

**FLORIDA BUILDING COMMISSION**  
**PRODUCT APPROVAL POC**  
**FEBRUARY 5, 2024**  
**WEB-BASED VIRTUAL AND TELECONFERENCE MEETING**  
**FACILITATOR'S MEETING SUMMARY REPORT**

**MONDAY, FEBRUARY 5, 2024**

**MEETING SUMMARY AND OVERVIEW**

At the Monday, February 5, 2024 web-based virtual and teleconference meeting the POC considered regular procedural issues including product approval and entities statistics reports; a status report on conditional approvals from the December 12, 2023 Commission meeting indicating that all of the applications are now resolved and approved; review and approval of product and entity applications; and a review of DBPR approved product approval applications. Specific actions included recommending the Commission: Take action on product and entity applications as recommended by the POC and reflected in DBPR staff's product and entity approval reports; and to recommend the Florida Building Commission not initiate an investigation of FL 22267 and FL 17897.5.

**BACKGROUND AND SUPPORTING DOCUMENTS**

Relevant background and supporting documents are linked to each agenda item. The Agenda URL for the February 5, 2024 meeting is as follows:

[https://www.floridabuilding.org/fbc/commission/FBC\\_0124/Product\\_Approval/Product\\_Approval\\_Agenda.htm](https://www.floridabuilding.org/fbc/commission/FBC_0124/Product_Approval/Product_Approval_Agenda.htm)

**AGENDA ITEM OUTCOMES**

**1. A. STATEMENT OF TELECONFERENCE PARTICIPATION PROCESS**

Jeff Blair reviewed the virtual and teleconference meeting participation process with participants reminding them that it is important for participants to keep their computer microphones or phones on mute to minimize background noise, not to put their phones on hold, and to wait until invited to speak to avoid confusion and chaos. Jeff emphasized that all participants will have ample time to speak on all agenda items. Participants were reminded to state their names each time they speak.

**1. B. OPENING AND MEETING PARTICIPATION**

The meeting was opened at 10:39 AM, and roll call determined a quorum of the members were present. The following POC members participated (5 of 5 members):

Rodney Hershberger (Chair), David Compton, Tim Tolbert, Brian Swope, and Stephen Wilcox.

*Members Absent:*

All members were present.

## **1. C. DBPR STAFF PARTICIPATING**

Melissa Campos, Sabrina Evans, Jim Hammers, Mo Madani, and Justin Vogel.

### **Meeting Facilitation and Reporting**

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



## **2. AGENDA REVIEW**

The POC voted unanimously, 5 - 0 in favor, to approve the agenda for the February 5, 2024 meeting as posted/presented. Following are the key agenda items approved for consideration:

- To Approve Regular Procedural Topics (Agenda and Minutes).
- To Consider/Discuss Product Approval Program Issues.
- To Consider/Decide on Approval of Products and Product Approval Entities.
- To Hear Public, TAC Member, and Staff Comments.

### *Amendments:*

There were no amendments to the posted Agenda.

The complete Agenda is included as “Attachment 1”.

*(Attachment 1 – POC Agenda)*

## **3. REVIEW AND APPROVAL OF THE NOVEMBER 30, 2023 MINUTES AND FACILITATOR’S SUMMARY REPORT**

**MOTION** – The POC voted unanimously, 5 – 0 in favor, to approve the November 30, 2023 meeting minutes and Facilitator’s Summary Report as presented/posted.

### *Amendments:*

There were no amendments.

## **4. A. REPORT ON CONDITIONAL APPROVALS FROM THE DECEMBER 12, 2023 MEETING**

Rodney Hershberger reported that all of the relevant conditions were met for each of the conditional approvals reported at the December 12, 2023 Commission meeting.

## **4. B. PRODUCT APPROVAL AND ENTITIES STATISTICS REPORT**

Rodney Hershberger requested that staff review the statistics reports. Melissa Campos reviewed the product and entities statistics reports with participants and answered members’ questions. Melissa reported that the total number of product approval applications approved to the 2023 Code is 3,730 (4,546 total in the System), the total number of products approved to the 2023 Code is 14,887 (17,411 total in the System), and the total number of entities approved to the 2023 Code is 125 (441 total in the System).

The statistics reports are linked to the Product Approval POC's agenda.

#### **4. C. COMPLAINT FILED BY PGT WITH REGARD TO FL 22267 AND FL 17897.5 E.S. WINDOWS, LLC**

Jeff Blair explained the process and sequencing for reviewing and deciding on product approval complaint as follows:

1. Justin Vogel, the Commission's legal counsel will discuss the legal framework for reviewing complaints within the product approval program.
2. Clarifying Questions on the legal framework (POC members, DeLeo/Miller, Wang).
3. Complainant's (Daniel DeLeo, respondent's attorney) opportunity to present the complaint.
4. POC Member Clarifying Questions.
5. Respondent's (Phillip Hudson, E.S. Windows' attorney) response to the complaint.
6. POC Member Clarifying Questions.
7. Staff (Mo Madani) opportunity to provide the POC with any relevant information (Staff's General Notes).
8. Clarifying Questions regarding staff's "General Notes" (POC members, DeLeo/Hudson).
9. Public Comment.
10. POC's Discussion and Action.

