SPECIAL OCCPANCY TECHNICAL ADVISORY COMMITTEE CONCURRENT
THIS MEETING WILL BE HELD VIA TELECONFERENCE/WEBINAR
MEETING VIRTUALLY AT MICROSOFT TEAMS MEETING
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Phone Conference id: **407 738 890#**

MAY 29, 2026
9:00 A.M.

Minutes

SPECIAL OCCUPANCY TAC PRESENT:

Don Whitehead, Chairman
Doug Aarons
Elijah Flowers
Rebecca Quinn for Jillian Kraynak
Asael Marrero
Crystal Myers

SPECIAL OCCUPANCY TAC NOT PRESENT:

Josh Phillips
Scott Waltz
Anthony Jusevitch
Jack Williams

STAFF PRESENT:

Alan Burke
Marlita Peters
Justin Vogel
Norman Bellamy
Robert Lorenzo
Mo Madani
Jim Hammers
Sabrina Evans
Melissa Campos

MEETING FACILITATION:

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

Time: 9:00 a.m.

Mr. Blair welcomed everyone to the meeting of the Special Occupancy TAC.

Roll Call:

Mr. Blair performed roll call for the Special Occupancy TAC. A quorum was determined with 6 members present at roll call.

Agenda Approval:

Chairman Whitehead moved to approve the agenda for today's meeting as posted. Commissioner Marrero seconded the motion. The motion passed unanimously with a vote of 6 to 0.

Approval of the minutes from February 20, 2026:

Chairman Whitehead moved to approve the minutes from February 20, 2026, as posted. Commissioner Marrero seconded the motion. The motion passed unanimously with a vote of 6 to 0.

Declaratory Statement:

DS 2026-016 by Shane Kittendorf of the City of Cape Coral

Staff:

Mr. Madani provided the background information on the declaratory statement request, along with the questions posed and full staff analysis.

Staff Analysis:

Question #1:

Does the Florida Building Code apply to floating structures that are not classified as vessels and are not defined as "floating residential structures," but used for commercial or non-residential purposes and intended for occupancy?

Answer:

The answer to the Petitioner's question is no. Section 102.2 of the Florida Building Code, Building, 8th Edition (2023), limits the application of the Code to "floating residential structures" and does not include "floating commercial structures." Therefore, the floating structure in question falls outside the scope of the Florida Building Code.

Question #2:

If applicable, should such floating structures be regulated as "structures" under the Florida Building Code, including compliance with structural, life safety, electrical, plumbing, mechanical, fuel-gas and flood-resistant construction provisions?

Answer: See answer to question #1.

Question #3:

Are floating structures that are permanently moored, connected to utilities, and intended for occupancy required to comply with FBC Chapter 16 (Structural), Section 1612 (Flood Loads), and ASCE 24, including applicable local freeboard requirements?

Answer: See answer to question #1.

Question #4:

In the absence of a specific definition within the Florida Building Code, what is the appropriate regulatory framework for ensuring uniform application and enforcement across jurisdiction?

Answer:

Pursuant to section 28-105.001, Florida Administrative Code, a declaratory statement is "a means for resolving a controversy or answering questions or doubts concerning the applicability of statutory provisions, rules, or orders over which the agency has authority." As the Florida Building Code does not apply to the floating commercial structure and no other source of jurisdiction over it has been identified by the petitioner, the Florida Building Commission is without authority to provide an answer to this question.

Discussion:

Members of the Committee and staff went into discussion with questions and comments.

Petitioner:

Shane Kittendorf, Building Official of City of Cape Coral, provided details on the petition.

Discussion:

Members of the Committee and staff went into discussion with questions and comments.

Motion:

Commissioner Marrero entered a motion to propose the answers to question one, two, and three be "yes", and the answer to question 4 remaining as staff's recommended answer. Chairman Whitehead seconded the motion.

Discussion:

Members of the Committee and staff went into discussion with questions and comments.

Motion:

Commissioner Marrero amended his motion to propose the answer to questions one, two, and three be “yes”, and the answer to question 4 be “not applicable.” Chairman Whitehead seconded the motion.

Motion Continued:

The motion passed with a vote of 5 to 1.

Other TAC Business:

None.

Public Comment:

Jaime Gascon, Miami-Dade County, provided a comment.

Scott McAdam, Building Officials Association of Florida (BOAF), provided a comment.

Member and Staff Comment:

None.

Adjourn:

There being no further business before the Committee, Chairman Whitehead adjourned the meeting at 9:03 a.m.