



FLORIDA BUILDING COMMISSION

"STRONGER CODES THROUGH SCIENCE AND CONSENSUS"



FACILITATOR'S SUMMARY REPORT OF THE APRIL 13, 2021

FLORIDA BUILDING COMMISSION

VIRTUAL MEETING VIA WEBINAR AND TELECONFERENCE

PROCESS DESIGN, CONSENSUS-BUILDING AND FACILITATION BY



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FLORIDA BUILDING COMMISSION

APRIL 13, 2021 FACILITATOR’S MEETING SUMMARY REPORT

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FLORIDA BUILDING COMMISSION
APRIL 13, 2021 FACILITATOR'S SUMMARY REPORT



OVERVIEW OF COMMISSION'S KEY ACTIONS AND DECISIONS

TUESDAY, APRIL 13, 2021

I. PLENARY SESSION SUMMARY AND OVERVIEW

In response to the coronavirus COVID-19 pandemic, the Commission conducts their April 13, 2021 meeting as a virtual meeting via webinar and teleconference. At the April 13, 2021 virtual meeting the Commission considered and decided on Chair's issues and recommendations, Executive Director's announcements and discussions, update on the 2023 Code update Workplan/Schedule, accessibility waiver requests, product and entity approvals, applications for accreditor and course approvals, petitions for declaratory statements, and recommendations from the Commission's various committees. Specific actions included voting unanimously to: 1.) Initiate rulemaking for Rule 61G20-1.001, Florida Building Code, by publishing a Notice of Development, and to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Chairman of the Florida Building Commission; and, 2.) Proceed with rule development for Rule 61G20-2.002—Commission Approval and Accreditation of Advanced Building Code Training Courses, based on the approved recommendations, and to direct staff to bring draft rule language incorporating the recommendations to the June 8, 2021 rule workshop, and to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Commission.

(Attachment 1—Meeting Evaluation Results)

II. CHAIR'S WELCOME

Chairman Schock welcomed the Commission, DBPR staff and the public to the April 13, 2021 virtual meeting conducted via webinar and teleconference plenary session of the Florida Building Commission.

The Chair noted that in addition to considering regular procedural issues, updates, and reports, the primary purpose of the April 13, 2021 meeting was to conduct a rule development workshop for Rule 61G20-6.002.

The Chair explained, as always the Commission would provide an opportunity for public comment on each of the Commission's substantive discussion topics. Commissioner Schock explained 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 there is a formal motion on the floor.

III. COMMISSION ATTENDANCE

The following Commissioners participated in the Tuesday, April 13, 2021 virtual meeting conducted via webinar and teleconference:

Jim Schock (Chair), James Batts, Michael Bourré, David Compton, Nan Dean, Charles Fisher, David Gilson, Jeff Gross, Rodney Hershberger, David John, Paul Jones, Brian Langille, Grey Marker, Brad Schiffer, and Brian Swope.

(16 of the 16 currently seated Commissioners attended—100%).

Absent Commissioners:

None.

DBPR STAFF PARTICIPATING

Thomas Campbell, Jim Hammers, Chris Howell, Mo Madani, and Justin Vogel.

MEETING FACILITATION

Meetings are facilitated, and meeting reports drafted 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>

DBPR SECRETARY JULIE IMANUEL BROWN ADDRESSES COMMISSION

Secretary Brown introduced herself to the Commission and thanked them for their outstanding work on behalf of the citizens of Florida. The Secretary noted that the Commission developed, implemented, and maintains the best building code in the Country. The Secretary indicated that she is working with the Governor's appointments office to reappoint commissioners with expired terms and to fill the vacant positions. The Secretary noted that she has an open door policy and welcomes the opportunity to assist the Commission.

IV. AGENDA REVIEW AND APPROVAL

The Commission voted unanimously, 15 - 0 in favor, to approve the agenda for the April 13, 2021 meeting as posted/presented. Following are the key agenda items approved for consideration:

- To Approve Regular Procedural Topics (Agenda and Minutes).
- To Consider/Decide on Chair's Discussion Issues/Recommendations.
- To Consider/Decide on Executive Director Announcements and Discussions.
- To Receive Updated Workplan for the Florida Building Code, 8th Edition (2023).
- To Conduct a Rule Workshop on Rule 61G20-6.002.
- To Consider/Decide on Accessibility Waiver Applications.
- To Consider/Decide on Approvals/Revocations of Products & Product Approval Entities.
- To Consider Applications for Accreditor and Course Approval.
- To Receive a Legal Report Briefing.
- To Consider/Decide on Petitions for Declaratory Statements.
- To Receive/Decide on Reports and Recommendations from Committees.
- To Hear Commissioner and Public Comment.
- To Identify Needed Next Steps, Assignments, and Agenda Items for Next Meetings (June 8, 2021 virtual meeting).

