected in the posted documentation, as posted/presented.

Jeff Blair presented the Product Approval Program 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 the 2 products pulled from the consent agenda and recommended for conditional approval based on the conditions recommended by DBPR staff and reflected in the posted documentation (FL 22668-R5 and FL 22219).

Jeff Blair presented the Product Approval Program 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 approval the product approval applications to the 2023 Code with comments recommended for approval (4) as reflected in the posted documentation (FL 44610, FL 44611, FL 45923, and FL 46074).

MOTION – The Commission voted unanimously, 15- 0 in favor, to conditionally approve the products recommended for conditional approval (7) to the 2023 Code based on the conditions recommended by DBPR staff and reflected in the posted documentation (FL 16921-R5, FL 17080-R5, FL 26095-R6, FL 44037, FL 46083, FL 46130, and FL 46179).

Commission Actions Regarding DBPR Applications:

There was no Commission action required regarding the February 2024 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*)

XII. APPLICATIONS FOR ACCREDITOR AND COURSE APPROVAL

Commissioner Langille 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 (19): 1212.0, 1211.0, 1194.0, 1204.0, 1205.0, 1206.0, 1192.0, 1184.0, 1154.0, 1227.0, 1228.0, 1220.0, 1222.0, 1218.0, 1213.0, 1215.0, 1232.0, 1233.0, and 1155.0.

MOTION – The Commission voted unanimously, 15 – 0 in favor, to conditionally approve for compliance with Rule 61G20-6.002, advanced accredited course numbers (8): 1196.0, 1208.0, 1209.0, 1210.0, 1180.0, 1221.0, 1224.0, and 1226.0.

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): 881.2.

MOTION – The Commission voted unanimously, 15 – 0 in favor, to approve administratively self-affirmed with one change updated course number (1): 775.1.

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 numbers (4): 594.4, 531.3, 292.3, and 163.3.

XIII. 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. Shalimar Beach Resort – Waiver 656** – 2823 W. Gulf Drive, Sanibel 33957
MOTION – The Commission voted unanimously, 15 – 0 in favor, to deny the waiver for vertical accessibility to the second floor since the project in question is new construction.
- 2. Soca Cafe – Waiver 654** – 239 SW 9 St Suite 101, Miami 33174
MOTION – The Commission voted unanimously, 15 – 0 in favor, to grant the waiver for vertical accessibility to the mezzanine on the grounds of economic hardship.
- 3. DOXA Academy – Waiver 653** – 111 Scott St., Melbourne 32901
MOTION – The Commission voted unanimously, 15 – 0 in favor, to grant the waiver for vertical accessibility to the second floor on the grounds of economic hardship.
- 4. 141 NE 24, LLC – Waiver 623** – 141 NE 24th Street, Miami 33137
MOTION – The Commission voted unanimously, 15 – 0 in favor, to grant the waiver for vertical accessibility to the mezzanine on the grounds of economic hardship.

XIV. 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 February 2023 meeting.

XV. 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 2023-044 by Jeffery Arneson of Jax Apenx Technology, Inc**
Motion – The Commission voted unanimously, 15 - 0 in favor, to approve the Structural TAC's recommendation on the Petition, to adopt staff's analysis regarding the questions presented in the Petition.
- 2. DS 2023-046 by Jack Butler of Butler & Butler, LLC**
Motion – The Commission voted unanimously, 15 - 0 in favor, to accept the withdrawal of DS 2023-046 by Jack Butler of Butler & Butler, LLC.
- 3. DS 2023-053 by Jack Butler of Butler & Butler, LLC**
Chairman Bourré stated that based on legal staff's recommendation, and after hearing from BORA and the Petitioner, he was granting BORA's request to intervene with regards to the Petition.
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.

XVI. COMPLAINT BY PGT REGARDING FL 22267 AND FL 17897.5, E.S. WINDOWS

The Chair explained that a complaint was filed by PGT Innovations with regard to product approval numbers FL 22267 and FL 17897.5. These products are manufactured by E.S. Windows, LLC. The Product Approval POC heard the complaint and subsequently determined that there was not substantial material evidence submitted of possible violations of the Product Approval Rule, and the POC is recommending that the Commission not to initiate an investigation of FL 22267 and FL 17897.5, E.S. Windows, Inc.

