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1-866-899-4679  
MEETING ID 533-378-925  
Plenary Session  
June 8, 2021  
8:30 AM**

## **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:**

Thomas Campbell  
Mo Madani  
Chris Howell

Justin Vogel  
Jim Hammers

### **MEETING FACILITATION:**

The meeting was facilitated by Jeff Blair from Facilitated Solutions, LLC. Consultation, Process Design & Facilitation. Information at: [facilitatedsolutions.org](https://facilitatedsolutions.org)

**Time: 8:30 am**

Chairman Schock welcomed Commissioners, staff, and members of the public to the June 8, 2021, virtual plenary session of the Florida Building Commission via webinar and teleconference. He stated that he hoped that everyone is safe and taking the necessary health and social distancing precautions to help reduce the spread of the corona virus.

Chairman Schock stated the primary focus of the June meeting, in addition to considering regular procedural issues, and updates and reports, is to conduct a rule development workshop for Rule 61G20-6.002, approve funding of FY 2021-2022 research projects, and to approve the FY 2020 – 2021 Commission Annual Report.

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.

Chairman Schock advised that Jeff Blair will review the Commission's adopted Webinar and Teleconference Participation Process before taking roll call.

**Webinar and Teleconference Participation Process:**

Mr. Blair provided detail of the process for the Commission and the public participating online and on the phone.

**Roll Call:**

Mr. Blair performed roll call; a quorum was met with 14 members present at roll call.

**Agenda Review and Approval:**

Mr. Blair covered the agenda items for the meeting today.

Chairman Schock requested a motion for approval of the agenda for today's meeting.

Commissioner Bourré entered a motion to approve the agenda as posted. The motion was seconded by Commissioner Compton. The motion passed unanimously with a vote of 14 to 0 in favor.

**Approval of Previous Meeting Minutes and Facilitator Report for April 13, 2021:**

Chairman Schock requested a motion for approval of the April 13, 2021 Facilitator's Summary Report and meeting minutes.

Commissioner Brown entered a motion to approve the April 13, 2021 Facilitator's Summary Report and meeting minutes as posted. The motion was seconded by Commissioner Compton. The motion passed unanimously with a vote of 14 to 0 in favor.

**Chairman's Discussion Issues and Recommendations:**

**Appointments:**

Chairman Schock stated he was pleased to announce that during the 2021 Session the Senate confirmed the appointments of himself, Commissioner John, and Commissioner Hershberger.. He noted however, the Senate did not act on the confirmations of Commissioners Bourré, Marker, and Jones. Chairman Schock stated that the Governor's appointments office has been made aware of the issue and unless the Governor reappoints them by June 15, 2021, they will no longer be commissioners effective on that date.

**Structural TAC**

Chairman Schock stated he was appointing Steven Orłowski to the Structural TAC to replace Steve Strawn who has rolled-off of the TAC. He thanked Steve Strawn for his years of service as the representative for fenestration manufacturers, and welcomed Steven Orłowski,

**Milestones:**

Chairman Schock 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:**

**Research and BCIS Maintenance/Modernization Budget for FY 2021-2022:**

Mr. Campbell advised that after the top three ranked research projects are contracted for, the staff will use the remaining funds of the budget for FY 2021-2022 for maintenance and modernization of the BCIS.

Mr. Campbell provided the Commission with updates concerning the Legislative session.

Mr. Campbell provided the following on **HB 401**:

**Section 2 – Nonbinding Advisory Opinion Process Section**

Mr. Campbell stated that 553.73 (4)(k)(11), F.S. was amended creating 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, and requiring the Commission to adopt a form for the petition and directions for filing. He advised that to implement this provision the Commission will need to approve the nonbinding advisory opinion petition and response form; and, to authorize staff to publish a notice of rule development and notice of proposed rule for Rule 61G20-2.003, F.A.C., to incorporate the Commission approved nonbinding advisory opinion petition and response form into Rule 61G20-2.003

**Motions:**

Chairman Schock asked for a motion to approve the nonbinding advisory opinion petition and response form if there was no further discussion.

Commissioner Schiffer entered a motion to approve the nonbinding advisory opinion petition and response form. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 14 to 0.

Chairman Schock asked for a motion to authorize staff to publish a notice of rule development and notice of proposed rule for Rule 61G20-2.003, F.A.C., to incorporate the Commission approved nonbinding advisory opinion petition and response form into Rule 61G20-2.003 if there was no further discussion.

Commissioner Schiffer entered a motion to authorize staff to publish a notice of rule development and notice of proposed rule for Rule 61G20-2.003, F.A.C., to incorporate the Commission-approved nonbinding advisory opinion petition and response form into Rule 61G20-2.003. Commissioner John seconded the motion. The motion passed unanimously with a vote of 14 to 0.

## **Section 2 – Florida Building Commission Issuance of Errata:**

Mr. Campbell stated that Section 553.73 (8)(b), F.S. was amended, creating a process which would allow the Florida Building Commission to correct demonstrated errors in the Florida Building Code by issuing errata. He advised that to implement this provision the Commission will need to approve a notice of rule development for Rule 61G20-1.001, F.A.C., pursuant to Section 553.73(8), Florida Statutes.