Amendments to the Posted Agenda:

There were no amendments to the posted agenda.

(Attachment 2—April 13, 2021 Commission Agenda)

V. APPROVAL OF THE FEBRUARY 9, 2021 FACILITATOR'S SUMMARY REPORT AND MEETING MINUTES

MOTION—The Commission voted unanimously, 15 - 0 in favor, to approve the February 9, 2021 Facilitator's Summary Report and Meeting Minutes as posted/presented.

Amendments: There was no amendment offered to the meeting minutes.

VI. CHAIR'S DISCUSSION ISSUES AND RECOMMENDATIONS

Appointments

Chairman Schock announced the following appointments:

Education POC

The Chair appointed Michael Bourré to the Education POC. In addition, Michael was appointed as the Education POC chair effective April 14, 2021. Michael replaced Nan Dean who decided to roll-off of the Commission and not seek reappointment since her term expired on April 5, 2021.

The Chair thanked Nan for her years of dedicated and professional service on the Commission and as the Education POC's chair. Nan served on the Commission from June of 2012 – April 14, 2021. The

Chair expressed that on behalf of the Commission he appreciated her dedicated service to the citizens of Florida.

Special Occupancy TAC

The Chair appointed Jim Batts to the Special Occupancy TAC.

The Chair appointed Conn Cole to fill DEM's position on the Special Occupancy TAC. Conn replaced Steve Martin who rolled-off of the TAC.

Mechanical TAC

The Chair appointed Kenny Locke, who was recommended by BOAF, to fill the building officials position on the Mechanical TAC. Kenny replaced Joe Crum who rolled-off of the TAC.

The Chair appointed Joseph Griner to the Mechanical TAC.

The Chair thanked all of the committee members that rolled off and welcomed new appointments. On behalf of the Commission the Chair appreciated committee members for their service to the citizens of Florida.

Updated Commission Milestones

The Chair reminded participants that the Updated Commission Milestones document (updated as of February 9, 2021) is linked to the April 13, 2021 FBC Agenda on the BCIS.

VII. EXECUTIVE DIRECTOR ANNOUNCEMENTS AND DISCUSSIONS

Tom Campbell, FBC Executive Director, briefed the Commission on the following issues:

Legislative Update for 2021 Legislative Session—Bill Matrix

Tom reported as follows:

Review of CS/CS HB 1517 and CS/SB 1966—Contracting

Amends Section 4. Subsection (3) of section 489.109, F.S. – Fees, and Section 6. Subsection (3) of section 489.509, F.S. – Fees

The proposed legislation: **Status:** House: Commerce; Senate: Appropriations

- Removes \$4 licensure application and renewal fee paid by CILB and ECLB licensees to help fund the Florida Building Code Compliance and Mitigation Program.

Review of CS/HB 137 and CS/SB 286—Fire Prevention and Control

Amends Section 633.102 F.S. – Definitions

The proposed legislation: **Status:** House: second reading; Senate: Appropriations

- Changes requirements for what license is necessary to design certain types of fire protection systems.

Review of CS/HB 319 and SB 804—Building Construction Standards (553), and Fire Prevention and Control (633)

Amends Section 6. Subsection (9) of section 553.80 – Enforcement, and Section 7. Subsection (11) of section 633.208 – Minimum Fire Safety Standards

The proposed legislation: **Status:** House: Health and Human Services; Senate: Rules

- Prevents reclassification (Use and Occupancy) of a single family or two-family dwelling for the enforcement of the Florida Building Code because it is being used a recovery residence.

Review of CS/HB 401 and CS/SB 1146—Florida Building Code

Amends Section 553.73 (4)(k)(11), F.S.

The proposed legislation: **Status:** House: Commerce Committee; Senate: Appropriations, Rules

- Creates a nonbinding advisory opinion process for the Florida Building Commission to consider petitions from individuals who believe a local regulation is a local technical amendment to the Florida Building Code.
- Creates a process which would allow the Florida Building Commission to correct demonstrated errors in the Florida Building Code by issuing errata.
- Grants the Florida Building Commission authority to develop criteria for the approval of evaluation entities for the Commission’s statewide product approval program.