Following are the sequence of steps followed for the Commission's review of the complaint:

- 1) Justin Vogel, the Commission's legal counsel discussed the legal framework for reviewing complaints within the product approval program.
- 2) An opportunity for clarifying questions on the legal framework was provided (Commissioners, PGT Innovations' Representative, E.S. Windows' Representative).
- 3) An opportunity for the complainant (Daniel DeLeo, PGT Innovations' attorney) to present the complaint was provided.
- 4) An opportunity for Commission member clarifying questions was provided.
- 5) An opportunity for the respondent (Phillip Hudson, E.S. Windows' attorney) response to the complaint was provided.
- 6) An opportunity for Commission member clarifying questions was provided.
- 7) Mo Madani, DBPR Staff, was provided with an opportunity to provide the Commission with relevant information from *Staff's General Notes*.
- 8) An opportunity for clarifying questions on staff's input was provided (Commissioners, PGT Innovations' Representative, E.S. Windows' Representative).
- 9) An opportunity for public comment was provided.
- 10) Commission discussion and action on the complaint regarding FL 22267 and FL 17897.5, E.S. Windows, Inc.

Justin Vogel, the Commission's legal counsel reviewed the provisions of Rule 61G20-3.013 (2)(a) (Revocation or Modification of Product Approvals and Entity Certifications) regarding revocation or suspension of Commission approved entities, and the basis for which a violation of applicable provisions of the Product Approval Program by a Commission approved entity can be evaluated. Justin indicated that the most probable relevant section to review for a possible violation of the Rule was subsection (6) "Determination that the product was approved based on misrepresentations in the application for approval."

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, 14 – 0* in favor, not to initiate an investigation and to dismiss the complaint regarding FL 22267 and FL 17897.5, E.S. Windows, Inc.

* *Commissioner Hersbberger abstained from the discussions and from voting, and filed a memorandum of voting conflict stating that he is the Chairman of the Board of Directors for PGT Innovations.*

XVII. COMMITTEE REPORTS AND RECOMMENDATIONS

Chairman Bourré 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 February 13, 2024 Agenda on the BCIS.

Accessibility 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 (January 25, 2024).

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 (January 25, 2024).

Education POC

Commissioner Langille 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 (February 5, 2024).

Energy TAC

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

Commission Action:

MOTION – The Commission voted unanimously, 15 – 0 in favor, to accept the TAC's reports as presented/posted (January 23, 2024 and February 9, 2024).

Existing Building Inspection Workgroup

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

Commission Action:

MOTION – The Commission voted unanimously, 15 – 0 in favor, to accept the Workgroup's report as presented/posted (January 8, 2024).

Fire TAC

Commissioner Schiffer 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 (January 25, 2024).

Mechanical TAC

Commissioner John 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 (January 23, 2024).

Plumbing TAC

Commissioner Schilling 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 (January 25, 2024).

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 (February 5, 2024).

Roofing 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 (January 23, 2024).

Special Occupancy 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 (January 23, 2024).

Structural TAC

Commissioner Compton 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 (January 24, 2024).

Swimming Pool TAC

Commissioner Batts 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 (January 24, 2024).

XVIII. COMMISSION MEMBER COMMENTS AND ISSUES

Chair Bourré invited Commission members to offer any general comments to the Commission, or identify any issues or agenda items for the next Commission meeting.

Commissioner Comments:

- None were offered.

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

Public Comments:

- Dallas Thiesen, FSPA: asked whether the swimming pool related glitch/errata that were submitted late would be taken up by the Swimming Pool TAC, and whether the Glitch amendment that failed to achieve a recommendation from the TAC and was deemed denied would also be heard by the TAC.
- Mo Madani, DBPR: responded that the glitch/errata submitted late would be taken up by the TAC during the February 21, 2024 Swimming Pool TAC meeting, and the Glitch that was deemed denied would not be taken up again by the TAC, but would be taken up by the Commission during their April 16, 2024 meeting.

XX. NEXT COMMISSION MEETING OVERVIEW AND ASSIGNMENTS

The April 16, 2024 meeting will focus on the Commission’s regular procedural and substantive issues, and a rule workshop for milestone inspection requirements, and final action on proposed errata and glitch amendments. The April 2024 meeting will be conducted onsite, at the Doubletree by Hilton at the Entrance to Universal Orlando.

