

FLORIDA BUILDING COMMISSION
DOUBLETREE BY HILTON JACKSONVILLE RIVERFRONT
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AND

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Plenary Session

APRIL 12, 2022

8:30 A.M.

Minutes

COMMISSIONERS PRESENT:

James Schock, Chairman
James Batts
Michael Bourré
Donald Brown
David Compton
Charles Fischer
David Gilson
Jeff Gross

Rodney Hershberger
David John
Paul Jones
Brian Langille
Brad Schiffer
Brian Swope

COMMISSIONERS NOT PRESENT:

Grey Marker

STAFF PRESENT:

Mo Madani
Justin Vogel
Thomas Campbell

Jim Hammers
Sabrina Evans
Dave Ernst

Time: 8:30 a.m.

Chairman Schock welcomed Commissioners, staff, and members of the public to the April 2022 onsite plenary session of the Florida Building Commission.

Chairman Schock stated the primary focus of the April meeting, in addition to considering regular procedural issues, updates, briefing and reports, was to discuss the U.S. Department of Energy Update to Minimum Energy Efficiency Standards, to take action on the complaint filed against Soft-Lite LLC, and to receive a briefing on binding interpretation #231.

Chairman Schock stated that, as always, we will provide an opportunity for public comment on each of the Commission's substantive discussion topics. He advised that if anyone wanted to comment on a specific substantive Commission agenda item, that they please wait until the facilitator invites members of the public to speak at the appropriate times throughout the meeting. Chairman Schock stated that public input is welcome, but should be offered before there is a formal motion on the floor.

Roll Call:

Mr. Campbell performed roll call for the Florida Building Commission. A quorum was determined with 14 members present at roll call.

Agenda Approval:

Commissioner Bourré entered a motion to approve the agenda for today's meeting as posted. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 14 to 0.

Approval of Previous Meeting Minutes and Facilitator Report for February 8, 2022:

Commissioner Schiffer entered a motion to approve the minutes from February 8, 2022 as posted. Commissioner Swope seconded the motion. The motion passed unanimously with a vote of 14 to 0.

Chairman's Discussion Issues and Recommendations:

TAC Appointments:

Structural TAC:

Chairman Schock stated he appointed Ms. Julie Lowrey to the Structural TAC to replace Mr. Si Farvardin who resigned from the TAC. He thanked Si for his service and Julie for agreeing to serve.

Special Occupancy TAC:

Chairman Schock stated he appointed Mr. Josh Phillips to the Special Occupancy TAC to replace Ms. Michelle Haynes who resigned from the TAC. He thanked Michelle for her service and Josh for agreeing to serve.

Special Occupancy TAC:

Chairman Schock stated he appointed Dr. Kyra Lucas to the Special Occupancy TAC to represent the Department of State. She will replace Mr. Richard Hilburn. He thanked Mr. Richard Hilburn for his years of service and Dr. Lucas for agreeing to serve.

Research Projects for Fiscal Year 2022-2023:

Chairman Schock stated like the previous few years, the research projects submitted for the 2022-2023 fiscal year will continue to focus on issues related to hurricane resistance and structural issues only. The Hurricane Research Advisory Committee will be meeting on April 14, 2022 to begin the research project selection process which will conclude at the June 2022 Commission meeting. A copy of the research project work plan has been attached to the agenda for those interested in learning more about the selection process.

Milestones:

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

Executive Director Announcements and Discussions:

Mr. Campbell provided the Commission information on the bills impacting the Florida Building Code: **HB 423, SB 1140, and SB 352.**

Mr. Campbell reminded everyone that the Commission's next meeting will be June 7, 2022 via webinar.

Mr. Campbell provided the Commission information on the upcoming meeting dates:

- June 7, 2022- Webinar-Teleconference Virtual Meeting
- August 9, 2022- Webinar-Teleconference Virtual Meeting
- October 11, 2022- On-site, Orlando (Coincides with TAC meetings for Code mods)
- December 13-14, 2022- On-site, The Shore Resort & Spa in Daytona, Florida (Code mods approval)

Mr. Campbell informed the Commission that the TAC meetings will be scheduled for the last week of June and we will send the link out in a couple of weeks for the hotel stay.

