



FLORIDA BUILDING COMMISSION

"STRONGER CODES THROUGH SCIENCE AND CONSENSUS"



**FACILITATOR'S SUMMARY REPORT OF THE
10 AUGUST 2021
FLORIDA BUILDING COMMISSION
SARASOTA FLORIDA**

PROCESS DESIGN, CONSENSUS-BUILDING AND FACILITATION BY



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FLORIDA BUILDING COMMISSION
10 AUGUST 2021 FACILITATOR’S MEETING SUMMARY REPORT

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FLORIDA BUILDING COMMISSION
10 AUGUST 2021 FACILITATOR'S SUMMARY REPORT



OVERVIEW OF COMMISSION'S KEY ACTIONS AND DECISIONS

TUESDAY, AUGUST 10, 2021

I. PLENARY SESSION SUMMARY AND OVERVIEW

The Commission conducts their 10 August 2021 meeting in Sarasota Florida, the first in-person meeting since February of 2020. At the 10 August 2021 meeting the Commission considered and decided on Chair's issues and recommendations, Executive Director's announcements and discussions, accessibility waiver requests, product and entity approvals, applications for accreditor and course approvals, and recommendations from the Commission's various committees. In addition, the Commission was briefed on Binding Interpretations 207, 214, and 217. Specific actions included voting unanimously to: 1.) Approve the updated Workplan and Schedule for development of the 8th Edition (2023), Florida Building Code; 2.) Proceed with rule adoption, unless a hearing is requested, for Rule 61G20-1.001—Florida Building Code Adopted, incorporating the Commission's approved errata and changes in response to legislative action to the 7th Edition (2020), FBC, and to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Commission; and, 3.) Approve the 2021 - 2022 Annual Regulatory Plan as presented, and to authorize publication of the Plan by DBPR.

(Attachment 1—Meeting Evaluation Results)

II. CHAIR'S WELCOME

Chairman Schock welcomed the Commission, DBPR staff and the public to Sarasota Florida and the 10 August 2021 plenary session of the Florida Building Commission. The Chair noted that this was the first in-person Commission meeting since February of 2020.

The Chair noted that in addition to considering regular procedural issues, updates, and reports, the primary purpose of the 10 August 2021 meeting was to conduct a rule hearing on proposed Errata and changes in response to legislative action to the 7th Edition (2020), FBC.

The Chair explained, as always the Commission would provide an opportunity for public comment on each of the Commission's substantive discussion topics. Chairman Schock explained that if one wants to comment on a specific substantive Commission agenda item, they should come up to the speakers table and 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 10 August 2021 meeting conducted in Sarasota and via webinar and teleconference:

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

(12 of the 15 currently seated Commissioners attended—80%).

Absent Commissioners:

Michael Bourré, Rodney Hershberger, and Grey Marker.

DBPR STAFF PARTICIPATING

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

MEETING FACILITATION

Meetings are facilitated, and meeting reports prepared 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>

IV. AGENDA REVIEW AND APPROVAL

The Commission voted unanimously, 12 - 0 in favor, to approve the agenda for the 10 August 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 Update on the Workplan for the 8th Edition (2023), Florida Building Code.
- To Conduct a Rule Workshop on Rule 61G20-1.001, Florida Administrative Code.
- To Receive an Update on Binding Interpretations 207, 214, and 217.
- 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 and Approve Annual Regulatory Plan.
- 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 Meeting (12 October 2021 virtual meeting).

Amendments to the Posted Agenda:

There were no amendments to the posted agenda.

(Attachment 2—10 August 2021 Commission Agenda)

V. APPROVAL OF THE 8 JUNE 2021 FACILITATOR’S SUMMARY REPORT AND MEETING MINUTES

MOTION—The Commission voted unanimously, 12 - 0 in favor, to approve the 8 June 2021 Facilitator’s Summary Report and Meeting Minutes as posted/presented.

Amendments: There were no amendments offered to the meeting minutes.