(Attachment 5 – Commission Meeting Schedule)

STAFF ASSIGNMENTS FROM THE FEBRUARY 13, 2024 COMMISSION MEETING

- There were no specific assignments not covered in the Commission’s actions on relevant agenda items.

ADJOURNMENT

The Chair thanked Commission members, staff and the public for their participation, and adjourned the meeting at 11:09 a.m. on Tuesday, February 13, 2024.

ATTACHMENT 1
FLORIDA BUILDING COMMISSION MEETING EVALUATION RESULTS

FEBRUARY 13, 2024 – VIRTUAL MEETING

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

1. OVERALL MEETING ASSESSMENT.

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

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

- 10.0 Chair's Discussion Issues/Recommendations.
- 10.0 Extension of the Effects of Emergency Rule 61G20ER23-3, F.A.C. Decision.
- 10.0 Annual Technical Amendment Rulemaking Decision.
- 10.0 8th. Edition (2023) Workplan Update Approval.
- 10.0 9th. Edition (2026) Draft Workplan Approval.
- 10.0 Letters of Certification of Equivalence to DOE for 8th. Ed. (2023) Energy Code Approval.
- 10.0 Energy Compliance Software for the FBC, 8th. Ed. (2023), Energy Conservation Approval.
- 10.0 Applications for Products and Product Approval Entities Approvals.
- 10.0 Applications for Accreditor and Course Approvals.
- 10.0 Applications for Waivers from Accessibility Requirements Decisions.
- 10.0 Legal Report.
- 10.0 Petitions for Declaratory Statements Decisions.
- 10.0 Complaint by PGT Regarding FL 22267 and FL 17897.5 E.S. Windows Decision.
- 10.0 TAC, POC, Committee, and Workgroup Reports and Recommendations.

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

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

4. COMMISSIONERS LEVEL OF SATISFACTION WITH THE MEETING.

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

5. HOW WELL THE NEXT STEPS WERE COMMUNICATED.

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

6. WHAT COMMISSIONERS LIKED BEST ABOUT THE MEETING.

- Well run by Chairman Bourré and Jeff Blair.
- Moved quickly with very little down time.
- Always a well-run meeting.

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

- It was great.
- None.
- I am happy with the way it is.

COMMENTS ON SPECIFIC EVALUATION TOPICS.

- None were offered.

ATTACHMENT 2
FEBRUARY 13, 2024 MEETING AGENDA

FLORIDA BUILDING COMMISSION
PLENARY SESSION
VIRTUAL MEETING

MEETING OBJECTIVES

- ✓ To Approve Regular Procedural Topics (Agenda and Minutes).
- ✓ To Consider and Decide on Chair's Discussion Issues and Recommendations.
- ✓ To Consider Whether to Approve the Promulgation of an Emergency Rule to Delay the Provisions of Section 718, Florida Building Code, Plumbing, 8th Edition (2023), upon Expiration of Emergency Rule 61G20ER23-3, F.A.C.
- ✓ To Receive an Update and Approve the Updated Florida Building Code, 8th. Edition (2023), Workplan.
- ✓ To Receive an Overview and Approve the Draft Florida Building Code, 9th. Edition (2026), Workplan.
- ✓ To Receive and Consider Letter of Certification of Equivalence to DOE – The 8th. Edition (2023) Florida Building Code, Energy Conservation to ASHRAE 90.1 – 2019
- ✓ To Receive and Consider Letter of Certification of Equivalence to DOE - the residential energy building code “8th. Edition (2023) Florida Building Code, Energy Conservation” to the updated edition of the 2021 International Energy Conservation Code (IECC).
- ✓ To Review and Approve Energy Compliance Software for Compliance with the Florida Building Code, 8th Edition (2023), Energy Conservation.
- ✓ To Consider and Decide on Applications for Product Approval and Entity Approval
- ✓ To Consider and Decide on Applications for Accreditor and Course Approval.
- ✓ To Consider and Decide on Applications for Waiver from Accessibility Requirements.
- ✓ To Receive a Legal Report Briefing.
- ✓ To Consider and Decide on Petitions for Declaratory Statements.
- ✓ To Consider and Decide on Complaint by PGT Regarding FL 22267 and FL 17897.5 E.S. Windows, Inc.
- ✓ To Receive and Accept on Reports and Recommendations from Committees.
- ✓ To Hear Public Comment.
- ✓ To Identify Needed Next Steps, Assignments, and Agenda Items for Next Meeting (April 16, 2024, Onsite meeting – Doubletree by Hilton at the Entrance to Universal Orlando).