Justin 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 could 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."

The POC determined, based on the information provided and presentations made during the meeting, that there was not substantial material evidence that any of the relevant Rule provisions were violated.

#### ***POC Actions:***

**MOTION**—The POC voted unanimously, 4\* - 0 in favor, to recommend that the Florida Building Commission not initiate an investigation of FL 22267 and FL 17897.5 E.S. Windows, LLC.

*\* Commissioner Hersberger abstained from discussing and voting on the matter, and filed a memorandum of voting conflict stating that he is the Chairman of the Board of Directors for PGT Innovations.*

#### **5. A. ENTITY APPLICATIONS CONSENT AGENDA**

##### **ENTITY APPLICATIONS FOR APPROVAL TO THE 2023 CODE**

Jeff Blair presented the consent agenda of entities recommended for approval to the 2023 by asking if any participant or POC members wished to have any entity applications pulled from the consent agenda for individual consideration. There were no entity applications pulled for individual consideration.

#### ***POC Action:***

**MOTION**— The POC voted unanimously, 5 - 0 in favor, to recommend the Commission approve the consent agenda of product approval entities (17) recommended for approval to the 2023 Code as presented/posted.

## **5. B. PRODUCT APPROVAL APPLICATIONS WITH DISCUSSION OR COMMENTS**

### **CONSENT AGENDA OF PRODUCT APPROVAL APPLICATIONS FOR APPROVAL TO THE 2023 CODE**

Jeff Blair presented the consent agenda of products recommended for approval to the 2023 Code by asking if any participant or POC member wished to have any applications pulled from the consent agenda for individual consideration. There were 2 product approval applications to the 2023 Code pulled for individual consideration at the applicant's request.

#### ***POC Action:***

**MOTION** – The POC voted unanimously, 5 - 0 in favor, to recommend the Commission 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.*

### **PRODUCT APPROVAL APPLICATIONS PULLED FROM THE CONSENT AGENDA FOR APPROVAL TO THE 2023 CODE FOR INDIVIDUAL CONSIDERATION**

Jeff Blair reported that FL 22668-R5 and FL 22219 were pulled from the Consent Agenda for individual consideration and recommended for conditional approval at the request of the Applicant.

**MOTION** – The POC voted unanimously, 5 - 0 in favor, to recommend the Commission conditionally approve product FL 22668-R5 to allow the applicant to revise the drawing necessary (page 3 of the drawing FL22668.2) to adjust anchor shoe length to 12 inches using 3 screws at sill.

**MOTION** – The POC voted unanimously, 5 - 0 in favor, to recommend the Commission conditionally approve product FL 22219 to allow the applicant to revise the installation drawing necessary to change mullion reinforcement to 7" LG and move it to the inside of mullion as applicable.

**MOTION** – The POC voted unanimously, 5 - 0 in favor, to recommend the Commission approve product: FL 9190-R11 from the Supplemental Consent Agenda #1.

**MOTION** – The POC voted unanimously, 5 - 0 in favor, to recommend the Commission approve 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 from the Supplemental Consent Agenda #2

### **PRODUCT APPROVAL APPLICATIONS WITH COMMENTS – 2023 CODE**

There were (11) eleven applications with comments to the 2023 Code for the February 2024 Product Approval Cycle.

There were (4) four applications with comments recommended for approval to the 2023 Code for the February 2024 Product Approval Cycle.

**MOTION** – The POC voted unanimously, 5 - 0 in favor, to recommend the Commission approve products FL 44610, FL 44611, FL 45923, and FL 46074.

There were (7) seven applications with comments recommended for conditional approval to the 2023 Code for the February 2024 Product Approval Cycle.

**MOTION** – The POC voted unanimously, 5 - 0 in favor, to recommend the Commission conditionally approve products FL 16921-R5, FL 17080-R5, FL 26095-R6, FL 44037, FL 46083, FL 46130, and FL 46179 based on the conditions recommended by DBPR staff and reflected in the posted documentation.