Future Commission Meeting Dates

Tom reported that the Commission will be meeting on June 8, 2021 starting at 8:30 AM, and the meeting will be a virtual meeting conducted by webinar. Following are the dates for the regular bimonthly Commission meetings scheduled for the remainder of 2021:

- August 10, on-site meeting Sarasota Hyatt Regency.
- October 12, 2021, virtual meeting by webinar.
- December 14 - 15, 2021, on-site meeting location TBD.

VIII. 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. Following a review of the Workplan update the Chair explained that in order to proceed with the approved Workplan for the 8th Edition (2023), Florida Building Code, the Commission should move to initiate rulemaking for Rule 61G20-1.001, Florida Building Code.

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, 16 – 0 in favor, to initiate rulemaking for Rule 61G20-1.001, Florida Building Code, by publishing a Notice of Development, and to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Chairman of the Florida Building Commission.

(Attachment 5—2023 Code Update Workplan)

IX. RULE WORKSHOP ON RULE 61G20-6.002

Chairman Schock noted that at the February 9, 2021 meeting the Commission voted to initiate rulemaking for Rule 61G-20-6.002 (Commission Approval and Accreditation of Advanced Building Code Training Courses) and to conduct a rule workshop at the April 13, 2021 meeting. At the April 13, 2021 meeting the Commission conducted a Workshop and following public comment decided whether to approve the proposed revisions to the Rule.

Michael Clark, Education POC Administrator, gave a presentation on the course accreditation process. Subsequently Jeff Blair explained the process and then Tom Campbell provided the Commission with a summary of each proposed change to the Education Rule (Rule 61G20-6.002 - Commission Approval and Accreditation of Advanced Building Code Training Courses) reviewed by the Education POC in turn. Jeff Blair facilitated the review process, public comment, and Commission's discussion and decision process.

There were 6 proposed revisions (A – E) and the POC provided recommendations on 4 of them (A – D) and tabled action on 2 of them (E and F) until the next POC meeting. The Chair explained that it would be appropriate if the Commission deferred a decision on the 2 recommendations tabled by the POC and take them up during the June 8, 2021 rule workshop with the benefit of the POC's recommendations.

Following is the process used during the Rule Workshop:

- Tom Campbell provided an overview of the change, options, and the POC's recommendation.
- Commissioner Clarifying Questions.
- Public Comment: Public Comment was limited to a maximum of 3 minutes per person for each proposed Rule Revision. The comments were taken in the order of: 1.) Pros (in favor of the revision); and, 2.) Cons (opposed to the revision) for each proposed rule revision in turn.
- Commission Discussion and Decision on proposed Rule revision.
- The process was repeated for each proposed revision in turn.

It was agreed that the POC would provide recommendations to the Commission on the method of evaluation for Rule revision D, and on proposed rule revisions E and F for the June 2021 rule workshop.

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, 16 – 0 in favor, to approve the POC's recommendation as amended* for proposed Rule revision A.

*Amendment: add: live before "instructor led."

MOTION—The Commission voted unanimously, 16 – 0 in favor, to approve the POC's recommendation for proposed Rule revision B.

MOTION—The Commission voted unanimously, 16 – 0 in favor, to approve the POC's recommendation for proposed Rule revision D.

MOTION—The Commission voted unanimously, 16 – 0 in favor, to proceed with rule development for Rule 61G20-2.002—Commission Approval and Accreditation of Advanced Building Code Training Courses, based on the approved recommendations, and to direct staff to bring draft rule language

incorporating the recommendations to the June 8, 2021 workshop, and to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Commission.

X. CONSIDERATION OF ACCESSIBILITY WAIVER APPLICATIONS

Justin Vogel, Accessibility Advisory Council legal advisor, presented the Accessibility Advisory Council's recommendations for all waiver applications, and the Commission reviewed and decided on the waiver applications submitted for their consideration.

Commission Actions Regarding Accessibility Waiver Applications:

1. Vintage – Waiver 497 - 30 St. George Street, St. Augustine 32084

MOTION—The Commission voted unanimously, 16 – 0 in favor, to grant the waiver for vertical accessibility to the second floor based on the grounds of the historical nature of the property.

2. 3139 SW 27th Avenue – Waiver 511 - 3139 SW 27th Avenue, Miami 33133

MOTION—The Commission voted unanimously, 16 – 0 in favor, to grant the waiver for vertical accessibility to the second floor on the grounds of economic hardship.

