

FLORIDA BUILDING COMMISSION
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Plenary Session

FEBRUARY 13, 2024

8:30 A.M.

Minutes

COMMISSIONERS PRESENT:

Michael Bourré, Chairman
James Batts
Donald Brown
David Compton
Rodney Hershberger
David John
Brian Langille
Grey Marker

Asael Marrero
Brad Schiffer
Fred Schilling
Jim Schock
Brian Swope
Tim Tolbert
Stephen Wilcox

COMMISSIONERS NOT PRESENT:

Jeff Gross

STAFF PRESENT:

Mo Madani
Justin Vogel
Melissa Campos

Jim Hammers
Sabrina Evans
Marlita Peters

MEETING FACILITATION:

The meeting was facilitated by Jeff Blair from Facilitated Solutions, LLC. Consultation, Process Design & Facilitation. Information at: [facilitatedsolutions.org](https://www.facilitatedsolutions.org)

Time: 8:30 a.m.

Chairman Bourré welcomed Commissioners, staff, and members of the public to the February 13, 2024, web-based and teleconference virtual plenary session of the Florida Building Commission.

Chairman Bourré stated that the primary focus of the February meeting is to consider regular procedural issues, updates, briefings, petitions, and reports. Specific actions include approving an Energy Code compliance software submittal, and approving 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.

Chairman Bourré stated that as always, we will provide an opportunity for public comment on each of the Commission's substantive discussion topics. If you want to comment on a specific substantive Commission agenda item, please wait until the facilitator invites members of the public to speak at the appropriate times throughout the meeting. Public comment will be limited to 3 minutes per person. Public input is welcome but should be offered before the Commission begins discussion or there is a formal motion on the floor.

Roll Call:

Mr. Blair performed roll call for the Florida Building Commission. A quorum was determined with 15 members present at roll call.

Agenda Approval:

Commissioner Schilling entered a motion to approve the agenda for today's meeting as posted. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Approval of Previous Meeting Minutes and Facilitator Report for December 12, 2023, and December 28, 2023:

Commissioner Brown entered a motion to approve the minutes from December 12, 2023, and December 28, 2023, as posted. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Chairman's Discussion Issues and Recommendations:

Chairman Bourré recognized Commissioner Jim Schock for his years of service on the Commission. Chairman Bourré appointed Jim Schock to serve as the Commission's vice chair and thanked Commissioner Schock for agreeing to serve, and for his leadership as the Commission's first elected chair (Jan. 2021 – Dec. 2023).

TAC Appointments:

Chairman Bourré stated he was stepping down from the Code Administration TAC, and appointing Jim Schock to serve on the TAC. Chairman Bourré thanked Commissioner Schock for agreeing to serve.

Chairman Bourré stated he was stepping down from the Education POC, appointing Brian Langille to replace him as chair, and adding Jim Schock. Chairman Bourré thanked Brian for agreeing to serve as chair, and Jim for agreeing to serve.

Chairman Bourré stated that as the Commission's Chair he will also serve as chair of the HRAC.

Chairman Bourré stated he was stepping down from the Structural TAC, and appointing Jim Schock to serve on the TAC. Chairman Bourré thanked Commissioner Schock for agreeing to serve.

Acknowledgment:

Chairman Bourré took this opportunity to congratulate Tom Campbell, the Commission's previous Executive Director, who was recently appointed as Director of DBPR's Division of Professions. Chairman Bourré congratulated Mr. Campbell on his well-deserved promotion and stated the Commission looks forward to working with Mr. Campbell in his new role.

Future Commission Meetings:

Chairman Bourré provided the Commission information on the upcoming meeting dates:

April 16, 2024 - Onsite Meeting, Orlando, Florida
June 18, 2024 - Virtual Meeting
August 13, 2024- Virtual Meeting
October 15, 2024, Onsite, TBD
December 10, 2024, Onsite, TBD

Milestones:

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

Legislative Update – Bills Impacting Commission:

Mr. Madani provided details on pending bills impacting the Commission/Code.