### **Motion:**

Chairman Schock asked for a motion to authorize staff to publish a notice of rule development or Rule 61G20-1.001, F.A.C., pursuant to Section 553.73(8), Florida Statutes.

Commissioner Compton entered a motion to publish a notice of rule development or Rule 61G20-1.001, F.A.C., pursuant to Section 553.73(8), Florida Statutes. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 14 to 0.

## **Section 3 – Code Amendment**

Mr. Campbell stated that Section 553.79 (1)(d), F.S. was amended requiring the Commission to amend the Code to reflect that a local government may not require a contract between a builder and an owner for the issuance of a building permit or as a requirement for the submission of a building permit application. He advised that to implement this provision the Commission will need to approve rulemaking for Rule 61G20- 1.001, F.A.C., to amend the Florida Building Code, pursuant to Section 553.73(8), F.S., to be consistent with the bill's changes to Section 553.79, F.S.; and, approve a notice of rule development for Rule 61G20-1.001, pursuant to Section 553.73(8), Florida Statutes.

### **Motions:**

Chairman Schock asked for a motion to approve rulemaking for Rule 61G20-1.001, F.A.C., to amend the Florida Building Code, pursuant to Section 553.73(8), F.S., to be consistent with the bill's changes to Section 553.79, F.S. if there was no further discussion,

Commissioner Bourré entered a motion to approve rulemaking for Rule 61G20-1.001, F.A.C., to amend the Florida Building Code, pursuant to Section 553.73(8), F.S., to be consistent with the bill's changes to Section 553.79, F.S. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 14 to 0.

**Executive Director Announcements and Discussions (cont.):**

**Section 3 – Code Amendment (cont.):**

Chairman Schock asked for a motion to approve a notice of rule development and a notice of proposed rule for Rule 61G20-1.001, pursuant to Section 553.73(8) Florida Statutes if there was no further discussion.

Commissioner Schiffer entered a motion to approve a notice of rule development for Rule 61G20-1.001, pursuant to Section 553.73(8), Florida Statutes. Commissioner John seconded the motion. The motion passed unanimously with a vote of 14 to 0.

**Section 4 – Revision and Removal of Private Provider Forms in Rule 61G20-2.005:**

Mr. Campbell advised that Section 553.791 (4), F.S. was amended, requiring the Commission to adopt a form for notification to local building officials that a private provider has been contracted to perform the required inspections of construction. He stated that in order to implement this provision the Commission will need to approve rulemaking for Rule 61G20-2.005, F.A.C., to amend Form 61G20-2.005-2002-01 and delete forms 61G20-2.005-2002- 02, and 61G20-2.005-2005-01; and, approve a notice of rule development and a notice of proposed rule for Rule 61G20-2.005, F.A.C.

**Motions:**

Chairman Schock asked for a motion to approve rulemaking for Rule 61G20-2.005, F.A.C., to amend Form 61G20-2.005-2002-01 and delete forms 61G20-2.005-2002- 02, and 61G20-2.005-2005-01 if there was no further discussion.

Commissioner Schiffer entered a motion to approve rulemaking for Rule 61G20-2.005, F.A.C., to amend Form 61G20-2.005-2002-01 and delete forms 61G20-2.005-2002- 02, and 61G20-2.005-2005-01. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 14 to 0.

Chairman Schock asked for a motion to approve a notice of rule development and a notice of proposed rule for Rule 61G20-2.005, F.A.C. if there was no further discussion.

Commissioner Schiffer entered a motion to approve a notice of rule development and a notice of proposed rule for Rule 61G20-2.005, F.A.C. Commissioner Hershberger seconded the motion. The motion passed unanimously with a vote of 14 to 0.

**Executive Director Announcements and Discussions (cont.):**

**Section 6 – Criteria for Approving Product Evaluation Entities and Changes to Product Approval Entity Disciplinary Guidelines:**

Mr. Campbell stated that Section 553.842 (8)(a), F.S. was amended granting the Florida Building Commission authority to develop criteria for the approval of evaluation entities for the Commission's statewide product approval program; and, requiring the Commission to establish criteria for suspension of approvals of product evaluation entities.

Mr. Campbell said that the Product Approval POC reviewed the provisions and voted unanimously to recommend Commission approval of the proposed revisions. He advised that to implement these provisions the Commission will need to approve revisions to Rule 61G20-3.008, F.A.C., adding criteria for the approval of product evaluation entities. Mr. Campbell further stated that the criteria for approval will also need to be added to Form 9N-3.011(1), F.A.C., which is incorporated into Rule 61G20-3.011, F.A.C., by reference; and that the Commission will need to approve revisions to Rule 61G20-3.013, F.A.C., authorizing the Commission to suspend product evaluation entity approvals. He advised that the Commission also approve rule revisions to Rule 61G20-3.013, F.A.C., authorizing the Commission to suspend or revoke the approvals of certification agencies, testing laboratories, quality assurance agencies, and validation entities; approve revisions to Rule 61G20-3.016, F.A.C., to incorporate Standard ISO/IEC 17065 as the reference standard that will be used for the approval of product evaluation entities; and, authorize staff to publish notices of rule development and notices of proposed rule for Rules 61G20-3.008, F.A.C., 61G20-3.011, F.A.C., 61G20-3.013, F.A.C., and 61G20-3.016, F.A.C.