3. Precision Dermatology – Waiver 442 - 1550 Riverside Avenue, Jacksonville 32204

MOTION—The Commission voted unanimously, 16 – 0 in favor, to deny the waiver for vertical accessibility to the second floor based on the fact that the project is the office of a health care provider which is therefore not exempt from the ADA requirement to provide vertical accessibility to the second floor. The Commission thus has no authority to waive the specified ADA requirement.

4. Duckpin Bowling Fernandina Beach – Waiver 509 - 25 N. 3rd Street, Fernandina Beach 32034

MOTION—The Commission voted unanimously, 16 – 0 in favor, to grant the waiver for vertical accessibility to the second floor on the grounds of economic hardship.

XI. CONSIDERATION OF APPLICATIONS FOR PRODUCT AND ENTITY APPROVAL

Commissioner Hershberger presented the Product Approval Oversight Committee's recommendations for entities and product approvals on the consent agenda for approval, and Jeff Blair presented the product approvals with comments and/or discussion.

Commission Actions on the Consent Agendas for Approval:

MOTION—The Commission voted unanimously, 16 - 0 in favor, to approve the consent agenda of product approval entities (30) as posted/presented.

MOTION—The Commission voted unanimously, 16 - 0 in favor, to approve the consent agenda of products (267) recommended for approval to the 2020 Code as amended*.

Commission Action on Products Pulled from Consent Agenda:

Products FL 37384, FL 37637, and FL 28906-R2* were pulled from the consent agenda for individual consideration at the request of the applicant and as recommended by the POC.

MOTION—The Commission voted unanimously, 16 - 0 in favor, to conditionally approve FL 37384 to allow the applicant to the applicant to add model number "4HP18V36*" and "4HP18V60*" to table

"Type "A" Construction" on page 3 of the Installation Instructions document for sub product .8, .11, and .12.

MOTION—The Commission voted unanimously, 16 - 0 in favor, to conditionally approve FL 37637 to allow the applicant to add model number "SL25XPV-024*" and "SL25XPV-036*" and "SL25XPV-048*" and "SL25XPV-060*" to table "Product Line: Dave Lennox Signature Collection" on page 4 of the Installation Instructions document for sub product .2.

MOTION—The Commission voted unanimously, 16 - 0 in favor, to conditionally approve FL 28906-R2 to allow the applicant to correct the pressure rating as noted in the uploaded evaluation report and “Limits of use” and this is in order to reflect latest performance results.

Commission Actions Regarding Product Approval Applications With Comments—2020 Code:

1.) Members of the public were offered an opportunity to comment on the consent agenda of products with comments recommended for approval (1), commissioners were offered an opportunity to pull products off of the consent agenda, and then a vote was taken on the consent agenda for approval and subsequently on any products pulled for individual consideration.

2.) Members of the public were offered an opportunity to comment on the products with comments recommended for conditional approval (8) based on the conditions recommended by the POC, commissioners were offered an opportunity to pull products off of the consent agenda, and then a vote was taken on the consent agenda for conditional approvals and subsequently on any products pulled for individual consideration.

MOTION—The Commission voted unanimously, 16 - 0 in favor, to approve the consent agenda of products with comments (1) recommended for approval to the 2020 Code.

MOTION—The Commission voted unanimously, 16 - 0 in favor, to approve the consent agenda of products with comments (8) recommended for conditional approval to the 2020 Code.

Commission Actions Regarding DBPR Applications:

There was no Commission action required regarding the April 2021 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. CONSIDER APPLICATIONS FOR ACCREDITOR AND COURSE APPROVAL

Commissioner Dean 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 number: 1057.0.

**Commissioner Compton abstained from the vote.*

MOTION—The Commission voted unanimously, 16 – 0 in favor, to approve advanced accredited course numbers: 1028.0, 1047.0, 1051.0, 1048.0, 1046.0, 1045.0, 1043.0, 1055.0, 1052.0, and 1053.0.

MOTION—The Commission voted unanimously, 16 – 0 in favor, to approve administratively approved updated courses numbers: 992.1, 993.1, and 836.1.

MOTION—The Commission voted unanimously, 16 – 0 in favor, to conditionally approve administratively approved updated courses numbers: 365.4, 394.4, and 444.4 on individual motions.

