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Plenary Session

APRIL 11, 2023

8:30 A.M.

Minutes

COMMISSIONERS PRESENT:

James Schock, Chairman
James Batts
Michael Bourré
Donald Brown
David Compton
Jeff Gross
Rodney Hershberger
David John

Grey Marker
Brian Langille
Asael Marrero
Brad Schiffer
Fred Schilling
Brian Swope
Tim Tolbert
Stephen Wilcox

STAFF PRESENT:

Mo Madani
Justin Vogel
Thomas Campbell
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

Time: 8:30 a.m.

Chairman Schock welcomed the Commissioners, staff, and members of the public to the April 11, 2023 virtual plenary session of the Florida Building Commission via webinar and teleconference.

Chairman Schock stated the primary focus of the April 2023 meeting is to consider regular procedural issues, updates, briefings, and reports, and decide on funding for proposed research projects for FY 2023-2024.

Chairman Schock 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 16 members present at roll call.

Agenda Approval:

Commissioner Bourré entered a motion to approve the agenda for today's meeting as posted. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 16 to 0.

Approval of Previous Meeting Minutes and Facilitator Report for March 14, 2023:

Commissioner Bourré entered a motion to approve the minutes from March 14, 2023 as posted. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 16 to 0.

Chairman's Discussion Issues and Recommendations:

TAC Appointments:

Chairman Schock stated he appointed Tony Morgan to the Energy TAC replacing Ms. Kelly Smith Burk. He thanked Mr. Morgan for agreeing to serve and Ms. Smith Burk for her services.

Milestones:

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

Executive Director Announcements and Discussions:

Mr. Campbell provided the commission information on the following bills:

CS/CS/SB 154
CS/HB 1395
CS/HB/HB 799
SB 1018
CS/HB 671
CS/CS/CS/SB 1068
CS/SB 1282
CS/SB 408

Future Commission Meetings:

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

- June 20, 2023- Virtual Meeting
- August 15, 2023- Virtual Meeting
- October 17, 2023- Onsite, TBD
- December 12, 2023- Virtual Meeting

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.

Public Comment:

Arlene Stewart asked Mr. Madani a question.

Mr. Madani provided an answer to Ms. Stewart's question.

Motion:

Commissioner Schiffer entered a motion to approve the updated workplan and schedule for the development of the 2023 Code Update Process-8th Edition for the Florida Building Code. Commissioner Schilling seconded the motion. The motion was passed unanimously with a vote of 16 to 0.

Product Approval Fee Waiver Pursuant to Rule 61G20-3.007, F.A.C.:

Chairman Schock briefly provided details on the Product Approval Fee Waiver Pursuant to Rule 61G20-3.007, F.A.C.:

Commissioner:

Commissioner Marrero asked the staff a question.

Mr. Madani and Mr. Campbell provided answers to Commissioner Marrero's question.

Motion:

Commissioner Hershberger entered a motion that product approval application(s) fees be waived for all submittals demonstrating compliance with the 8th Edition (2023), Florida Building Code including those for the 7th Edition (2020), Florida Building Code from July 1, 2023 – December 30, 2023. Commissioner Marrero seconded the motion. The motion was passed unanimously with a vote of 16 to 0.

FY 2023-2024 Research Project Workplan and Proposed Research Projects:

Mr. Madani briefly provided details on the FY 2023-2024 Research Project Workplan and Proposed Research Projects.

Public Comment:

Arlene Stewart, Energy Circuit Rider, provided a comment.

Motion:

Commissioner Brown entered a motion to approve funding the research projects for FY 2023-2024 based on the HRAC's recommendation to fund the research projects for FY 2023-2024; as recommended by DBPR staff as required for implementation of the 8th Edition (2023): development of the 9th Edition (2026); survey of buildings damaged by Category III hurricanes; fact sheets on type of roof covering, underlayment, repairs; replacement (25% rule); and mitigation requirement; best practices recommendations for roof edge details and corrosion resistance; and impact of ASCE 7-22 Tornado Design Requirements on Buildings in Florida, and to charge DBPR staff with contracting, administering and overseeing the research, and negotiating scoping and funding levels as appropriate. Commissioner Schilling seconded the motion. The motion was passed unanimously with a vote of 16 to 0.

Partnership Requests for Energy Code Compliance Research Projects:

Chairman Schock briefly provided details on the partnership requests for Energy Code Compliance Research Projects.

Public Comment:

Arlene Stewart, Energy Circuit Rider, provided a comment.

Motion:

Commissioner John entered a motion to partner with UCF-FSEC by actively assisting FSEC with its proposed project of establishing a central repository for electronic energy code compliance files for the DE-FOA-0002813 (Modernizing Building Energy Code Compliance) proposal for funding by DOE. Commissioner Brown seconded the motion. The motion was passed unanimously with a vote of 16 to 0.