COMMISSION AND COMMITTEES — ON SITE & VIRTUAL MEETINGS

January 8, 2024	9:00 a.m.	Existing Building Inspection Workgroup
January 23, 2024	9:00 a.m.	Mechanical Technical Advisory Committee
January 23, 2024	10:30 a.m.	Roofing Technical Advisory Committee
January 23, 2024	1:00 p.m.	Special Occupancy Technical Advisory Committee
January 23, 2024	2:30 p.m.	Energy Technical Advisory Committee
January 24, 2024	9:00 a.m.	Structural Technical Advisory Committee
January 24, 2024	1:00 p.m.	Swimming Pool Technical Advisory Committee
January 25, 2024	9:00 a.m.	Accessibility Technical Advisory Committee
January 25, 2024	10:00 a.m.	Code Administration Technical Advisory Committee
January 25, 2024	1:00 p.m.	Plumbing Technical Advisory Committee
January 25, 2024	2:30 p.m.	Fire Technical Advisory Committee
February 5, 2024	9:00 a.m.	Education Program Oversight Committee
February 5, 2024	10:00 a.m.	Product Approval Program Oversight Committee
February 5, 2024	2:00 p.m.	Accessibility Advisory Council Committee
February 9, 2024	10:00 a.m.	Energy Technical Advisory Committee

MEETING AGENDA – FEBRUARY 13, 2024		
<i>All Agenda Times—Including Adjournment—Are Approximate and Subject to Change</i>		
8:30 a.m.	1)	Welcome and Opening, Roll Call
	2)	Review and Approval of Meeting Agenda
	3)	Review and Approval of the December 12, 2023 and December 28, 2023 Meeting Minutes and Facilitator’s Summary Reports
	4)	Chair’s Discussion Issues <ul style="list-style-type: none"> • Appointments • Future Meetings • Updated Commission Milestones • Proposed Bills
	5)	Consideration of Extension of Emergency Rule 61G20ER23-3, F.A.C.
	6)	Florida Building Code, 8th Edition, (2023) – Updated Workplan Approval Florida Building Code, 9th Edition, (2026) – Workplan Approval
	7)	Letter of Certification of Equivalence to DOE <ul style="list-style-type: none"> • The 8th Edition (2023) Florida Building Code, Energy Conservation to ASHRAE 90.1 – 2019. • The residential energy building code “8th Edition (2023) Florida Building Code, Energy Conservation” to the updated edition of the 2021 International Energy Conservation Code (IECC).
	8)	Energy Compliance Software for Compliance with the Florida Building Code, 8th Edition (2023), Energy Conservation Submittal Approval
	9)	Applications for Product and Entity Approval
	10)	Applications for Accreditor and Course Approval
	11)	Applications for Waiver from Accessibility Requirements
	12)	Legal Report
	13)	Declaratory Statements <ul style="list-style-type: none"> A. DS 2023-044 by Jeffery Arneson of Jax Apenx Technology, Inc. B. DS 2023-046 by Jack Butler of Butler & Butler, LLC C. DS 2023-053 by Jack Butler of Butler & Butler, LLC
	14)	Complaint by PGT Regarding FL 22267 and FL 17897.5 E.S. Windows, Inc.
	15)	Committee Reports <ul style="list-style-type: none"> A. Accessibility Technical Advisory Committee (January 25, 2024) B. Code Admin Technical Advisory Committee (January 25, 2024) C. Education Program Oversight Committee (February 5, 2024) D. Energy Technical Advisory Committee (January 23, 2024) and (February 9, 2024) E. Existing Building Inspection Workgroup (January 8, 2024) F. Fire Technical Advisory Committee (January 25, 2024) G. Mechanical Technical Advisory Committee (January 23, 2024) H. Plumbing Technical Advisory Committee (January 25, 2024) I. Product Approval Program Oversight Committee (November 30, 2023) J. Roofing Technical Advisory Committee (January 23, 2024) K. Special Occupancy Technical Advisory Committee (January 23, 2024) L. Structural Technical Advisory Committee (January 24, 2024) M. Swimming Pool Technical Advisory Committee (January 24, 2024)
	16)	Commissioner Comment
	17)	Public Comment
	18)	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
8TH. EDITION (2023) CODE UPDATE WORKPLAN
UPDATED FEBRUARY 13, 2024