VI. CHAIR’S DISCUSSION ISSUES AND RECOMMENDATIONS

Appointments

Chairman Schock announced the following appointments:

Commissioner Appointments

The Chair announced that Governor DeSantis has reappointed commissioners Bourré, Marker, and Jones to the Commission. The Chair congratulated the commissioners on their reappointments.

New Assignment and Expansion of the Hurricane Research Advisory Committee

The Chair stated that in light of the tragic collapse of the Champlain Towers condominium building, in Surfside, Florida, he had decided to expand the membership and the scope of work of the Hurricane Research Advisory Committee. The HRAC will now include a representative from the International Code Council (ICC), Mike Savage, and a representative from the Building Owners and Managers Association (BOMA), Jeff Gross, and they were both appointed effective immediately.

As a first step, the Hurricane Research Advisory Committee will be working to gather and review all relevant guidelines, statutes, local ordinances, standards, and model codes related to building recertification requirements and inspection schedules for existing buildings. Additionally, the HRAC will evaluate what role, if any, the Florida Building Code could or should have regarding inspections and maintenance of existing high-rise residential buildings and other high rise buildings as appropriate. Finally, the Hurricane Research Advisory Committee will continually track and compile findings from investigations of Champlain Towers.

The Chair instructed Commission staff to hold back the current year’s research funding to provide time for the HRAC to discuss their new assignment and determine whether any additional research

projects are necessary at this time. Staff will announce the date of the next meeting of the HRAC as soon as it is scheduled.

TAC Appointments

Plumbing TAC

The Chair appointed Brian Rickert to replace the retiring Mike Robbins as the building official representative on the Plumbing TAC. The Chair thanked Brian for agreeing to serve, and Mike for his service.

Roofing TAC

The Chair appointed Joe Williams to replace the retired Karen Warseck in the architect position on the Roofing TAC. The Chair thanked Joe for agreeing to serve, and to Karen for her years of service.

The Chair appointed Riku Ylipelkonen to replace Lorraine Aliso-Ross in the product manufacturer position on the Roofing TAC. The Chair thanked Riku for agreeing to serve, and to Lorraine for her years of service.

Updated Commission Milestones

The Chair reminded participants that the Updated Commission Milestones document (updated as of 8 June 2021) is linked to the 10 August 2021 FBC Agenda on the BCIS.

VII. EXECUTIVE DIRECTOR ANNOUNCEMENTS AND DISCUSSIONS

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

Chris Howell Letter to Commission

Tom reported that he was asked by Chris Howell to read the following short letter:

Hello Commissioners and Jeff,

I did not want to leave without a letter of thanks to all of you for making my time with the Florida Building Commission one that I will cherish. Through all of the code mods, crazy schedules and the web meetings this past year, you have all pulled together to prove why Florida has such great people representing them on the Florida Building Commission. I truly hope you will not miss the never-ending e-mails that you have all received from me. I wish each and every one of you the best life has to offer. Keep up the excellent work that you do. Until our paths cross again take care and good luck with the 2023 Code work. **PS:** To the stakeholders who were ever present at our meetings my best wishes go out to you also. *Chris*

On behalf of the Commission and staff Tome thanked Chris for her outstanding service to the Commission, DBPR, and the citizens of Florida.

Future Commission Meeting Dates

Tom reported that the Commission's next meeting will be 12 October 2021 and will be conducted virtually via webinar. Following are the dates for the regular bimonthly Commission meetings scheduled for the remainder of 2021:

- December 14 - 15, 2021, Gainesville, Florida at the Hilton UF.

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, and answered member questions.

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, 12 – 0 in favor, to approve the updated Workplan and Schedule for development of the 8th Edition (2023), Florida Building Code.

(Attachment 5—2023 Code Update Workplan)

IX. RULE WORKSHOP ON RULE 61G20-1.001, F.A.C.

Chairman Schock noted that at the June 8, 2021 meeting the Commission voted to initiate rulemaking for Rule 61G20-1.001, F.A.C., pursuant to Section 553.73(8), Florida Statutes, and to authorize staff to accept errata from July 1, 2021 - July 14, 2021. There were 8 errata and 3 legislative changes proposed and there were recommendations from the 6 TACs that reviewed the proposed errata and legislative changes. The Commission subsequently conducted a Rule Workshop to decide on the TACs' recommendations regarding proposed Errata and changes in response to legislative action to the 7th Edition (2020), Florida Building Code.