**Motions:**

Chairman Schock asked for a motion to approve revisions to Rule 61G20-3.008, F.A.C., adding criteria for the approval of product evaluation entities; add the criteria for approval to Form 9N-3.011(1), F.A.C., which is incorporated into Rule 61G20-3.011, F.A.C., by reference; approve revisions to Rule 61G20-3.013, F.A.C., authorizing the Commission to suspend product evaluation entity approvals; approves rule revisions to Rule 61G20-3.013, F.A.C., authorizing the Commission to suspend or revoke the approvals of certification agencies, testing laboratories, quality assurance agencies, and validation entities; and approve revisions to Rule 61G20-3.016, F.A.C., to incorporate Standard ISO/IEC 17065 as the reference standard that will be used for the approval of product evaluation entities, if there was no further discussion.

**Executive Director Announcements and Discussions (cont.):**

**Section 6 – Criteria for Approving Product Evaluation Entities and Changes to Product Approval Entity Disciplinary Guidelines (cont.):**

Commissioner Hershberger entered a motion to approve revisions to Rule 61G20-3.008, F.A.C., adding criteria for the approval of product evaluation entities; add the criteria for approval to Form 9N-3.011(1), F.A.C., which is incorporated into Rule 61G20-3.011, F.A.C., by reference; approve revisions to Rule 61G20-3.013, F.A.C., authorizing the Commission to suspend product evaluation entity approvals; approve rule revisions to Rule 61G20-3.013, F.A.C., authorizing the Commission to suspend or revoke the approvals of certification agencies, testing laboratories, quality assurance agencies, and validation entities; and approve revisions to Rule 61G20-3.016, F.A.C., to incorporate Standard ISO/IEC 17065 as the reference standard that will be used for the approval of product evaluation entities. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 14 to 0.

Chairman Schock asked for a motion to authorize staff to publish notices of rule development and notices of proposed rule for Rules 61G20-3.008, F.A.C., 61G20- 3.011, F.A.C., 61G20-3.013, F.A.C., and 61G20-3.016, F.A.C. if there was no further discussion.

Commissioner John entered a motion to authorize staff to publish notices of rule development and notices of proposed rule for Rules 61G20-3.008, F.A.C., 61G20- 3.011, F.A.C., 61G20-3.013, F.A.C., and 61G20-3.016, F.A.C. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 14 to 0.

**Implementation of SB 804 – Code Amendment:**

Mr. Campbell stated that section 553.80 (9), F.S. was amended, preventing reclassification of a single family or two-family dwelling for the enforcement of the Florida Building Code because it is being used as a recovery residence, and requiring the Commission to amend the Code to reflect the requirement.

Mr. Campbell advised that to implement this provision the Commission will need to approve rulemaking for Rule 61G20- 1.001, F.A.C., to amend the Florida Building Code, pursuant to Section 553.73(8), F.S., and, approve a notice of rule development for Rule 61G20-1.001, pursuant to Section 553.73(8), Florida Statutes.



**Executive Director Announcements and Discussions (cont.):**

**Implementation of SB 804 – Code Amendment (cont.):**

**Motions:**

Chairman Schock asked for a motion to approve rulemaking for Rule 61G20-1.001, F.A.C., to amend the Florida Building Code, pursuant to Section 553.73(8), F.S., to be consistent with the bill's changes to Section 553.79, F.S. if there was no further discussion.

Commissioner Schiffer entered a motion to approve rulemaking for Rule 61G20-1.001, F.A.C., to amend the Florida Building Code, pursuant to Section 553.73(8), F.S., to be consistent with the bill's changes to Section 553.79, F.S. Commissioner Batts seconded the motion. The motion passed unanimously with a vote of 14 to 0.

Chairman Schock asked for a motion to approve a notice of rule development for Rule 61G20-1.001, pursuant to Section 553.73(8), Florida Statutes if there was no further discussion.

Commissioner Schiffer entered a motion to approve a notice of rule development for Rule 61G20-1.001, pursuant to Section 553.73(8), Florida Statutes. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 14 to 0.

**Implementation of SB 286 – Code Amendment:**

Mr. Campbell stated that Section 633.102 F.S., was amended, changing requirements for what license is necessary to design certain types of fire protection systems, and requiring the Commission to amend the Code to reflect the requirement.

Mr. Campbell advised that to implement this provision the Commission will need to approve rulemaking for Rule 61G20- 1.001, F.A.C., to amend the Florida Building Code, pursuant to Section 553.73(8), F.S., and, approve a notice of rule development for Rule 61G20-1.001, pursuant to Section 553.73(8), Florida Statutes.

**Motions:**

Chairman Schock asked for a motion to approve rulemaking for Rule 61G20-1.001, F.A.C., to amend the Florida Building Code, pursuant to Section 553.73(8), F.S., to be consistent with the bill's changes to Section 553.79, F.S. if there was no further discussion.