Commission:

Commissioner Tolbert asked Mr. Madani a question.

Mr. Madani provided an answer to Commissioner Tolbert's question.

HB 267 – Building Regulations
HB 267 – Term “Windborne Debris Region”
HB 267 (SB 684) – Residential Building Permits
SB 44 Public Restroom Requirements
HB 557 – Movable Tiny Houses
SB 496 – Low Voltage Alarm System Projects
SB 612 – Building Construction Regulations and System Warranties
HB 579 – Private Provider

Commission:

Commissioner Tolbert asked Mr. Madani a question.

Mr. Madani provided an answer to Commissioner Tolbert's question.

Extension of Emergency Rule 61G20ER23-3, F.A.C.

Chairman Bourré stated that the Commission would now consider extending the effects of Emergency Rule 61G20ER23-3, which was promulgated by the Commission at its emergency meeting on December 28, 2023.

Mr. Blair provided details about the process the Commission would utilize to consider whether or not to extend the effects of the emergency rule.

Presenter:

Robert Ehrhardt, DBPR Rules Attorney, addressed the Commission regarding extending the effects of the Emergency Rule.

Commission:

Chairman Bourré provided two options for the Commission's consideration – to promulgate a new emergency rule, or to not do so.

Motion:

Commissioner Schilling entered a motion 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. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Annual Technical Amendments Rulemaking Initiative Consideration:

Chairman Bourré updated the Commission on the Structural TAC's recommendation for the Commission to engage in rulemaking and consider annual amendments to the Florida Building Code.

Mr. Blair provided the procedural sequencing.

Mr. Vogel provided legal commentary.

Mr. Madani provided brief details on the status of the updated Workplan and schedule for the development of the 2023 Code Update Process-8th Edition.

Motion:

Commissioner Schilling entered a motion to initiate rulemaking pursuant to subsection 557.79(9)(a), F.S., the annual technical amendment process, and to delegate authority to Mr. Madani to sign rulemaking documents on behalf of the Commission. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Florida Building Code, 8th Edition, (2023) Update- Workplan Status:

Mr. Madani provided brief details on the status of the updated Workplan and schedule for the development of the 2023 Code Update Process-8th Edition.

Motion:

Commissioner Schock to approve the updated Workplan and Schedule for development of the 8th. Edition (2023), Florida Building Code. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Florida Building Code, 9th Edition, (2026) Update- Workplan Status:

Mr. Madani provided brief details on the status of the updated Workplan and schedule for the development of the 2026 Code Update Process-9th Edition.

Motion:

Commissioner Schiffer entered a motion to approve the draft Workplan for development of the 9th. Edition (2026), Florida Building Code. Commissioner John seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Selection of Model Codes to be Reviewed for Florida Building Code, 9th Edition (2026):

Mr. Blair asked Mr. Vogel a question.

Mr. Vogel provided an answer to Mr. Blair's question.

Motion:

Commissioner Schock moved to select the 2024 edition of the I-Codes, once they have been finalized, and the 2024 edition of the National Electrical Code as the model codes to be used for developing the Florida Building Code, 9th Edition (2026). Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Letters of Certification of Equivalence to DOE:

Commercial Building Provisions

Mr. Blair provided the procedural sequencing.

Mr. Madani provided an overview of the Commercial Building Provisions.

Discussion:

Chairman Bourré asked the staff a question.

Mr. Madani provided an answer to Chairman Bourré's question.

Motion:

Commissioner John entered a motion 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. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Residential Building Provisions:

Mr. Blair provided the procedural sequencing.

Mr. Madani provided an overview of the Residential Building Provisions.

Public Comment:

Mr. Joe Belcher, FHBA, spoke in support of the Commission sending a Letter of Certification of Equivalence to DOE.

Motion:

Commissioner John entered a motion 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. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Energy Code Compliance Software Submittals for Demonstrating Compliance with the 8th Edition (2023), Florida Building Code, Energy Conservation:

Mr. Blair provided the procedural sequencing.