Jeff Blair facilitated the review process, public comment, and Commission's discussion and decision process.

Following is the process used during the Rule Workshop:

- Jeff Blair introduced each proposed errata by TAC in turn, and then each legislative change by Bill number (HB 401, SB 286, and SB 804 respectively) in turn.
- Mo Madani provided an overview of the proposed errata and legislative changes.
- Commissioner Clarifying Questions.
- Public Comment: Public Comment was limited to a maximum of 3 minutes per person for each proposed errata and changes in response to legislative action. The comments were taken in the order of: 1.) Pros (in favor); and, 2.) Cons (opposed) for each proposed errata or changes in response to legislative action in turn.
- Commission Discussion and Decision on proposed errata and changes in response to legislative action.
- The process was repeated for each proposed errata and changes in response to legislative action in turn.

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, 12 – 0 in favor, to approve EN-FBC-EC/R-Ch.1-Errata #1 as submitted.

MOTION—The Commission voted unanimously, 12 – 0 in favor, to approve R-FBC-B/R –Ch. 15/9 – Errata #1 as modified.

MOTION—The Commission voted unanimously, 12 – 0 in favor, to approve R-FBC-B-Ch. 15 – Errata #2 as modified.

MOTION—The Commission voted unanimously, 12 – 0 in favor, to approve R-FBC-B-Ch. 15 – Errata #3 as submitted.

MOTION—The Commission voted unanimously, 12 – 0 in favor, to approve SP-FBC-B – Ch.4 – Errata #1 as submitted.

MOTION—The Commission voted unanimously, 12 – 0 in favor, to approve SP-FBC-B – Ch.4 – Errata #2 as submitted.

MOTION—The Commission voted unanimously, 12 – 0 in favor, to approve S-FBC-RAS 127-Errata #1 as submitted.

MOTION—The Commission voted unanimously, 12 – 0 in favor, to approve S-FBC-B-Ch. 20-Errata #2 as submitted.

MOTION—The Commission voted, 11 – 1 in favor, to approve legislative change amending FBC-B-Ch.1 (HB 401) as submitted.

MOTION—The Commission voted unanimously, 12 – 0 in favor, to approve legislative change amending FBC-B-Ch. 1 (SB 286) as submitted.

MOTION—The Commission voted unanimously, 12 – 0 in favor, to approve Legislative change amending FBC-EB-Ch. 5/10 (SB 804) as submitted.

MOTION—The Commission voted unanimously, 12 – 0 in favor, to proceed with rule adoption, unless a hearing is requested, for Rule 61G20-1.001—Florida Building Code Adopted, incorporating the Commission’s approved errata and changes in response to legislative action to the 7th Edition (2020), FBC, and to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Commission.

X. BINDING INTERPRETATIONS BRIEFING

The Chair reported that Binding Interpretation #207 was petitioned by Halo Development LLC regarding the City of Riviera Beach BO’s interpretation pursuant to sections 105.3.1, 105.6, 107.3, and 110.3 of the 6th Edition 2017 Florida Building Code, Building and sections 103.4.1 and 103.4.2 of Riviera Beach Local Amendments. The issue involves a petition for a binding interpretation regarding voiding a permit issued by the Building Official due to lack of zoning approval.

Mo Madani briefed the Commission reporting that the answer to Binding Interpretation #207 was as follows:

The Panel dismissed the request due to lack of jurisdiction concerning a licensing matter and due to lack of authority to make a determination concerning locally adopted amendments to the Florida Building Code.

The Chair reported that Binding Interpretation #214 was petitioned by Stephen Hicks regarding the Seminole County BO’s interpretation pursuant to sections R101.2, R403.1.4, R403.1.6, & R404.1.9

of the 6th Edition 2017 Florida Building Code, Residential. The issue involves the design and construction of a modular home foundation and whether a foundation can be constructed utilizing hollow dry stacked isolated masonry piers utilizing ABS pads without meeting the relevant footings criteria.