**Executive Director Announcements and Discussions (cont.):**

**Implementation of SB 286 – Code Amendment (cont.):**

Commissioner Brown entered a motion to approve rulemaking for Rule 61G20-1.001, F.A.C., to amend the Florida Building Code, pursuant to Section 553.73(8), F.S., to be consistent with the bill's changes to Section 553.79, F.S. Commissioner Hershberger seconded the motion. The motion passed unanimously with a vote of 14 to 0.

Chairman Schock asked for a motion to approve a notice of rule development for Rule 61G20-1.001, pursuant to Section 553.73(8), Florida Statutes if there was no further discussion.

Commissioner Schiffer entered a motion to approve a notice of rule development for Rule 61G20-1.001, pursuant to Section 553.73(8), Florida Statutes. Commissioner Batts seconded the motion. The motion passed unanimously with a vote of 14 to 0.

**Travel Reimbursement:**

Mr. Campbell stated that the Commission will start traveling again in August, and therefore he would like to review travel reimbursement procedures. He provided a detailed summary of the policies and procedures with the group.

**Future Meetings and Locations:**

Mr. Campbell advised as a reminder that the next Commission meeting will be held on August 10, 2021 and will be conducted as an on-site meeting at the Sarasota Hyatt Regency.

Mr. Campbell stated the following are the dates for the regular bi-monthly Commission meetings scheduled for the remainder of 2021:

October 12, 2021, virtual meeting by webinar.  
December 14 - 15, 2021, on-site meeting location TBD

**8<sup>th</sup> Edition (2023) Florida Building Code Workplan**

Mo Madani provided a review of the proposed Workplan and Schedule for development of the 2023 Code Update Process—8th Edition (2023). He also provided the Commission with a presentation for the code update process. Mr. Madani then advised the Commission regarding the 2021 I-Code changes statistics.

Chairman Schock stated that after consultation with DBPR staff he agreed that the Commission should provide guidance to the TACs for their consideration of I-Code changes categorized by staff as “overlaps.” He stated in general the Commission’s policy has been that only I-Code changes that “correlate directly” should be recommended for approval during the I-Code review phase of the process (Phase I), and I-Code changes that overlap (Florida specific amendments)

**8<sup>th</sup> Edition (2023) Florida Building Code Workplan (cont.):**

should be submitted by proponents as proposed Code amendments during the Code amendment phase of the process (Phase II), and should not be recommended for approval by the TACs during Phase I of the Code Update Process. Chairman Schock advised that he is recommending that the Commission maintain this policy. He asked Commissioners and TAC members to remember that recommending denial during Phase I does not mean that a TAC member would not vote to approve the change if submitted as a Code amendment in Phase II, where it should be considered on its merits.

Mr. Madani provided a review of the definitions of “overlap” and “correlate directly,” as those terms were being applied to I-Code changes, and provided examples.

**Motion:**

Chairman Schock stated if there was no further discussion, he would like a motion to adopt the Commission’s policy that TACs should not recommend approval of I-Code changes categorized by staff as “overlaps” during the TACs’ review of 2021 Model Code changes, and should recommend denial for this Phase of the 2023 Code Update Process; in addition, the TAC I-Code Review Process should be revised to reflect this policy

Commissioner John entered a motion to adopt the Commission’s policy that TACs should not recommend approval of I-Code changes categorized by staff as “overlaps” during the TACs’ review of 2021 Model Code changes, and should recommend denial for this Phase of the 2023 Code Update Process; in addition, the TAC I-Code Review Process should be revised to reflect this policy. Commissioner Jones seconded the motion. The motion passed unanimously with a vote of 14 to 0.

Mr. Madani provided further detail on the TAC meeting schedule for review of the I-Code changes.

**Motion:**

Chairman Schock stated if there was no further discussion, he would ask for a motion to approve the meeting schedule for TAC review of I-Code changes for development of the 8th Edition (2023), Florida Building Code.

Commissioner Bourré entered a motion to approve the meeting schedule for TAC review of I-Code changes for development of the 8th Edition (2023), Florida Building Code. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 14 to 0.

**8<sup>th</sup> Edition (2023) Florida Building Code Workplan (cont.):**

Chairman Schock advised that at the March 2020 meeting the Commission reviewed all 5 process documents for the Code Update Process, including the processes for reviewing I-Code updates and proposed Code amendments for the 2023 Code Update Process. He further stated that today the Commission will adopt the TAC 2021 Model Code Update Review Process and the Commission 2021 Model Code Update Review Process.

Mr. Blair provided a document with a detailed explanation of the TAC I-Code process.

Chairman Schock stated if there was no further discussion, he would like a motion to adopt the TAC 2021 Model Code Update Review Process for development of the 8th Edition (2023), Florida Building Code.

**Motion:**

Commissioner Compton entered a motion to adopt the TAC 2021 Model Code Update Review Process for development of the 8th Edition (2023), Florida Building Code. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 14 to 0.

Mr. Blair provided a document with a detailed explanation of the Commission I-Code review process.

Chairman Schock then advised if there was no further discussion, he would like a motion to adopt the Commission 2021 Model Code Update Review Process for development of the 8th Edition (2023), Florida Building Code.

**Motion:**

Commissioner Bourré entered a motion to adopt the Commission 2021 Model Code Update Review Process for development of the 8th Edition (2023), Florida Building Code. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 14 to 0.