XIII. LEGAL REPORT

Justin Vogel indicated that there were no new outstanding relevant legal updates to report to the Commission for the April 2021 meeting, and rulemaking initiatives approved by the Commission are ongoing.

XIV. 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 2021-005 by Carlos Lanza of CL Contractors Corp

Motion—The Commission voted unanimously, 16 - 0 in favor, to approve the Structural TAC's and Special Occupancy TAC's recommendations on the Petition to decline the petition as not appropriate.

2. DS 2021-006 by Michael Kasten of Trachte Building Systems

Motion—The Commission voted unanimously, 16 - 0 in favor, to approve the Structural TAC's and Product Approval POC's recommendations to approve the TAC's and POC's recommendation on the Petition to approve staff's analysis for Q1 as amended by the Structural TAC.

3. DS 2021-007 by Charles Casagrande of sdii Global Corp*

Motion—The Commission voted unanimously, 16 - 0 in favor, to approve the Roofing TAC's recommendation on the Petition to approve staff's analysis/Option 2 for Q1 as amended by the Roofing TAC.

*FRSA submitted a motion to intervene, and based on legal counsel's analysis and recommendation the Chair granted the Motion.

XV. COMMITTEE REPORTS AND RECOMMENDATIONS

Chairman Schock 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 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 Commission's April 13, 2021 Agenda on the BCIS.

Code Administration TAC

Commissioner Gilson presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 16 - 0 in favor, to accept the Code Administration TAC's report as presented/posted (March 31, 2021).

Education POC

Commissioner Dean presented the POC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 16 – 0 in favor, to accept the POC's report as presented/posted (April 1, 2021).

Electrical TAC

Commissioner Fischer presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 16 – 0 in favor, to accept the Electrical TAC's report as presented/posted (March 31, 2021).

Energy TAC

Mo Madani presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 16 – 0 in favor, to accept the Energy TAC's report as presented/posted (April 5, 2021).

Fire TAC

Commissioner Schiffer presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 16 – 0 in favor, to accept the Fire TAC's report as presented/posted (March 31, 2021).

Hurricane Research Advisory Committee (HRAC)

Jeff Blair presented the HRAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 16 – 0 in favor, to accept the HRAC's report as presented/posted (March 22, 2021).

Mechanical TAC

Commissioner John presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 16 – 0 in favor, to accept the Mechanical TAC's report as presented/posted (March 31, 2021).

Plumbing TAC

Mo Madani presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 16 – 0 in favor, to accept the Plumbing TAC's report as presented/posted (March 31, 2021).

Product Approval POC

Commissioner Hershberger presented the POC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 16 – 0 in favor, to accept the POC's report and Facilitator's summary report as presented/posted (April 1, 2021).

Roofing TAC

Commissioner Swope presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 16 – 0 in favor, to accept the Roofing TAC's report as presented/posted (April 2, 2021).

Special Occupancy TAC

Commissioner Whitehead presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 16 – 0 in favor, to accept the Special Occupancy TAC's report as presented/posted (March 30, 2021).

Structural TAC

Commissioner Compton presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 16 – 0 in favor, to accept the Structural TAC's report as presented/posted (March 30, 2021).

Swimming Pool TAC

Commissioner Batts presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 16 – 0 in favor, to accept the Swimming Pool TAC's report as presented/posted (March 31, 2021).

XVI. COMMISSION MEMBER COMMENTS AND ISSUES

Chairman Schock 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:

- Jim Schock: thanked Commissioner Dean for her outstanding service, and a round of applause was given in her honor.

XVII. 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, Chairman Schock invited members of the public to address the Commission on any issues under the Commission's purview.

Public Comments:

- None were offered.

XVIII. NEXT COMMISSION MEETING OVERVIEW AND ISSUES

The June 8, 2021 meeting will focus on the Commission's regular procedural and substantive issues, relevant rule development initiatives including Rule 61G20-6.002, approval of research projects funding for FY 2021 – 2022, and approval of the Annual Report to the Legislature for FY 2020 - 2021. The June meeting will be conducted as a virtual meeting via webinar and not as an on-site meeting.

(Attachment 5—Commission Meeting Schedule)

OTHER COMMISSION ACTIONS

All Commission actions taken during the April 13, 2021 meeting are reflected within specific agenda items.

STAFF ASSIGNMENTS FROM THE APRIL 13, 2021 COMMISSION MEETING

All Commission actions taken during the April 13, 2021 meeting are reflected within specific agenda items.