Mo Madani briefed the Commission reporting that the answer to Binding Interpretation #214 was as follows:

The petitioner failed to provide sufficient information to show qualification as a “substantially affected person”. Therefore, the petition was dismissed due to not having standing as a substantially affected person under the Statutory criteria for hearing appeals and issuing a binding interpretation of the Florida Building Code.

The Chair reported that Binding Interpretation #217 was petitioned by American Council of Engineering Consultants of Florida regarding the City of Gainesville’s BO’s interpretation pursuant to section 110.8 of the 7th Edition 2020 Florida Building Code, Building. The issue involves whether section 110.8 of the Florida Building Code prohibit the fee owner of a threshold building from selecting a qualified private entity to perform both private provider services and required threshold inspections on the same threshold building.

Mo Madani briefed the Commission reporting that the answer to Binding Interpretation #217 was as follows:

No. As per Section 110.8.6, the building official has the authority to allow a qualified private entity to perform both private provider services and required threshold inspections on the same threshold building.

XI. 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. Sobe Hotel – Waiver 523 – 235 Washington Ave., Miami Beach, 33139

MOTION—The Commission voted unanimously, 12 – 0 in favor, to grant the waiver for vertical accessibility to the upper lobby reception area and restrooms on the grounds of the historical nature of the property.

2. Elizabeth Graham - Waiver 529 – 5137 N Florida Ave., Tampa, 33603

MOTION—The Commission voted unanimously, 12 – 0 in favor, to grant the waiver for vertical accessibility to the second floor on the grounds of technical infeasibility.

3. 1446 Ocean Drive Association, Inc.- Waiver 486 - 1446 Ocean Drive, Miami Beach, 33139

The waiver application was withdrawn by the applicant.

4. Grand Cypress Redevelopment – Waiver 513 - 1 Equestrian Drive, Orlando 32836

MOTION—The Commission voted unanimously, 12 – 0 in favor, to deny the request for waiver from the specified accessible parking requirements, since the applicant has not met the necessary requirements in s. 553.512(1), Florida Statutes, for the Commission to grant a waiver.

XII. CONSIDERATION OF APPLICATIONS FOR PRODUCT AND ENTITY APPROVAL

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

Commission Actions on the Consent Agendas for Approval:

MOTION—The Commission voted unanimously, 12 - 0 in favor, to approve the consent agenda of product approval entities (21) as posted/presented.

MOTION—The Commission voted unanimously, 12 - 0 in favor, to approve the consent agenda of products (184) recommended for approval to the 2020 Code as amended*.

* Product FL 32041-R5 was pulled from the consent agenda for individual consideration.

Commission Actions Regarding Product Approval Applications Pulled for Individual Consideration—2020 Code:

MOTION—The Commission voted unanimously, 12 - 0 in favor, to conditionally approve FL 32041-R5 on the condition that the correct factor of safety is verified.

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 (0) 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, 12 - 0 in favor, to approve the consent agenda of products with comments (1) recommended for approval to the 2020 Code.

Commission Actions Regarding DBPR Applications:

There was no Commission action required regarding the August 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*)

XIII. CONSIDER APPLICATIONS FOR ACCREDITOR AND COURSE APPROVAL

Commissioner Bourré 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, 11 – 0 in favor, to approve advanced accredited course numbers: 1070.0, 1068.0, and 1069.0.

MOTION—The Commission voted unanimously, 11 – 0 in favor, to conditionally approve administratively approved updated course number: 893.1.

MOTION—The Commission voted unanimously, 11 – 0 in favor, to deny administratively approved updated courses with one change course number: 928.1.

XIV. LEGAL REPORT

Annual Regulatory Repot. Justin explained that the Annual Regulatory Plan is a list of the statutory provisions impacting the Commission’s duties or authorities, and indicates whether rulemaking is required in order to implement the provisions, and if so indicating whether a notice of development and/or notice of proposed rulemaking has been published, and the corresponding schedule. For FY 2021 – 2022 the following will be reported:

- Implementation of HB 401 requires rulemaking.
- Implementation of SB 804 requires rulemaking.
- Implementation of SB 286 requires rulemaking.
- Implementation of revisions to the Education Rule requires rulemaking.
- Repeal and implementation of Product Approval rule revisions requires rulemaking.
- Development of the 8th Edition (2023), Florida Building Code requires rulemaking.