**Break 10:17 am – 10:30 am**

**Rule Workshop on Rule 61G20-6.002:**

Chairman Schock advised that at the February 9, 2021 meeting the Commission voted to initiate rulemaking for Rule 61G20- 6.002 (Commission Approval and Accreditation of Advanced Building Code Training Courses), and conducted a rule workshop at the April 13, 2021 meeting. He stated that today the Commission will conduct an additional Workshop and following public comment, decide whether to approve any additional revisions to the rule.

**Rule Workshop on Rule 61G20-6.002 (cont.):**

Chairman Schock stated that Mr. Blair will facilitate the review process, public comment, and Commission discussion and decision process.

Chairman Schock advised that there were 6 proposed revisions (A – E) and the Commission took action on A – D during the April 13, 2021 workshop and deferred action on E and F pending the Education POC's recommendations on the remaining 2 proposed revisions.

Mr. Blair explained the process that would be used for the remaining proposed changes to the rule reviewed by the Education POC.

Mr. Campbell provided an overview of the changes and options presented, along with the Education POC's recommendations.

Mr. Campbell provided the Education POC's recommendation on the method of evaluation for Rule revision D.

**Rule Revision A:**

Mr. Campbell provided a review of the Amended form FBCED 2003-03.

**Public Comment:** Wendy Johnson asked if more than one box could be checked for multiple classes to avoid reapplication each time.

Mr. Campbell advised yes, but there are some restrictions which he would cover under Revision G.

Chairman Schock stated if there was no further discussion, he would ask for a motion to approve the amended form FBCED 2003-03.

**Motion:**

Commissioner Schiffer entered a motion to approve the amended form FBCED 2003-03. Commissioner Batts seconded the motion. The motion passed unanimously with a vote of 14 to 0.

**Rule Revision B:**

Mr. Campbell provided a review of the approved changes to Rule 61G20-6.002.

Chairman Schock stated if there was no further discussion, he would ask for a motion to approve changes to Rule 61G20-6.002.

**Rule Workshop on Rule 61G20-6.002 (cont.):**

**Motion:**

Commissioner Schiffer entered a motion to approve changes to Rule 61G20-6.002.

Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 14 to 0.

**Rule Revision D:**

Mr. Campbell provided a review of the Amended form FBCED 2003-03 with two upload fields, one for course reference materials and one for course presentation materials and the purpose and functions of each.

Chairman Schock stated if there was no further discussion, he would ask for a motion to approve the amended form FBCED 2003-03.

**Motion:**

Commissioner Bourré entered a motion to approve the amended form FBCED 2003-03.

Commissioner John seconded the motion. The motion passed unanimously with a vote of 14 to 0.

**Rule Revision G:**

Mr. Campbell provided a review of the proposed changes to Rule 61G20-6.002, and the proposed changes to the “Example Reference Materials,” and the “Draft Information/Instructions Page.” Mr. Campbell provided additional detail for Ms. Johnson’s questions from Revision A.

Chairman Schock stated if there was no further discussion, he would ask for a motion to approve the changes to Rule 61G20-6.002, and the changes to the “Example Reference Materials;” and the “Draft Information/Instructions Page.”

Commissioner Brown entered a motion to approve the changes to Rule 61G20-6.002, and the changes to the “Example Reference Materials;” and the “Draft Information/Instructions Page.” Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 14 to 0.

Chairman Schock advised that all of the proposed rule language revisions, forms and reference material have been reviewed by the Commission and he would ask for the motion to proceed with a notice of proposed rule and rule adoption unless a hearing is requested 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 proceed with rule adoption, and to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Commission.

**Rule Workshop on Rule 61G20-6.002 (cont.):**

**Motion:**

Commissioner Brown entered a motion to proceed with a notice of proposed rule and rule adoption unless a hearing is requested 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 proceed with rule adoption, and to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Commission. Commissioner Batts seconded the motion. The motion passed unanimously with a vote of 14 to 0.

**Accessibility Waivers:**

Chairman Schock advised that the Commission will now consider this month's requests for accessibility waivers. He stated Justin Vogel will serve as legal counsel and present the Accessibility Advisory Council's recommendations. Chairman Schock asked that Mr. Vogel present the Council's recommendations regarding waiver requests.

**Dolive Building LLC – Waiver 512 - 100 Orange Avenue, Orlando 32801 - Issue:** Vertical accessibility to the second floor.

Mr. Vogel presented the waiver. He advised that the Council recommended granting the request for waiver for vertical accessibility to the second floor based on the grounds of economic hardship.

Commissioner Schiffer entered a motion to grant the request for a waiver for vertical accessibility to the second floor based on the grounds of economic hardship. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 14 to 0.

**LeSesne - Friend House – Waiver 522 - 415 Centre Street, Fernandina Beach 32034 - Issue:** Vertical accessibility to the second floor.

Mr. Vogel presented the waiver. He advised that the Council recommended granting the request for waiver for vertical accessibility to the second floor based on the grounds of historical nature of the property and technical infeasibility.

Commissioner Schiffer entered a motion to grant the request for a waiver for vertical accessibility to the second floor based on the grounds of historical nature of the property and technical infeasibility. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 14 to 0.