Mr. Madani provided a staff overview of Energy Code Compliance Software Submittals for Demonstrating Compliance with the 8th Edition (2023), Florida Building Code, Energy Conservation.

Motion:

Commissioner John entered a motion 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, and to authorize DBPR staff to approve non-consequential changes to the software as needed. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Product Approval:

Consent Agenda of Entity Approval Application:

2023 Code:

Commissioner Herberger stated there were 17 product approval entities on the consent agenda for approval for the 2023 code.

Motion:

Commissioner Hershberger entered a motion to approve the 17 product approval entities for the 2023 code. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Commissioner Hershberger stated there are 362 product approval applications on the consent agenda for approval.

Motion:

Commissioner Hershberger entered a motion to approve the 362 product approval applications on the consent agenda. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Supplemental Consent Agenda for Approval to the 2023 code:

Commissioner Hershberger stated that there were two supplemental consent agendas – Supplemental Consent Agenda #1 for product FL 9190-R11, and Supplemental Consent Agenda #2 products FL 1365-R10, FL 17867-R4, FL 25870-R2, FL 29956-R2, FL 39785-R2, FL 41960-R1, and FL 45964.

Motion:

Commissioner Hershberger entered a motion to approve Supplemental Consent Agenda #1 and Supplemental Consent Agenda #2. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Individual Considerations:

Mr. Blair stated FL 22628-R5, and FL 22219 were pulled for individual consideration.

Commissioner Hershberger entered a motion to conditional approval to pull FL 22668-R5 and FL 22219 for individual considerations.

Products with Comments:

Mr. Blair stated there were 4 products on the consent agenda for approval: FL 44610, FL 44611, FL 45923, and FL 46074.

Motion:

Commissioner Hershberger entered a motion to approve 4 products with comments on the consent agenda - FL 44610, FL 44611, FL 45923, and FL 46074. Commissioner Wilcox seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Conditional Approval:

Mr. Blair stated there were 7 products for conditional approval - FL 16921-R5, FL 17080-R5, FL 26095-R6, FL 44037, FL 46083, FL 46130, and FL 46179.

Motion:

Commissioner Hershberger entered a motion to recommend for conditional approval of FL 16921-R5, FL 17080-R5, FL 26095-R6, FL 44037, FL 46083, FL 46130, and FL 46179. Commissioner Wilcox seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Applications for Accreditor and Course Approval:

Commissioner Langille stated the Education POC did not receive for consideration any accreditor applications. The Education POC reviewed 19 advanced accredited courses, and recommended approval for courses 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:

Commissioner Langille entered a motion to approve 19 advanced accredited courses - 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. Commissioner John seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Consent Agenda Recommended for Conditional Approval

Motion:

Commissioner Langille entered a motion to conditionally approve advanced accredited courses 1196.0, 1208.0, 1209.0, 1210.0, 1180.0, 1221.0, 1224.0, and 1226.0. Commissioner John seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Administratively Approved Updated Courses:

Consent Agenda Recommended for Conditional Approval

Motion:

Commissioner Langille entered a motion to approve conditional approve administratively approved updated course 881.2. Commissioner John seconded the motion, The motion passed unanimously with a vote of 15 to 0.

Administratively Approved Self-Affirmed (One-Change) Updated Courses

Commissioner Langille stated the Education POC reviewed 1 administratively-approved self-affirmed (one-change) updated course.

Motion:

Commissioner Langille entered a motion to approve administratively-approved self-affirmed (one-change) updated course number 775.1. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Consent Agenda Recommended for Conditional Approval

Commissioner Langille stated the Education POC reviewed 4 administratively-approved self-affirmed (one-change) updated courses - 594.4, 531.3, 292.3, and 163.3.

Motion:

Commissioner Langille entered a motion to conditionally approve administratively-approved self-affirmed (one-change) updated courses 594.4, 531.3, 292.3, and 163.3. Commissioner John The motion passed unanimously with a vote of 15 to 0.