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, 12 – 0 in favor, to approve the 2021 - 2022 Annual Regulatory Plan as presented, and to authorize publication of the Plan by DBPR.

Binding Interpretation #217 Appeal. Justin reported that Binding Interpretation #217 has been appealed by the petitioner, the American Council of Engineering Consultants of Florida. Justin noted that the Commission would likely take up the appeal at its October meeting.

HB 401 Implementation. Justin noted that he would work with staff to review the issues discussed during the meeting regarding implementation of the legislative change amending FBC-B-Ch.1 (HB 401) and report back to the Commission.

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 10 August 2021 Agenda on the BCIS.

Accessibility TAC

Commissioner Gross presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 12 – 0 in favor, to accept the TAC's report as presented/posted (June 22, 2021).

Code Administration TAC

Commissioner Gilson presented the TAC's reports and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 12 – 0 in favor, to accept the TAC's reports as presented/posted (June 22, 2021 and August 3, 2021).

Education POC

Tom Campbell presented the POC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 12 – 0 in favor, to accept the POC's report as presented/posted (July 28, 2021).

Energy TAC

Mo Madani presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 12 – 0 in favor, to accept the Energy TAC's report as presented/posted (June 24, 2021 and July 30, 20).

Fire TAC

Commissioner Schiffer presented the TAC's reports and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 12 – 0 in favor, to accept the Fire TAC's reports as presented/posted (June 22, 2021 and August 2, 2021).

Hurricane Research Advisory Committee (HRAC)

Jeff Blair presented the HRAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 12 – 0 in favor, to accept the HRAC's report as presented/posted (June 21, 2021).

Mechanical TAC

Commissioner John presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 12 – 0 in favor, to accept the Mechanical TAC's report as presented/posted (June 22, 2021).

Plumbing TAC

Commissioner Jones presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 12 – 0 in favor, to accept the Plumbing TAC's report as presented/posted (June 22, 2021).

Product Approval POC

Jeff Blair presented the POC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 12 – 0 in favor, to accept the POC's report and Facilitator's summary report as presented/posted (July 29, 2021).

Residential Construction Cost Impact Workgroup (RCCIWG)

Jeff Blair presented the RCCIWG's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 12 – 0 in favor, to accept the RCCIWG's report as presented/posted (June 29, 2021).

Roofing TAC

Commissioner Swope presented the TAC's reports and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 12 – 0 in favor, to accept the Roofing TAC's reports as presented/posted (June 23, 2019 and July 30, 2021).

Special Occupancy TAC

Mo Madani presented the TAC's reports and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 12 – 0 in favor, to accept the Special Occupancy TAC's reports as presented/posted (June 22, 2019 and July 30, 2021).

Structural TAC

Commissioner Compton presented the TAC's reports and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 12 – 0 in favor, to accept the Structural TAC's reports as presented/posted (June 22, 2021 and July 30, 2021).

Swimming Pool TAC

Commissioner Batts presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 12 – 0 in favor, to accept the Swimming Pool TAC's report as presented/posted (June 22, 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:

- None

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:

- Mike Silvers, FRSA: requested that all Roofing Code related modifications, amendments, and errata come before Roofing TAC for their review even when another TAC is the primary TAC.
- Mike Silvers, FRSA: noted that regarding the issue of not requiring contracts prior to issuance of building permits resulting from implementation of HB 410, an option might be to require a sworn statement from the contractor that they have owner's permission to represent them providing an accurate value of the work.
- Q: Arlene Stuart, AZT Consulting: asked what action on the Surfside building collapse has the Commission taken to date?
- A: Tom Campbell, responded that the HRAC will review the issue pursuant to their new assignment and make recommendations accordingly.
- Chairman Schock: thanked participants for attending, and noted it was nice to see people in-person.
- Tom Campbell: regarding the funding for projects approved by the Commission in June 2021, the start of the projects will be delayed until HRAC meets and determines whether research on issues related to the Surfside building collapse are needed for them to pursue their scope of work. Tom noted that after the HRAC determines whether any specific research is needed staff will evaluate the funding for the previously approved projects.