**Accessibility Waivers (cont.):**

**Bionetic Enhancement Center – Waiver 517 - 10030 Wellness Way, Orlando 32832 - Issue:** Vertical accessibility to the mezzanine.

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

Commissioner Bourré entered a motion to grant the request for a waiver for vertical accessibility to the second floor based on the grounds of economic hardship. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 14 to 0.

**200 Collins Ave – Waiver 504 - 200 Collins Ave, Miami Beach 33139 - Issue:** Vertical accessibility to the basement and second floor.

Mr. Vogel presented the waiver. He advised that the Council recommended granting the request for waiver for vertical accessibility to the second floor based on the grounds of historical nature of the property and technical infeasibility.

Commissioner Schiffer entered a motion to grant the request for a waiver for vertical accessibility to the second floor based on the grounds of historical nature of the property and technical infeasibility. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 14 to 0.

**Watch Boutique – Waiver 519 - 4000 NE 2nd Avenue, Miami 33137 - Issue:** Vertical accessibility to the mezzanine.

Mr. Vogel presented the waiver. He advised that the Council recommended granting the waiver to the extent it has been made necessary, on the grounds that vertical access to the mezzanine is not required pursuant to the terms of section 553.09(1)(c), Florida Statutes.

Commissioner Schiffer entered a motion to grant the request for a waiver for vertical accessibility to the mezzanine to the extent it has been made necessary, on the grounds that vertical access to the mezzanine is not required pursuant to the terms of section 553.09(1)(c), Florida Statutes. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 14 to 0.



**Accessibility Waivers (cont.):**

**Filippo Incorvaia – Waiver 521 - 127 North Miami Avenue, Miami 33128 - Issue:** Vertical accessibility to the second floor.

Mr. Vogel presented the waiver. He advised that the Council recommended granting the request for waiver for vertical accessibility to the second floor based on the grounds of economic hardship.

Commissioner Schiffer entered a motion to grant the request for a waiver for vertical accessibility to the second floor based on the grounds of economic hardship. Commissioner Batts seconded the motion. The motion passed unanimously with a vote of 14 to 0.

**Filippo Incorvaia – Waiver 524 - 129 North Miami Avenue, Miami 33156 - Issue:** Vertical accessibility to the second floor.

Mr. Vogel presented the waiver. He advised that the Council recommended granting the request for waiver for vertical accessibility to the second floor based on the grounds of economic hardship.

Commissioner Schiffer entered a motion to grant the request for a waiver for vertical accessibility to the second floor based on the grounds of economic hardship. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 14 to 0.

**Product Approval:**

Chairman Schock advised that Commissioner Hershberger would present the POC's recommendations for entity approvals and the consent agenda for products recommended for approval, and present the POC's recommendations for product approvals. He stated that Mr. Blair would present product approvals with discussion or comments.

**Entities:**

Commissioner Hershberger entered a motion to approve the 22 product approval entities as posted. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 14 to 0.

**Product Approval Applications without Comments Consent Agenda (2020):**

Commissioner Hershberger entered a motion to approve the 253 products on the consent agenda list. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 14 to 0.

**Product Approval Applications with Comments Consent Agenda (2020):**

Commissioner Hershberger entered a motion to approve the 1 product on the consent agenda with comments. The product listed was FL 38053. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 14 to 0.

Commissioner Hershberger entered a motion to conditionally approve the 6 products on the consent agenda with comments. The products were FL 12772-R8, FL 19968-R4, 19969-R4, 28296-R3, 22850-R and 37784-R1. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 14 to 0.

**Accreditor and Course Approval:**

Chairman Schock advised Commissioner Bourré would present the Education Program Administrator's recommendations regarding applications for accreditor and course approval.

**Pending advanced accredited courses for recommendation:**

Commissioner Bourré entered a motion to approve advanced accredited courses 1063.0, 1064.0, 1065.0 and 1062.0. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 14 to 0.

**Pending administratively approved updated courses for recommendation: None**

**Pending administratively approved Self Affirmed (One Change) updated courses for recommendation: None**

**Legal Report:**

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

Mr. Vogel stated he had no outstanding legal issues to report at this time.

**Petitions for Declaratory Statements:**

Chairman Schock advised that Justin Vogel will serve as legal counsel for the petitions.

**DS 2021-023 by Pete Quintela of Miami-Dade County:**

Mr. Vogel provided the full background of the petition. He advised that the Energy TAC and the Mechanical TAC heard the petitioner's request on May 26, 2021. He stated the Energy TAC and the Mechanical TAC voted to adopt the staff analysis for the declaratory statement.

**DS 2021-023 by Pete Quintela of Miami-Dade County (cont.):**

Mr. Quintela the petitioner provided detail of his petition and his objections to the TACs recommendations and asked that the Commission reconsider this response to the petition.

Mr. Madani explained full staff analysis to address the question in the petition.

**Staff Analysis:**

**Question:**

Can natural ventilation (via openable windows) be used to provide outdoor air for an occupied space while it is mechanically cooled and still meet the sealed building thermal envelope requirements of the Energy Conservation Code, Section C402.5?