Accessibility Waiver Applications:

- 1) **Shalimar Beach Resort-Waiver 656-2823 W. Gulf Drive, Sanibel 33957- ISSUE:** Vertical Accessibility to the second floor.

Mr. Vogel presented the waiver and advised that the council recommended denying the request to waive vertical accessibility requirements since the project in question is new construction.

Discussion:

Commissioner Compton asked Mr. Vogel a question.

Mr. Vogel provided an answer to Commissioner Compton's question.

Motion:

Commissioner Schock entered a motion to deny the waiver for vertical accessibility since the project in question is new construction. Commissioner Marrero seconded the motion. The motion passed unanimously with a vote of 15 to 0.

- 2) **Soca Café- Waiver 654-239 SW 9 ST Suite 101, Miami 33174- ISSUE:** Vertical Accessibility to the Mezzanine.

Mr. Vogel presented the waiver and advised that the council recommended granting the waiver for vertical accessibility on the grounds of economic hardship.

Motion:

Commissioner Schock entered a motion to grant the waiver for vertical accessibility on the grounds of economic hardship. Commissioner Schilling second motion.

Discussion:

Mr. Marrero asked Mr. Vogel a question.

Mr. Vogel provided an answer to Commissioner Schilling's question.

Motion Continued:

The motion passed unanimously with a vote of 15 to 0.

- 3) **Doxa Academy-Waiver 653-111 Scott St. Melbourne, 32901-ISSUE:** Vertical Accessibility to the second floor.

Mr. Vogel presented the waiver and advised that the council recommended granting the waiver for vertical accessibility on the grounds of economic hardship.

Motion:

Commissioner Schock entered a motion to grant the waiver for vertical accessibility on the grounds of economic hardship. Commissioner Brown seconded the motion.

Discussion:

Members of the Commission and staff went into discussion with questions and comments.

Motion Continued:

The motion passed unanimously with a vote of 15 to 0.

- 4) **141 NE 24, LLC- Waiver 623- 141 NE 24th Street, Miami, 33137- ISSUE:** Vertical Accessibility to the Mezzanine

Mr. Vogel presented the waiver and advised that the council recommended granting the waiver for vertical accessibility on the grounds of economic hardship.

Motion:

Commissioner Schilling entered a motion to grant the waiver for vertical accessibility on the grounds of economic hardship. Commissioner Schock second motion. The motion passed unanimously with a vote of 15 to 0.

Legal Report:

Mr. Vogel stated there were no legal matters to report.

Declaratory Statements:

A) DS 2023-044 by Jeffery Arneson of Jax Apex Technology, Inc

Staff:

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

Mr. Madani provided staff analysis and answer.

Presenter:

Jeff Arneson, Apex Technology, provided a comment and stated he was there to answer any questions on DS 2023-044.

Public Comment:

Joe Belcher, FBHA and FICAP spoke in support of staff's analysis.

Motion:

Commissioner Compton entered a motion to adopt the Structural TAC's recommendation and adopt staff's analysis regarding the question presented in the Petition. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 15 to 0.

B) DS 2023-046 by Jack Butler of Butler & Butler, LLC

Staff:

Mr. Vogel stated that the Petitioner requested to withdraw the petition.

Motion:

Commissioner Brown entered a motion to accept the withdrawal of DS 2023-046 by Jack Butler of Butler & Butler, LLC. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 15 to 0.

C) DS 2023-053 by Jack Bulter of Butler & Butler, LLC

Intervenor:

Charles Kramer, representative for the Broward County Board of Rules and Appeals (BORA), presented BORA's motion for leave to intervene.

Chairman Bourré granted BORA's motion for leave to intervene.

Staff:

Mr. Madani provided staff analysis and answer.

Petitioner:

Jack Butler, Butler & Butler, LLC, provided a comment.

Intervenor:

Charles Kramer, BORA, provided a comment.