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

Mr. Madani provided brief details on the status of the update to the Florida Building Code.

Motion:

Commissioner Schiffer entered a motion to approve the updated Florida Building Code Workplan. Commissioner Compton seconded the motion. The motion was passed unanimously with a vote of 14 to 0.

Accessibility Waiver Applications:

- 1) Versace Casa Casuarina Hotel Renovation Project- Waiver 549- 1116 Ocean Drive, Miami Beach 33139- Issue: vertical accessibility to the second and third floor.**

Mr. Vogel presented the waiver and advised that the Council recommended granting the request for vertical accessibility on the grounds of historical nature of the property.

Public Comment:

Mr. Larry Schneider stated he was representing the applicant and can answer any questions if needed.

Motion:

Commissioner Gross entered a motion to accept the Council's recommendation to grant the waiver on the basis of historical nature of the property. Commissioner Schiffer seconded the motion. The motion was passed unanimously with a vote of 14-0.

- 2) Interior Remodeling for Vinya Food and Drink- Waiver 548- 266 Miracle Mile, Coral Gables 33134- Issue: vertical accessibility to the mezzanine.**

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

Public Comment:

Mr. Larry Schneider stated he was representing the applicant and can answer any questions if needed.

Motion:

Commissioner Schiffer entered a motion to accept the Council's recommendation of the waiver on the basis of economic hardship. Commissioner Gross seconded the motion. The motion was passed unanimously with a vote of 14-0.

3) Dr. Ori Eizenberg Weinger- Wavier 553- 601 Brickell Key Dr. Unit 291, Miami 33131- Issue: vertical accessibility to the mezzanine.

Mr. Vogel presented the waiver and advised that the Council recommended granting the request for vertical accessibility on the grounds of technical infeasibility.

Motion:

Commissioner Schiffer entered a motion to accept the Council's recommendation of the waiver on the basis of technical infeasibility. Commissioner Gross seconded the motion. The motion was passed unanimously with a vote of 14-0.

U.S. Department of Energy updates to minimum efficiency standards for HVAC Systems:

Mr. Campbell presented the pertinent federal regulations.

Mr. Madani provided additional remarks regarding the federal regulations.

Public Comment:

Ms. Arlene Stewart, Energy Code Circuit Rider, gave thanks for including software in the plan.

Motion:

Commissioner John entered a motion to initiate the rulemaking process for Rule 61G20-1.001 Florida Building Code Adopted pursuant to section 553.73(8), F.S., to update the 7th Edition (2020), FBC, to include the U.S. Department of Energy's new HVAC efficiency requirements and to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Commission. Commissioner Bourré seconded the motion. The motion was passed unanimously with a vote of 14-0.

Applications for Entity Approval:

Commissioner Hershberger stated that the POC recommends approval of the consent agenda of 21 product approval entities.

Motion:

Commissioner Hershberger entered a motion for approval of the consent agenda of 21 product approval entities. Commissioner Compton seconded the motion. The motion was passed unanimously with a vote of 14-0.

Applications for Product Approval (2020 Code):

Commissioner Hershberger stated that the POC recommends approval of the consent agenda of products listed; however there was a request to pull product FL 17209-R5 from the consent agenda.

Mr. Madani informed the Commission the applicant requested to pull the product for conditional approval to make a minor correction to the installation instructions.

Motion:

Commissioner Hershberger entered a motion that product FL 17209-R5 be pulled for individual consideration. Commissioner Compton seconded the motion. The motion was passed unanimously with a vote of 14-0.

Commissioner Hershberger entered a motion for conditional approval of FL 17209-R5 based on the manufacturer's request to correct information. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 14-0.

Commissioner Hershberger entered a motion for approval of the consent agenda of 134 products listed on the consent agenda. Commissioner Compton seconded the motion. The motion was passed unanimously with a vote of 14-0.