**Answer:**

The answer to the Petitioner's question is yes. As per Section C403.2.6 Ventilation of the 7th Edition (2020) Florida Building Code (FBC), Energy Conservation and Section 401.2 Ventilation required of the 7th Edition (2020) FBC, Mechanical, natural ventilation meeting the specified requirements of Section 402 Natural Ventilation of the 7th Edition (2020) FBC, Mechanical is an acceptable method of ventilation for the building in question.

**Commissioner Question/Comment:**

Commissioner Brown asked if the TACs heard the petitioners' full statements on the petition during the TAC meeting.

Mr. Madani advised yes; the petitioner was heard in full by both TACs.

Commissioner Brown entered a motion to accept the recommendation of the Energy TAC and the Mechanical TAC to adopt the staff analysis as the answer to the declaratory statement petition. Commissioner John seconded the motion. The motion passed unanimously with a vote of 14 to 0.

**Public Comment:** Arlene Stewart stated that the issues with ventilation will continue to come up and she urged the Commission to consider more research for mechanical ventilation issues as there is a great lack for this type of research, since the Commission has focused all research on hurricanes.

**Note:** Commissioner Gilson had to leave the meeting webinar taking the quorum of members from 14 to 13 members.

**DS 2021-064 by Paul Danforth of GFA International Inc.:**

Mr. Vogel provided the full background of the petition. He advised that the Structural TAC heard the petitioners request on May 26, 2021 and voted to adopt the staff analysis for the declaratory statement.

Mr. Madani provided a detailed background of the declaratory statement request with a full staff analysis based on the facts presented.

**Question 1:**

As it pertains to the modular home described in Project #1, do the locations set forth in R317.1.1 through R317.1.7 (“Required Locations”) encompass all locations requiring wood treatment as contemplated by Section R318.1.8?

**Answer:**

**Option #2/Staff:**

As per the definition of the term “Registered Termiticide” of Chapter 2 Definition and Section R318.1.8 of the 7th Edition (2020) Florida Building Code, Residential, the application/required locations and specification of wood treatment termiticide as contemplated by Section R318.1.8 must be as required by label direction for use and as listed by the Florida Department of Agriculture and Consumer Services.

**Question 2:**

As it pertains to the modular home described in Project #1, if the wood in locations set forth in R317.1.1 through R317.1.7 (“Required Locations”) is treated in accordance with Section R318.1.8, is soil applied pesticides OR baiting systems in accordance with R318.1.1 through R318.1.7 required?

**Option #2/Staff:**

As per the definition of the term “Registered Termiticide” of Chapter 2 Definition and Section R318.1.8 of the 7th Edition (2020) Florida Building Code, Residential, the application/required locations and specification of wood treatment termiticide as contemplated by Section R 318.1.8 must be as required by label direction for use and as listed by the Florida Department of Agriculture and Consumer Services. In addition, as per Section R318.1.8, if a registered wood treatment termiticide is used for subterranean termite prevention, Section R318.1.1 through R318.1.6 of the 7th Edition (2020) Florida Building Code, Residential do not apply.

Commissioner Compton entered a motion to accept the recommendation of the Structural TAC and to adopt the staff analysis. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 13 to 0.

**Review and Approval of the Energy Compliance Software for Compliance with the Florida Building Code, 7<sup>th</sup> Edition (2020), Energy Conservation Commercial Provisions:**

Chairman Schock advised that the 7th Edition (2020), Florida Building Code became effective on December 31, 2020 and the Commission has approved submittals for software to demonstrate compliance with the commercial and residential requirements of the 7th Edition (2020) Florida Building Code, Energy Conservation.

Chairman Schock advised that today the Commission is being asked to approve Energy Code Compliance Software for the 7th Edition (2020) Florida Building Code, Energy Conservation, specifically COMCheck for demonstrating compliance with commercial building energy requirements for the prescriptive compliance method.

Chairman Schock stated that the Energy TAC reviewed the COMCheck software and is recommending approval. He said that Mr. Madani would provide any technical background needed and answer members' questions.

Mr. Madani provided a brief background of this software for the Commission.

Commissioner Compton entered a motion to approve COMCheck for demonstrating compliance with the commercial building energy requirements of the 7th Edition (2020) Florida Building Code, Energy Conservation for the prescriptive compliance method. Commissioner Bourré seconded the motion. The motion passed unanimously with a vote of 13 to 0.

**Review and Approval of Research Projects for Fiscal Year 2021-2022:**

Chairman Schock advised that the Commission has been funding hurricane resistance research based on legislatively approved spending authority since the formation of the Commission's Hurricane Research Advisory Committee in January of 2005. He stated that in August of 2013 the Commission voted to expand the funding of research projects to topics beyond the scope of hurricane resistance research and to fund research into other Code related topical areas, and then in April of 2019 and ever since the Commission has decided to limit funding to hurricane resistance research, due to the frequency and intensity of recent hurricanes.

Chairman Schock said that the Hurricane Research Advisory Committee reviewed proposed research project proposals during their January 12, January 28, and March 22 meetings, and at the May 18, 2021 meeting the HRAC prioritized the proposed research projects for Commission consideration and funding.