Motion:

Commissioner Brown entered a motion to adopt the Code Administration TAC's recommendation and adopt staff's analysis regarding the questions presented in the Petition. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Complaint filed by PGT regarding FL 22267 E.S. Windows, Inc., and FL 17897.5. E.S. Windows, Inc:

Commissioner Hershberger informed the Committee that he had a conflict of interest, as he served as the chairman of the board for PGT and stated that he was abstaining from voting or participating in the proceedings. Mr. Hershberger submitted a memorandum to that effect, which is appended to these minutes.

Mr. Blair provided the process for taking up the Complaint filed by PGT regarding FL 22267 E.S. Windows, Inc., and FL 17897.5. E.S. Windows, Inc.

Mr. Vogel provided details on the legal framework regarding the Complaint filed by PGT regarding FL 22267 E.S. Windows, Inc., and FL 17897.5. E.S. Windows, Inc.

Mr. Madani provided staff analysis.

Complainant:

Mr. Dan DeLeo, Attorney for PGT, provided detail on the complaint filed regarding FL 22267 and FL 17897.5, E.S. Windows, Inc.

Respondent:

Phil Hudson, Attorney for E.S. Windows, provided a response to the complaint filed regarding FL 22267 and FL 17897.5, E.S. Windows, Inc.

Discussion:

Commissioner Brown asked Mr. Vogel questions.

Mr. Vogel provided answers to Commissioner Brown's questions.

Motion:

Commissioner Brown entered a motion to not to initiate an investigation and to dismiss the complaint regarding FL 22267 and FL 17897.5, E.S. Windows, Inc., on the grounds that there was not substantial material evidence submitted of a potential violation of the product approval rules. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Committee Report:

Accessibility Technical Advisory Committee:

Mr. Madani provided a brief summary of the Accessibility TAC's January 25, 2024, meeting.

Motion:

Commissioner Schock entered a motion to accept the report from the January 25, 2024, meeting. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Code Administration Technical Advisory Committee:

Commissioner Brown provided a brief summary of the Code Administration TAC's January 25, 2024, meeting.

Motion:

Commissioner Brown entered a motion to accept the report from the January 25, 2024, meeting. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Education Program Oversight Committee:

Commissioner Langille provided a brief summary of the Education POC's February 5, 2024, meeting.

Motion:

Commissioner Langille entered a motion to accept the report from the February 5, 2024, meeting. Commissioner John seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Energy Technical Advisory Committee:

Mr. Madani provided a brief summary of the Energy TAC's January 23, 2024, and February 9, 2024, meetings.

Motion:

Commissioner John entered a motion to accept the reports from the January 23, 2024, and February 9, 2024, meetings. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Existing Building Inspection Workgroup:

Mr. Blair provided a brief summary of the Existing Building Inspection Workgroup's January 8, 2024, meeting.

Motion:

Commissioner Schock entered a motion to accept the report from the January 8, 2024, meeting. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Fire Technical Advisory Committee:

Commissioner Schiffer provided a brief summary of the Fire TAC's January 25, 2024, meeting.

Motion:

Commissioner Schiffer entered a motion to accept the report from the January 25, 2024, meeting. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Mechanical Technical Advisory Committee:

Commissioner John provided a brief summary of the Mechanical TAC's January 23, 2024, meeting.

Motion:

Commissioner John entered a motion to accept the report from the January 23, 2024, meeting. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Plumbing Technical Advisory Committee:

Commissioner Schilling provided a brief summary of the Plumbing TAC's January 25, 2024, meeting.

Motion:

Commissioner Schilling entered a motion to accept the report from the January 25, 2024, meeting. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Product Approval Program Oversight Committee:

Commissioner Hershberger provided a brief summary of the Product Approval POC's February 5, 2024, meeting.

Motion:

Commissioner Hershberger entered a motion to accept the report from February 5, 2024, meeting. Commissioner Schilling seconded the motion. The motion was passed unanimously with a vote of 15 to 0.

