

**PRODUCT APPROVAL PROGRAM OVERSIGHT COMMITTEE
TELECONFERENCE MEETING FROM TALLAHASSEE
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FEBRUARY 5, 2024

10:00 A.M.

Minutes

**PRODUCT APPROVAL PROGRAM OVERSIGHT COMMITTEE
PRESENT:**

Rod Hershberger, Chairman
David Compton
Brian Swope

Tim Tolbert
Stephen Wilcox

STAFF PRESENT:

Melissa Compos
Mo Madani
Sabrina Evans
Marlita Peters

Jim Hammers
Jeff Blair
Justin Vogel

MEETING FACILITATION:

The meeting was facilitated by Jeff Blair from Facilitated Solutions, LLC. Consultation, Process Design & Facilitation. Information at: facilitatedsolutions.org

Time: 10:38 a.m.

Mr. Blair welcomed everyone to the teleconference meeting of the Product Approval Program Oversight Committee.

Roll Call:

Mr. Blair performed roll call for the Product Approval Program Oversight Committee. A quorum was determined with 5 members present at the time of roll call.

Agenda Approval:

Commissioner Compton entered a motion to approve the agenda as posted for today's meeting. Commissioner Tolbert seconded the motion. The motion was passed unanimously with a vote of 5 to 0.

Approval of the minutes from November 30, 2023:

Commissioner Compton entered a motion to approve the minutes as posted from the November 30, 2023, meeting. Commissioner Tolbert seconded the motion. The motion was passed unanimously with a vote of 5 to 0.

Product Approval Program Issues:

A. Report on conditional approvals:

Chairman Hershberger reported all the relevant conditions were met for each of the conditional approvals.

B. Product Approval Entities Statistics Report:

Ms. Campos provided the statistical reports of products and entities as approved for the 2024 Florida Building Code.

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

Chairman 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 are appended to these minutes.

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

Complainant:

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

POC:

Commissioner Compton asked Mr. DeLeo a question.

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

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.

POC:

Commissioner Tolbert asked Mr. Hudson a question.

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

Staff:

Mr. Madani provided details on the staff's analysis regarding the complaint filed regarding FL 22267 and FL 17897.5, E.S. Windows, Inc.

Public Comment:

Greg Gallop provided a comment in support of having the products retested.

POC:

Members of the POC went into discussion with comments.

Motion:

Commissioner Tolbert entered a motion to find that there was not substantial material evidence submitted of a possible violation of the product approval rules, to recommending that the Commission not initiate an investigation of FL 22267 and FL 17897.5, E.S. Windows, Inc. Commissioner Wilcox seconded the motion. The motion passed unanimously with a vote of 4 to 0, with Chairman Hershberger abstaining on the basis that he is an employee of PGT.

DBPR Report:

A. Consent Agenda of Entity Approval Application:

Mr. Blair stated there were 17 product approval entities on the consent agenda for approval.

Motion:

Commissioner Compton entered a motion to approve the 17 product approval entities. Commissioner Swope seconded the motion. The motion passed unanimously with a vote of 5 to 0.

Mr. Blair stated there are 362 product approval applications on the consent agenda for approval.

Motion:

Commissioner Compton entered a motion to approve the 362 product approval applications on the consent agenda. Commissioner Wilcox seconded the motion. The motion passed unanimously with a vote of 5 to 0.

A. Product Approval Application with Comments:

Individual Considerations:

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

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

Supplemental:

Mr. Blair stated there are 2 Supplemental #1 on the consent agenda for product FL 9190-R11.

Motion:

Commissioner Compton entered a motion to recommend approval of the Supplemental #1 on the consent agenda to approve 1 product FL 9190-R11. Commissioner Wilcox seconded the motion. The motion passed unanimously with a vote of 5 to 0.

Mr. Blair stated the Supplemental #2 was on the consent agenda for 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.

Motion:

Commissioner Compton entered a motion to recommend approval of the Supplemental #2 on the consent agenda to approve 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. Commissioner Wilcox seconded the motion. The motion passed unanimously with a vote of 5 to 0.

Chairman Hershberger stated there are 11 product approval applications with comments in the 2023 code.

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

Motion:

Commissioner Compton entered a motion to recommend approval of 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 5 to 0.

Mr. Blair stated there are 7 products with comments recommended for conditional approval: FL 16921-R5, FL 17080-R5, FL 26095-R6, FL 44037, FL 46083, FL 46130, and FL 46179.

Motion:

Commissioner Swope entered a motion to recommend for conditional approval 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 5 to 0.

B. DBPR Product Approval Applications Consent Agenda:

Mr. Blair stated there were 418 DBPR product approval applications and none with comments, and that there was no action needed.

Other POC Business:

None

Public Comment:

None

POC Member and Staff Comment:

None

Adjourn:

There being no further business before the POC, Chairman Hershberger adjourned the meeting at 11:36 a.m.