Chairman Schock advised that the research projects that met the criteria for funding and subsequently submitted a formal proposal including a scope of work and budget will be funded in the prioritized order based on the amount of funding available for the fiscal year. Chairman Schock said if additional funds become available during the fiscal year the next priority level project or projects will be funded with staff contracting, administering and overseeing the research, and negotiating scoping and funding levels as appropriate.

**Review and Approval of Research Projects for Fiscal Year 2021-2022 (cont.):**

Chairman Schock stated that the Hurricane Research Advisory Committee is recommending the following research projects be funded for fiscal year 2021-2022 based on available funds.

Priority #1: Development of Wind-Driven Rain Climatology and Coincidental Wind Speed Return Period Maps for Florida and Surrounding Coastal Areas; (UF: Forrest Masters/Art DeGaetano/Jay Crandell); [\$110,000 - \$120,000].

Priority #2: Evaluation of Concrete Pile Foundations During Hurricane Michael; (UNF: Raphael Crowley/Ryan Shamet); [\$76,361].

Priority #3: Wind-Induced Loads on Roof Overhangs – Phase II; (FIU: Ioannis Zisis); [\$85,000].

Priority #4: “Self-Organizing” Maps for Estimating Wind Speed Triggers for Debris Generation; (UNF: Cigdem Akan/William Dally/Patrick Kreidl); [\$150,000].

There were no comments or questions from the Commission or the Public.

Commissioner Compton entered a motion to approve funding the research projects for fiscal year 2021 - 2022 based on the HRAC’s recommended priority order, and to charge staff with contracting, administering and overseeing the research, and negotiating scoping and funding levels as appropriate. Commissioner Batts seconded the motion. The motion passed unanimously with a vote of 13 to 0.

**Review and Approval of the 2020-2021 Annual Report to the Legislature:**

Chairman Schock stated that each June the Commission reviews and approves the Commission’s Fiscal Year Annual Report, and our plan as is done annually, with your support and approval, is for the Chairman to review and approve the final draft of the Annual Report, ensure completeness and accuracy, and approve the Report for submittal to the Legislature and Governor.

Mr. Blair provided an overview of the Annual Report.

There were no comments or questions from the Commission or the Public.

**Motion:**

Commissioner Brown entered a motion to adopt the Commission’s Fiscal Year 2020 – 2021 Annual Report, including Commission actions taken during the June 8, 2021 meeting, and to charge the Chair with reviewing and approving the Final Report prior to submittal to the Legislature and Governor. Commissioner Batts seconded the motion. The motion passed unanimously with a vote of 13 to 0.

**Committee Reports:**

Chairman Schock asked the Committee Chairs to present their reports confining them to a brief summary.

**Education Program Oversight Committee:**

Commissioner Bourré provided a brief summary of the Education POC's May 27, 2021 teleconference meeting.

Commissioner Bourré entered a motion to accept the report from the May 27, 2021, teleconference meeting. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 13 to 0.

**Energy Technical Advisory Committee:**

Mr. Madani provided a brief summary of the Energy TAC's May 26, 2021 teleconference meeting.

Commissioner Brown entered a motion to accept the report from the May 26, 2021, teleconference meeting. Commissioner Bourré seconded the motion. The motion passed unanimously with a vote of 13 to 0.

**Hurricane Research Advisory Committee:**

Jeff Blair provided a brief summary of the Hurricane Research Advisory Committee's May 18, 2021 teleconference meeting.

Commissioner Compton entered a motion to approve the report of the Hurricane Research Advisory Committee's May 18, 2021 teleconference meeting. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 13 to 0.

**Note:** Commissioner Fischer had to leave the meeting webinar taking the quorum of members from 13 to 12 members.

**Mechanical Technical Advisory Committee:**

Commissioner John provided a brief summary of the Mechanical TAC's May 26, 2021 teleconference meeting.

Commissioner John entered a motion to approve the report of the Mechanical TAC's May 26, 2021 teleconference meeting. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 12 to 0.

**Committee Reports (cont.):**

**Product Approval Program Oversight Committee:**

Commissioner Hershberger provided a brief summary of the Product Approval POC's May 27, 2021 teleconference meeting.

Commissioner Hershberger entered a motion to approve the report of the Product Approval POC's May 27, 2021 teleconference meeting. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 12 to 0.

**Residential Construction Cost Impact Workgroup:**

Jeff Blair provided a brief summary of the Residential Construction Cost Impact Workgroup May 24, 2021 teleconference meeting.

Commissioner Batts entered a motion to approve the report of the Residential Construction Cost Impact Workgroup May 24, 2021 teleconference meeting. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 12 to 0.

**Structural Technical Advisory Committee:**

Commissioner Compton provided a brief summary of the Structural TAC's May 26, 2021 teleconference meeting.

Commissioner Compton entered a motion to accept the report from the May 26, 2021, teleconference meeting. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 12 to 0.

**Commission Comments: None**

**Public Comment: None**

**Adjournment:**

Chairman Schock stated the next meeting will be August 10, 2021 at the Sarasota Hyatt Regency. He said there being no further business before the Commission at this time he would adjourn the Commission meeting. The meeting adjourned at 11:51 a.m.