Applications with Comments-2020 Code:

Mr. Campbell stated that members of the public will be offered an opportunity to comment on the consent agenda of 3 products with comments recommended for approval and Commissioners will be offered an opportunity to pull products off the consent agenda.

Motion:

Commissioner Hershberger entered a motion to approve the consent agenda of 3 products with comments recommended for approval to the 2020 Code. Commissioner Compton seconded the motion. The motion was passed unanimously with a vote of 14-0.

Applications with Comment by DBPR:

Mr. Campbell stated that members of the public will be offered an opportunity to comment on the consent agenda of 6 products with comments recommended for conditional approval by DBPR staff and Commissioners will be offered an opportunity to pull products off the consent agenda.

Motion:

Commissioner Hershberger entered a motion to approve the consent agenda of 6 products with comments recommended for conditional approval to the 2020 Code based on the conditions recommended by DBPR staff analysis and reflected in the posted documentation. Commissioner Compton seconded the motion. The motion was passed unanimously with a vote of 14-0.

Complaint against Soft-Lite., L.L.C by Ms. Silvia Lino:

Mr. Campbell presented and facilitated the discussion on the complaint filed by Ms. Silvia Lino and informed the Commission that the Product Approval POC's recommendation was to dismiss the complaint.

Ms. Lino stated she is representing herself for the complaint against Soft-Lite, LLC.

Mr. Mike VanNiel and Peter Langan stated they are representing Soft-Lite, LLC.

Mr. Vogel informed the Commission on the legal framework for reviewing complaints within the product approval program.

The public, staff, and Commissioners discussed the merits of the complaint.

Motion:

Commissioner Swope entered a motion to recommend dismissing the complaint against Soft-Lite, LLC on the grounds that there was not substantial material evidence that a violation of the product approval rules had occurred. Commissioner Compton seconded the motion. The motion was passed unanimously with a 14-0 vote.

Application for Accreditor and Advanced Course Approval:

Commissioner Bourré stated the Education POC did not receive for consideration any accreditor applications. The Education POC reviewed 2 advanced accredited courses and recommends course approval on 1088.0 and course approval on 1089.0.

Motion:

Commissioner Bourré entered a motion to approve advanced course accredited 1088.0 and 1089.0. Commissioner John seconded the motion. The motion was passed unanimously with a vote of 14-0.

Commissioner Bourré entered a motion to conditionally approve advanced accredited courses 1093.0 and 1091.0. . Commissioner John seconded the motion. The motion was passed unanimously with a vote of 14-0.

Legal Report:

Chairman Schock advised that Justin Vogel will report on relevant legal matters of interest to the Commission.

Mr. Vogel stated rulemaking for rule 61G20-2.003 has been completed.

Binding Interpretation #231:

Mr. Madani provided a briefing on binding interpretation #231.

Commissioner Schiffer and Commissioner Gross stepped away from the meeting, making the quorum 12.

Committee Reports and Recommendations

Education Program Oversight Committee:

Commissioner Bourré provided a brief summary of the Education POC's March 31, 2022 meeting.

Commissioner Bourré entered a motion to accept the report from the March 31, 2022 meeting. Commissioner John seconded the motion. The motion passed unanimously with a vote of 12-0.

Commissioner Schiffer and Commissioner Gross returned to the meeting, making the quorum 14.

Hurricane Research Advisory Committee:

Chairman Schock provided a brief summary of the Hurricane Research Advisory Committee's March 15, 2022 meeting.

Commissioner Schock entered a motion to accept the report from March 15, 2022 meeting. Commissioner Compton seconded the motion. The motion was passed unanimously with a vote of 14-0.

Product Approval Program Oversight Committee:

Commissioner Hershberger provided a brief summary of the Product Approval POC's March 31, 2022.

Commissioner Hershberger entered a motion to accept the report from March 31, 2022 meeting. Commissioner Compton seconded the motion. The motion was passed unanimously with a vote of 14-0.

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Commissioner Comment:

None

Public Comment:

None

Adjourn:

There were no further discussion and Chairman Schock adjourned the meeting at 10:22 a.m.