XVIII. NEXT COMMISSION MEETING OVERVIEW AND ASSIGNMENTS

The 12 October 2021 meeting will focus on the Commission's regular procedural and substantive issues, and relevant rule development initiatives. The October meeting will be conducted as a virtual webinar and teleconference meeting.

(Attachment 5—Commission Meeting Schedule)

OTHER COMMISSION ACTIONS

All Commission actions taken during the 10 August 2021 meeting are reflected within specific agenda items.

STAFF ASSIGNMENTS FROM THE 10 AUGUST 2021 COMMISSION MEETING

All Commission actions taken during the 10 August 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 9:50 AM on Tuesday, August 10, 2021.

ATTACHMENT 1
FLORIDA BUILDING COMMISSION MEETING EVALUATION RESULTS

10 AUGUST 12021—SARASOTA FLORIDA

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

Number of Respondents: 12 of 12 (100% response rate) Commissioners participating in the virtual meeting completed meeting evaluations.

1. OVERALL MEETING ASSESSMENT.

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

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

- 10 Chair’s Discussion Issues/Recommendations.
- 10 Executive Director’s Announcements and Discussions.
- 10 8th Edition (2022), FBC Meeting Schedule & Workplan Approval.
- 10 Rule Workshop on Rule 61G20-1.001, F.A.C. (Errata).
- 10 Binding Interpretations 297, 214, and 217 Briefing.
- 10 Applications for Accessibility Waiver Applications Approvals.
- 10 Applications for Products and Product Approval Entities Approvals.
- 10 Legal Report—Annual Regulatory Plan Approval.
- 10 TAC, POC, Committee, and Workgroup Reports and Recommendations.

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

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

4. COMMISSIONERS LEVEL OF SATISFACTION WITH THE MEETING.

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

5. HOW WELL THE NEXT STEPS WERE COMMUNICATED.

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

6. WHAT COMMISSIONERS LIKED BEST ABOUT THE MEETING.

- Nice to meet in-person again.
- Meeting was in-person which was nice.
- Glad to have an in-person meeting.

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

- Add virtual participants as well (to in-person meetings).
- Maybe moving forward meetings that have small agendas or minimal commissioner involvement can be held as a teleconference? Larger/longer meetings could be in-person?
- It was difficult to hear some commissioner's comments. Sound system settings could be better.
- Coffee.
- Nothing.
- Nothing to add.

SUGGESTIONS FOR IMPROVEMENTS FROM THE COMMENTS PROVIDED ABOVE

- Consider providing a virtual participation option for in-person meetings.

ATTACHMENT 2
10 AUGUST 2021 MEETING AGENDA

FLORIDA BUILDING COMMISSION
PLENARY SESSION
10 AUGUST 2021
ORLANDO, FLORIDA

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 on the Workplan for the 8th Edition (2023), Florida Building Code.
- To Conduct a Rule Workshop on Rule 61G20-1.001, Florida Administrative Code.
- To Receive an Update on Binding Interpretations 207, 214, and 217.
- 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 (Approval of Annual Regulatory Plan).
- 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 Meeting (October 12, 2021 virtual meeting).