Motion:

Commissioner John entered a motion to partner with Karpman Consulting/UCF-FSEC by actively assisting Karpman Consulting/UCF-FSEC with its proposed Automation of Performance-Based Compliance Quality Control and Reporting project for the DE-FOA-0002813 (Automation of Performance-Based Compliance Quality Control and Reporting) proposal for funding by the Department of Energy (DOE). Commissioner Schilling seconded the motion. The motion was passed unanimously with a vote of 16 to 0.

Applications for Product (2020) and Entity Approval:

Commissioner Hershberger stated that the POC recommends approval of the consent agenda of 31 product approval entities.

Motion:

Commissioner Hershberger entered a motion for approval of the consent agenda of 31 product approval entities. Commissioner Compton seconded the motion. The motion was passed unanimously with a vote of 16 to 0.

Product Approval Applications with Comments:

Commissioner Hershberger informed the POC there were 2 product approval applications recommended for conditional approval with comment.

FL 41856:

Mr. Blair provided details on FL 41856.

Motion:

Commissioner Hershberger entered a motion for conditional approval of FL 41856. Commissioner Compton seconded the motion. The motion was passed unanimously with a vote of 16 to 0.

FL 31650:

Mr. Blair provided details on FL 31650.

Motion:

Commissioner Hershberger entered a motion for conditional approval of FL 31650. Commissioner Compton seconded the motion. The motion was passed unanimously with a vote of 16 to 0.

Applications for Accreditor and 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 1124.0 and conditional course approval on 1125.0.

Motion:

Commissioner Bourré entered a motion to approve advanced accredited course 1124.0. Commissioner Schiffer seconded the motion. The motion was passed unanimously with a vote of 16 to 0.

Motion:

Commissioner Bourré entered a motion to conditionally approve advanced accredited course 1125.0. Commissioner Schiffer seconded the motion. The motion was passed unanimously with a vote of 16 to 0.

Applications for Waiver from Accessibility Requirements:

- 1) **404 N 17 Ave LLC Former Hutchinson Hotel- Waiver 614- Issue:** Vertical Accessibility to all levels.

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

Motion:

Commissioner Schiffer entered a motion to grant the waiver for vertical accessibility on the grounds of the historical nature of the property. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 16 to 0.

- 2) **Island Coconut Grove Building- Waiver 612-** 2950 SW 28th Lane, Miami 33133 **Issue:** Vertical Accessibility to the second floor.

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

Applicant:

Robert Fine, Representative of Island Coconut Grove Building, briefly provided more details for Waiver 612 and stated he can answer any questions.

Motion:

Commissioner Schiffer entered a motion to grant the waiver for vertical accessibility on the grounds of economic hardship. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 16 to 0.

Legal Report:

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

Mr. Vogel briefly updated the Commission on outstanding legal matters relevant to the commission.

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

Committee Reports and Recommendations

Education Program Oversight Committee:

Commissioner Bourré provided a brief summary of the Education POC's March 31, 2023 meeting.

Motion:

Commissioner Bourré entered a motion to accept the report from the March 31, 2023 meeting. Commissioner John seconded the motion. The motion passed unanimously with a vote of 16 to 0.

Energy Technical Advisory Committee:

Mr. Madani provided a brief summary of the Energy TAC's April 4, 2023 meeting.

Motion:

Commissioner John entered a motion to accept the report from the April 4, 2023 meeting. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 16 to 0.

Hurricane Research Advisory Committee:

Mr. Blair provided a brief summary of the Hurricane Research Advisory Committee's March 23, 2023 meeting.

Motion:

Commissioner Schiffer entered a motion to accept the report from March 23, 2023 meeting. Commissioner Brown seconded the motion. The motion was passed unanimously with a vote of 16 to 0.

Product Approval Program Oversight Committee:

Commissioner Hershberger stated there were 138 product approval applications on the consent agenda.

Motion:

Commissioner Hershberger entered a motion to approve 138 product approval applications on the consent agenda. Commissioner Bourré seconded the motion. The motion passed unanimously with a vote of 16 to 0.

Commissioner Hershberger provided a brief summary of the Product Approval POC's March 30, 2023 meeting.

Motion:

Commissioner Hershberger entered a motion to accept the report from the March 30, 2023 meeting. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 16 to 0.

Commissioner Comment:

Commissioner Marrero asked the staff a question.

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

Public Comment:

Arlene Stewart, Energy Circuit Rider, provided a comment.

Adjourn Commission Plenary Session:

Chairman Schock stated the next meeting will be June 20, 2023 and will be a virtual meeting, it will focus on the commission's regular procedural and substantive issues, and a Rule Adoption Hearing (Rule 61G20-1.001) on the Commission's draft 8th Edition (2023) Florida Building Code. Chairman Schock adjourned the meeting at 9:37 a.m.