COMMISSION MEETING DATES FOR 2024	
1) February 13, 2024	Web-Based and Teleconference Virtual Meeting
2) April 16, 2024	Onsite – Doubletree by Hilton at the Entrance to Universal Orlando (Rule workshop for milestone inspection requirements, and final action on the proposed errata and glitch amendments)
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	
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. RCCIWG meeting – Conference call/Webinar	6/29/2021 Completed
45 day public review and comment period ends (By Rule -45 day min before TAC review)	7/1/2021 Completed
Staff posts 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 (By law -45 day min before TAC review)	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
Provide Supplements to ICC for integration into the 8th. Edition (2023) FBC	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 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	May 10, 2023 Completed
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. Special Occupancy TAC meeting – June 12, 2023 (Conference call/webinar)	June 20, 2023 Completed Completed
Hearing on 8 th . Edition (2023) FBC to consider received comments	No Hearing Request

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 any JAPC 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 Additional Comments (7) Errata/Glitch Received After Deadline: <ul style="list-style-type: none"> • F-FBC- B-Ch. 35 – Errata #4 (Received after deadline 11/28/2023) • M-FBC-M - Ch. 7 – Glitch #1 – (Received after deadline 12/13/2023) • P-FBC-P– Ch. 7– Glitch #2 – (Submitted after the deadline -12/25/2023) • SP-FBC - B - Ch. 30 – Glitch #1 (Received after deadline 12/29/2023) • S - FBC-R - Ch. 3 – Errata #2 - (Received after deadline 12/5/2023) • SW-FBC-B - Ch. 4 – Errata #4 - (Received after deadline 12/4/2023) • SW-FBC-B - Ch. 4 – Glitch #9 - (Received after deadline 12/11/2023) Annual Technical Amendment – s.553.73(9)(a), Florida Statutes Proposed annual technical amendment - S-FBC-B-Ch. 2 – Glitch #1: Change to “Wind-Borne Debris” definition	November 1, 2023 Completed
Proposed glitch amendments and errata reviewed by staff and posted to the Commission website	November 14, 2023 Completed
1 st . 45 day comment period ends (<i>By law -45 day min before TAC review</i>) Additional Comments Proposed Annual Technical Amendment	December 30, 2023 Completed February 13, 2024
TACs consider proposed modifications (1 st . 45-day comment period) TACs meetings – 3 days of conference call/webinar meetings Additional Comments Proposed Annual Technical Amendment	Jan. 23 -25, 2024 February 21-22, 2024 February 22, 2024
TACs recommendations posted to the website Starting date for the 2 nd . 45-day comment period Additional Comments Proposed Annual Technical Amendment	February 8, 2024 February 23, 2024 February 23, 2024
2 nd . 45 - day comment period ends (<i>by law – 45 - day min before Commission review</i>) Additional Comments Proposed Annual Technical Amendment	March 24, 2024 April 8, 2024 April 8, 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. To review and take final action on the proposed annual technical amendment.	April 16, 2024