PRODUCT APPLICATIONS WITH COMMENTS (2023 CODE) [11]			
PRODUCT FL #	STAFF RECOMMENDATION	POC ACTION	FBC ACTION
<b>Consent Agenda of Products With Comments Recommended for Approval (4)</b>			
FL 44610	Approval	Approval	
FL 44611	Approval	Approval	
FL 45923	Approval	Approval	
FL 46074	Approval	Approval	
<b>Consent Agenda of Products With Comments Recommended for Conditional Approval (7)</b>			
FL 16921-R5	Conditional Approval	Conditional Approval	
FL 17080-R5	Conditional Approval	Conditional Approval	
FL 26095-R6	Conditional Approval	Conditional Approval	
FL 44037	Conditional Approval	Conditional Approval	
FL 46083	Conditional Approval	Conditional Approval	
FL 46130	Conditional Approval	Conditional Approval	
FL 46179	Conditional Approval	Conditional Approval	

### 5. C. DBPR APPLICATIONS

Jeff Blair noted there were a total of 418 DBPR applications including no application(s) with comments submitted for approval to the 2023 Code, and all are approved.

All of the recommendations for the DBPR applications are linked to the February 5, 2024 Product Approval POC agenda posted on the BCIS.

### 6. OTHER POC BUSINESS

There were no additional issues considered by the POC.

### 7. PUBLIC COMMENT

Rodney Hershberger invited members of the public to address the Product Approval POC on any issues under the POC's purview.

*Public Comments:*

- There was no public comment offered.

### 8. POC MEMBER COMMENT AND STAFF COMMENT

Rodney Hershberger invited POC and staff members to offer any general comments to the POC.

- There were no POC member or staff comments offered.

## **POC RECOMMENDATIONS FOR COMMISSION ACTION**

The POC recommends the following actions to the Florida Building Commission:

- 1) The POC recommends the Commission take action on product and entity applications as recommended by the POC and reflected in DBPR staff's product and entity approval reports.
- 2) The POC recommends the Commission not initiate an investigation of FL 22267 and FL 17897.5 E.S. Windows, LLC.

## **NEXT STEPS**

The POC will meet April 4, 2024 at 10:00 a.m. to provide recommendations to the Commission on Product Approval System relevant issues for the April 16, 2024 Commission meeting.

*(Attachment 2 – POC Meeting Schedule)*

## **9. ADJOURN**

Rodney Hershberger thanked POC members, staff, and the public for their attendance and participation, and adjourned the meeting at 11:37 a.m. on Monday, February 5, 2025.

**ATTACHMENT 1**  
**FEBRUARY 5, 2024 MEETING AGENDA**

**FLORIDA BUILDING COMMISSION**  
**PRODUCT APPROVAL PROGRAM OVERSIGHT COMMITTEE (POC)**  
**MONDAY, FEBRUARY 5, 2024 – 10:00 AM**  
**VIRTUAL MEETING VIA WEBINAR AND TELECONFERENCE**  
**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**  
**2601 BLAIR STONE ROAD – TALLAHASSEE, FLORIDA 32399**

**MEETING OBJECTIVES**

- ✓ To Approve Regular Procedural Topics (Agenda and Minutes)
- ✓ To Consider/Decide on Product Approval Program Issues
- ✓ To Consider/Decide on Approval of Products and Product Approval Entities
- ✓ To Hear Public, TAC Member, and Staff Comments

**MEETING AGENDA**

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

1.)	<b>WELCOME AND OPENING ROLL CALL</b> A. Statement of Teleconference Participation Process B. Roll Call of POC Members C. Identification of Staff Attendees
2.)	<b>REVIEW AND APPROVAL OF MEETING AGENDA</b>
3.)	<b>REVIEW AND APPROVAL OF OCTOBER 5, 2023 MEETING MINUTES</b>
4.)	<b>PRODUCT APPROVAL PROGRAM ISSUES</b> A. Report on Conditional Approvals B. Product Approval and Entities Statistics Report C. C. To review and discuss compliant filed by PGT with regard to FL 22267 E.S. Windows, Inc. and FL 17897.5 E.S. Windows, Inc.
5.)	<b>DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATIONS REPORTS</b> A. Review and Approval of Consent Agendas of Entity Approval Applications B. Review and Consideration of Product Approval Applications with Comments C. Review and Approval of Consent Agenda of DBPR Product Approval Applications
6.)	<b>OTHER POC BUSINESS</b>
7.)	<b>PUBLIC COMMENT</b>
8.)	<b>POC MEMBER AND STAFF COMMENT</b>
9.)	<b>ADJOURN</b>

**ATTACHMENT 2**  
**PRODUCT APPROVAL POC MEETING SCHEDULE**

REMAINING 2024 MEETING DATES	MEETING LOCATION
1) April 4, 2024 @ 10:00 AM	Tallahassee/DBPR and via Teleconference/Webinar
2) June 6, 2024 @ 10:00 AM	Tallahassee/DBPR and via Teleconference/Webinar
3) August 5, 2024 @ 10:00 AM	Tallahassee/DBPR and via Teleconference/Webinar
4) October 3, 2024 @ 10:00 AM	Tallahassee/DBPR and via Teleconference/Webinar
5) November 22, 2024 @ 10:00 AM	Tallahassee/DBPR and via Teleconference/Webinar