ADJOURNMENT

The Chair thanked Commission members, staff and the public for their participation, and adjourned the meeting at 10:25 AM on Tuesday, April 13, 2021.

ATTACHMENT 1
FLORIDA BUILDING COMMISSION MEETING EVALUATION RESULTS

APRIL 13, 2021—VIRTUAL MEETING VIA WEBINAR AND TELECONFERENCE

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

Number of Respondents: 6 of 16 (38% response rate) Commissioners participating in the virtual meeting completed meeting evaluations.

1. OVERALL MEETING ASSESSMENT.

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

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

- 9.7 ___ Chair's Discussion Issues/Recommendations.
- 9.5 ___ Executive Director's Announcements and Discussions.
- 9.5 ___ 8th Edition (2022), Florida Building Code Workplan Update.
- 9.5 ___ Workshop on Rule 61G20-6.002, Education.
- 9.7 ___ Applications for Accessibility Waiver Applications Approvals.
- 9.7 ___ Applications for Products and Product Approval Entities Approvals.
- 9.7 ___ Applications for Accreditor and Course Approvals.
- 9.7 ___ Petitions for Declaratory Statements.
- 9.7 ___ TAC, POC, Committee, and Workgroup Reports and Recommendations.

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

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

4. COMMISSIONERS LEVEL OF SATISFACTION WITH THE MEETING.

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

5. HOW WELL THE NEXT STEPS WERE COMMUNICATED.

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

6. WHAT COMMISSIONERS LIKED BEST ABOUT THE MEETING.

- Kept on agenda and moved along very well.
- Very well organized. The topics were discussed without additional “fluff.”

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

- None offered.

8. FEEDBACK ON HOW THE VIRTUAL MEETING WORKED AND COULD BE IMPROVED.

- Great job with over 100 people online.

SUGGESTIONS FOR IMPROVEMENTS FROM THE COMMENTS PROVIDED ABOVE

- None offered.

ATTACHMENT 2
APRIL 13, 2021 MEETING AGENDA

FLORIDA BUILDING COMMISSION
PLENARY SESSION
APRIL 13, 2021
TELECONFERENCE/WEBINAR

MEETING OBJECTIVES

- To Approve Regular Procedural Topics (Agenda and Minutes).
- To Consider/Decide on Chair's Discussion Issues/Recommendations.
- To Consider/Decide on Executive Director Announcements and Discussions.
- To Receive Update Regarding the 8th Edition (2023) Florida Building Code, Workplan.
- To Conduct a Rule Workshop on Rule 61G20-6.002.
- To Consider/Decide on Accessibility Waiver Applications.
- To Consider/Decide on Product Approval Applications.
- To Consider/Decide on Advanced Code Course Applications and Accreditor Applications.
- To Receive a Legal Report Briefing.
- To Consider/Decide on Petitions for Declaratory Statements.
- To Receive/Decide on Reports and Recommendations from Committees.
- To Hear Public Comment.
- To Identify Needed Next Steps, Assignments, and Agenda Items for Next Meetings (June 8, 2021 virtual meeting).

COMMISSION AND COMMITTEES—WEBINAR AND TELECONFERENCE MEETINGS

| | | |
|----------------|------------|---|
| March 22, 2021 | 1:00 p.m. | Hurricane Research Advisory Committee |
| March 30, 2021 | 10:00 a.m. | Structural TAC concurrent with Special Occupancy TAC |
| March 31, 2021 | 9:00 a.m. | Plumbing TAC concurrent with Fire TAC and Code Administration TAC |
| March 31, 2021 | 10:30 a.m. | Swimming Pool TAC concurrent with Electrical TAC and Mechanical ATC |
| April 1, 2021 | 8:30 a.m. | Education Program Oversight Committee |
| April 1, 2021 | 10:00 a.m. | Product Approval Program Oversight Committee |
| April 1, 2021 | 2:00 p.m. | Accessibility Advisory Council |
| April 2, 2021 | 10:00 a.m. | Roofing TAC |
| April 5, 2021 | 2:00 p.m. | Energy TAC |