Roofing Technical Advisory Committee:

Mr. Madani provided a brief summary of the Roofing TAC's January 23, 2024, meeting.

Motion:

Commissioner Compton entered a motion to accept the report from the January 23, 2024, meeting. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Special Occupancy Technical Advisory Committee:

Mr. Madani provided a brief summary of the Special Occupancy TAC's January 23, 2024, meeting.

Motion:

Commissioner Compton entered a motion to accept the report from the January 23, 2024, meeting. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Structural Technical Advisory Committee:

Commissioner Compton provided a brief summary of the Structural TAC's January 24, 2024, meeting.

Motion:

Commissioner Compton entered a motion to accept the report from the January 24, 2024, meeting. Commissioner Batts seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Swimming Pool Technical Advisory Committee:

Commissioner Batts provided a brief summary of the Swimming Pool TAC's January 24, 2024, meeting.

Motion:

Commissioner Batts entered a motion to accept the report from the January 24, 2024, meeting. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Commissioner Comment:

None.

Public Comment:

Dallas Thiesen, FSPA, asked the staff some questions.

Mr. Madani provided answers to Mr. Theisen's questions.

Adjourn Commission Plenary Session:

Chairman Bourré stated the April 16, 2024, meeting will focus on the Commission's regular procedural and substantive issues, a rule workshop for milestone inspection requirements, and final action on proposed errata and glitch amendments. The April meeting will be conducted onsite, at the Doubletree by Hilton at the Entrance to Universal Orlando. The meeting was adjourned at 11:10 a.m.

FORM 8A MEMORANDUM OF VOTING CONFLICT FOR STATE OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Hershberger, Rodney	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Florida Building Commission
MAILING ADDRESS 1070 Technology Drive	NAME OF STATE AGENCY Dep't of Business & Professional Regulation
CITY COUNTY North Venice, FL 34275 Sarasota	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE
DATE ON WHICH VOTE OCCURRED February 13, 2024	

WHO MUST FILE FORM 8A

This form is for use by any person serving at the State level of government on an appointed or elected board, council, commission, authority, committee, or as a member of the Legislature. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

ELECTED OFFICERS:

As a person holding elective state office, you may not vote on a matter that you know would inure to your special private gain or loss. However, you may vote on other matters, including measures that would inure to the special private gain or loss of a principal by whom you are retained (including the parent or subsidiary or sibling organization of a principal by which you are retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. If you vote on such a measure or if you abstain from voting on a measure that would affect you, you must make every reasonable effort to disclose the nature of your interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes. If it is not possible for you to file a memorandum before the vote, the memorandum must be filed with the person responsible for recording the minutes of the meeting no later than 15 days after the vote.

For purposes of this law, a "relative" includes only your father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with you as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

A member of the Legislature may satisfy the disclosure requirements of this section by filing a disclosure form created pursuant to the rules of the member's respective house if the member discloses the information required by this subsection, or by use of Form 8A.

* * * * *

APPOINTED OFFICERS:

As a person holding appointive state office, you are subject to the abstention and disclosure requirements stated above for Elected Officers. You also must disclose the nature of the conflict before voting or before making any attempt to influence the decision by oral or written communication, whether made by you or at your direction.

For purposes of this law, a "relative" includes only your father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with you as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.
- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION OR VOTE AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF STATE OFFICER'S INTEREST

I, Rodney Hershberger, hereby disclose that on February 13, 20 24 :

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____ ;
- inured to the special gain or loss of my relative, Benji Hershberger, who is employed by PGT Innovations, Inc. ;
- inured to the special gain or loss of PGT Innovations, Inc., by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent, subsidiary, or sibling organization of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

A complaint regarding Florida product approvals FL 22267 and FL 17897.5 was submitted by PGT Innovations, Inc.

I serve as the chairman of the board of directors of PGT Innovations, Inc., which manufactures products similar to the ones which are the subject of the complaint.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

2/2/2024

Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.