ATTACHMENT 6
9TH. EDITION (2026) CODE UPDATE WORKPLAN
UPDATED FEBRUARY 13, 2024

COMMISSION’S 2026 CODE UPDATE DEVELOPMENT WORKPLAN

9TH. EDITION (2026) FBC CODE UPDATE DEVELOPMENT TASKS	
TASKS	SCHEDULE
<i>Selection of the Model Codes</i>	
2023 NEC published and available to the public;	Available
2024 International Codes published and available to the public. Note – 2024 IRC and IECC are not available yet – Projected availability March/April 2024.	Available
Commission selects available 2024 I Codes “model codes” (IBC, IMC, IPC, IFGC, IEBC) and 2023 NEC to conduct its review	2/13/2024
<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	TBD
Staff post on Commission website/Building Code Information System (BCIS) analysis of the 2024 I-Code changes 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 	TBD
Residential Construction Cost Impact Workgroup (RCCIWG) reviews the 2024 changes to the International Residential Code (IRC) and provides comments to the Commission’s TACs on impactful code changes.	TBD
RCCIWG meeting – Conference call/Webinar TBD	TBD
45 day public review and comment period ends (By Rule -45 day min before TAC review)	TBD
Staff post on Commission website analysis of the 2024 I-Code changes with public comments (Tracking Charts and code change monographs)	TBD
TACs review the 2024 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.	TBD

<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) <p>That the Commission approves certain model code provisions by consent agenda.</p> <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.) <p>That the Commission approve or reject certain model code provisions after considering them individually.</p> <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.) <p>TACs meetings – on site - TBD</p>	
Staff post TACs’ recommendations online for further public review	TBD
Deadline for requesting amendments (2024 I-Codes changes) to be pulled of the consent agenda for individual consideration	TBD
Commission considers TACs’ recommendations regarding the latest changes to the model codes - on site meeting (TBD)	TBD
Staff post Commission’s recommendations online	TBD
<i>Proposed Modification to the Foundation Code and Commission’s Approved I-Codes Changes</i>	
Period for public to propose modifications to the 8 th . Edition (2023) FBC and the Commission’s approved I-Codes changes	TBD
Proposed amendments reviewed by staff and posted to the Commission website	TBD
1 st . 45 day comment period ends <i>(By law -45 day min before TAC review)</i>	TBD
Staff post on Commission website proposed code changes (Tracking Charts and Detail Reports) Staff will assign TAC members specific proposed code changes for review in advance of the TAC meetings - TBD	TBD
TACs consider proposed modifications (1 st . 45 day comment period) TACs meetings - 4-day on-site meetings	TBD
TACs recommendations posted to the website Starting date for the 2 nd . 45 day comment period	TBD
Residential Construction Cost Impact Workgroup (RCCIWG) reviews the TACs’ recommendations with regard to the proposed modifications to the Florida Residential Code (FRC) and provides comments to the <u>TACs/Commission</u> on impactful code changes.	TBD
RCCIWG meeting – on-site meeting (TBD)	

2 nd . 45 day comment period ends (<i>by law – 45 day min before Commission review</i>)	TBD
Staff post on Commission website proposed code changes with comments (Tracking Chats and Details Reports)	TBD
TACs consider public comments on their actions on the proposed mods TACs meetings – 4-day meetings [2-day on-site and 2-day via conference/webinar]	TBD
Staff post on Commission website TACs consideration of public comments	TBD
Deadline for requesting amendments to be pulled off consent agendas for individual consideration	TBD
Commission considers TAC recommendations (2 nd . 45 day comment period) Commission – 1-day meeting	TBD
9 th . Edition (2026) FBC (8 th . Edition (2023) FBC, Florida Supplement and Commission’s approved I Codes) posted online	TBD
Provide Supplements to ICC for integration into the 9th. Edition (2026) FBC	TBD
Deadline for submitting comments on the Draft 8th. Edition (2023) update to the FBC (Supplements plus 7th. Edition (2020) FBC)	TBD
TACs review comments to Rule Development Workshop of TBD and make recommendations to the Commission TACs meetings - 3-days of conference call/webinar meetings	TBD
Rule Development Workshop Commission – 1-day meeting	TBD
Integrated Draft 9 th . Edition (2026) FBC – Posted online	TBD
Hearing on 9 th . Edition (2026) FBC to consider received comments	TBD
Final Rule Hearing on 9 th . Edition (2026) FBC/Commission approves final version of Code 9 th . Edition (2026) Florida Fire Prevention Code available in final format	If Requested
Rule Submitted to Secretary of State and Supplement/Integrated posted online – subject to addressing any JAPC concerns	TBD
Final FBC – PDF posted	TBD
Printed Code available – subject to negotiation with ICC	TBD
9th. Edition (2023) FBC Effective Date (6 – months after publication)	12/31/2026
Section 553.73(7)(e), F.S. – 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.	