MEETING AGENDA—APRIL 13, 2021

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

| | | |
|--------------|------|---|
| 8:30 a.m. | 1.) | <p>Welcome and Opening, Roll Call</p> <p>Virtual Meeting Participation Process Guidelines</p> |
| | 2.) | Review and Approval of Meeting Agenda |
| | 3.) | Review and Approval of February 9, 2021 Facilitator’s Summary Report and Meeting Minutes |
| | 4.) | <p>Chair’s Discussion Issues:</p> <p>Appointments</p> <p>Updated Commissioner Milestones</p> |
| | 5.) | <p>Executive Director Announcements and Discussions:</p> <p>Legislative Matrix</p> <p>Bills:</p> <p>Future Meetings: June 8, 2020 - Hyatt Regency, Sarasota (TBD)</p> |
| | 6.) | 8th Edition, (2023), Florida Building Code Update – Workplan Status. |
| | 7.) | Rule Workshop: Rule 61G20-6.002. |
| | 8.) | <p>Accessibility Waiver Applications: (Accessibility Advisory Council Report)</p> <ol style="list-style-type: none"> 1. Vintage – Waiver 497 - 30 St. George Street, St. Augustine 32084 - Issue: Vertical accessibility to the second floor. 2. 3139 SW 27th Avenue – Waiver 511 - 3139 SW 27th Avenue, Miami 33133 - Issue: Vertical accessibility to the second floor. 3. Precision Dermatology – Waiver 442 - 1550 Riverside Avenue, Jacksonville 32204 - Issue: Vertical accessibility to the second floor. 4. Duckpin Bowling Fernandina Beach – Waiver 509 - 25 N. 3rd Street, Fernandina Beach 32034 - Issue: Vertical accessibility to the second floor. |
| | 9.) | Applications for Product (2020) and Entity Approval . |
| | 10.) | Applications for Accreditor and Course Approval. |
| | 11.) | Legal Report: |

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| 12.) | <p>Declaratory Statements:</p> <p><u>DS 2021-005 by Carlos Lanza of CL Contractors Corp</u> <u>Comment-FDEM</u> <u>CCCL-Flood Sketc</u></p> <p><u>Anthony Lanza Comments</u> <u>St Lucie County Code Compliance Officer Pics</u> <u>4832 Watersong Way MLS</u> <u>Lot 37-39 Survey</u> <u>Listing</u> <u>DEC-CRS</u> <u>Watersong</u></p> <p><u>Douglas Harvey Comments</u> <u>LIMWA</u> <u>DEC Comments</u> <u>Plot Plan Survey</u> <u>Comment from St. Lucy</u> <u>Email from Carlos</u> <u>County</u></p> <p><u>DS 2021-006 by Michael Kasten of Trachte Building Systems</u></p> <p><u>DS 2021-007 by Charles Casagrande of sdii Global Corporation</u> <u>Motion to Intervene-FRSA</u> <u>Comment from the Petitioner</u></p> |
| 13.) | <p>Committee Reports:</p> <p><u>Code Administration Technical Advisory Committee (3/31/2021)</u> <u>Education Program Oversight Committee (04/1/2021)</u> <u>Electrical Technical Advisory Committee (3/31/2021)</u> <u>Energy Technical Advisory Committee (4/5/2021)</u> <u>Fire Technical Advisory Committee (3/31/2021)</u> <u>Hurricane Research Advisory Committee (03/22/2021)</u> <u>Mechanical Technical Advisory Committee (3/31/2021)</u> <u>Plumbing Technical Advisory Committee (3/31/2021)</u> <u>Product Approval Program Oversight Committee Facilitators</u> <u>Report and Minutes (04/1/2021)</u> <u>Roofing Technical Advisory Committee (4/2/2021)</u> <u>Special Occupancy Technical Advisory Committee (3/30/2021)</u> <u>Structural Technical Advisory Committee (3/30/2021)</u> <u>Swimming Pool Technical Advisory Committee (3/31/2021)</u></p> |
| 14.) | Commissioner Comment |
| 15.) | Public Comment |
| 16.) | Adjourn Commission Plenary Session |

ATTACHMENT 3
KEY TO COMMON ACRONYMS

| 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 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 complex 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 as of January 1, 2021 is a 19-member representative stakeholder group who successfully created, implemented, and maintains and updates the new statewide Florida Building Code. The Commission is comprised 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 welcome 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 groups, providing additional opportunities for public input. In addition many of the Commission's decisions require rule development to implement, affording additional entry points for public comment.

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 68 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 2018 assessment 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 annually assigns policy issues to the Commission for evaluation and implementation.

ATTACHMENT 5
COMMISSION’S UPDATED MEETING SCHEDULE AND
2023 CODE UPDATE WORKPLAN
UPDATED APRIL 13, 2021

COMMISSION MEETING DATES FISCAL YEAR 2020-2021

| | |
|-------------------|--|
| August 4, 2020 | Webinar/Teleconference Virtual Meeting |
| October 13, 2020 | Webinar/Teleconference Virtual Meeting |
| December 15, 2020 | Webinar/Teleconference Virtual Meeting |
| January 12, 2021 | Webinar/Teleconference Virtual Meeting |
| February 9, 2021 | Webinar/Teleconference Virtual Meeting |
| April 13, 2021 | Webinar/Teleconference Virtual Meeting |
| June 8, 2021 | Webinar/Teleconference Virtual Meeting |

COMMISSION MEETING DATES FISCAL YEAR 2021-2022

| | |
|----------------------|--|
| August 10, 2021 | On-Site Meeting Sarasota Hyatt Regency |
| October 12, 2021 | Webinar/Teleconference Virtual Meeting |
| December 14-15, 2021 | On-Site Meeting Location TBD |

COMMISSION’S 2023 CODE UPDATE DEVELOPMENT WORKPLAN

8TH EDITION (2023) FBC CODE UPDATE DEVELOPMENT TASKS

| 8TH EDITION (2023) UPDATE TO THE FLORIDA BUILDING CODE— | |
|--|-----------------|
| 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 |
| <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 |
| 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 |
| Residential Construction Cost Impact Workgroup (RCCIWG) reviews the 2021 changes to the International Residential Code (IRC) and provides comments to | TBD |

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| the Commission's TACs on impactful code changes. RCCIWG meeting – on-site meeting (TBD) | |
| 45 day public review and comment period ends (<i>By Rule 45 day min before TAC review</i>) | 7/1/2021 |
| Staff post on Commission website analysis of the 2021 I-Code changes with public comments (Tracking Charts and code change monographs) | 8/2/2021 |
| 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 - TBD | 9/24 - 29/2021 |
| Staff post TACs' recommendations online for further public review | 10/15/2021 |
| Deadline for requesting amendments (2021 I-Codes changes) to be pulled of the consent agenda for individual consideration | 11/19/2021 |
| Commission considers TACs' recommendations regarding the latest changes to the model codes - on site meeting (TBD) | 12/14-15/2021 |
| Staff post Commission's recommendations online | 1/3/2022 |
| <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 |
| Proposed amendments reviewed by staff and posted to the Commission website | 3/3/2022 |
| 1 st 45 day comment period ends (<i>By law -45 day min before TAC review</i>) | 4/18/2022 |
| Staff post on Commission website proposed code changes (Tracking Charts and Detail Reports) | 5/2/2022 |
| TACs consider proposed modifications (1 st 45 day comment period) TACs meetings - 4-day on-site meetings | 6/20-24/2022 |

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| TACs recommendations posted to the website Starting date for the 2 nd 45 day comment period | 7/12/2022 |
| 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. RCCIWG meeting – on-site meeting (TBD) | TBD |
| 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 |
| TACs consider public comments on their actions on the proposed mods TACs meetings – 4-day meetings [2-day on-site (TBD) and 2 – day via conference/webinar] – As needed and as applicable | 10/11-14/2022 |
| Staff post on Commission website TACs consideration of public comments | 11/10/2022 |
| Commission considers TAC recommendations (2 nd 45 day comment period) Commission – 2-day meeting | 12/13-14/2022 |
| 8 th Edition (2023) FBC (7 th Edition (2020) FBC, Florida Supplement and Commission's approved I Codes) posted online | 1/19/2023 |
| <i>Provide Supplements to ICC for integration into the 7th Edition (2020) FBC</i> | |
| TACs review comments to Rule Development Workshop of March 13, 2020 and make recommendations to the Commission TACs meetings - 3-day on-site meetings and 3-day conference call/webinar meetings | 2/22-24/2023 |
| Rule Development Workshop Commission – 1-day meeting | March 13, 2023 |
| Integrated Draft 8 th Edition (2023) FBC – Posted online | May 22, 2023 |
| Hearing on 8 th Edition (2023) FBC to consider received comments | TBD |
| 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 | TBD |
| Rule Submitted to Secretary of State and Supplement/Integrated posted online – subject to addressing all JAPC's concerns | TBD |
| Final FBC -PDF posted | TBD |
| Printed Code available - subject to negotiation with ICC | TBD |
| 2023 FBC (8th edition) effective date (6 – months after publication) | 12/31/2023 |
| 553.73(7)(e) 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. | |