COMMISSION AND COMMITTEES—WEBINAR AND TELECONFERENCE MEETINGS

June 21, 2021	1:00 p.m.	Hurricane Research Advisory Committee
June 22, 2021	10:00 a.m.	Accessibility/Special Occupancy/Structural TACs
June 22, 2021	2:00 p.m.	Code Administration/Fire/Mechanical/Plumbing TACs
June 23, 2021	10:00 a.m.	Electrical/Roofing/Swimming Pool TACs
June 24, 2021	2:00 p.m.	Energy TAC
June 28, 2021	9:00 a.m.	Residential Construction Cost Impact Workgroup
July 29, 2021	9:00 a.m.	Education Program Oversight Committee
July 29, 2021	10:00 a.m.	Product Approval Program Oversight Committee
July 29, 2021	2:00 p.m.	Accessibility Advisory Council
July 30, 2021	9:00 a.m.	Structural TAC
July 30, 2021	10:30 a.m.	Roofing TAC
July 30, 2021	1:00 p.m.	Special Occupancy TAC

July 30, 2021	2:30 p.m.	Energy TAC
August 2, 2021	9:00 AM	Fire TAC
August 3, 2021	10:00 AM	Code Administration TAC

MEETING AGENDA—AUGUST 10, 2021		
<i>All Agenda Times—including Adjournment—are Approximate and Subject to Change</i>		
8:30 a.m.	1.)	Welcome and Opening, Roll Call
	2.)	Review and Approval of Meeting Agenda
	3.)	Review and Approval of June 8, 2021 Facilitator’s Summary Report and Meeting Minutes
	4.)	<p>Chair’s Discussion Issues</p> <p>Hurricane Research Advisory Committee: New Appointments to the Hurricane Research Advisory Committee</p> <p style="padding-left: 40px;">Jeff Gross, Building Owners and Managers Association Mike Savage, International Code Council</p> <p>New Assignment for the Hurricane Research Advisory Committee</p> <ul style="list-style-type: none"> • Gather and review all relevant guidelines, statutes, ordinances, standards and model codes related to building recertification requirements, inspection schedules for existing buildings, and procedures for inspecting unsafe buildings. • Discuss what role the Florida Building Code could or should have regarding inspections and maintenance of existing high-rise residential buildings and other structures. • Track and compile findings from investigations of Champlain Towers. <p>TAC Appointments:</p> <p>Updated Commissioner Milestones:</p>
	5.)	<p>Executive Director Announcements and Discussions</p> <p>Future Meetings: October 12, 2021- Teleconference Call December 14-15, 2021- Gainesville, Florida at the Hilton UF</p>
	6.)	Florida Building Code, 8th Edition, (2023) Update – Workplan Status
	7.)	Rule Workshop on Rule 61G20-1.001, Florida Administrative Code Errata:

	<p>Errata Reviewed by Code Administration TAC Errata Reviewed by Energy TAC Errata Reviewed by Fire TAC Errata Reviewed by Roofing TAC Errata Reviewed by Special Occupancy TAC Errata Reviewed by Structural TAC Code Language Based on HB 401 Code Language Based on SB 286 Code Language Based on SB 804</p>
8.)	Binding Interpretations 207, 214, and 217
9.)	<p>Accessibility Waiver Applications: (Accessibility Advisory Council Report)</p> <ol style="list-style-type: none"> 1. Sobe Hotel – Waiver 523 – 235 Washington Ave., Miami Beach, 33139- Vertical Accessibility 2. Elizabeth Graham- Waiver 529 – 5137 N Florida Ave., Tampa, 33603- Vertical Accessibility 3. 1446 Ocean Drive Association, Inc.- 1446 Ocean Drive, Miami Beach, 33139-Vertical Accessibility 4. Grand Cypress Redevelopment – 1 Equestrian Drive, Orlando 32836- Accessible Parking
10.)	Applications for Product (2020) and Entity Approval
11.)	Applications for Accreditor and Course Approval
12.)	<p>Legal Report Annual Regulatory Plan</p>
13.)	<p>Committee Reports Accessibility Technical Advisory Committee (6/22/2021) Code Administration Technical Advisory Committee (6/22/2021) (8/3/2021) Education Program Oversight Committee (7/28/2021) Energy Technical Advisory Committee (6/24/2021) (7/30/21) Fire Technical Advisory Committee (6/22/2021) (8/2/2021) Hurricane Research Advisory Committee (6/21/2021) Mechanical Technical Advisory Committee (6/22/2021) Plumbing Technical Advisory Committee (6/22/2021) Product Approval Program Oversight Committee (7/29/2021) Residential Construction Cost Impact Workgroup (6/29/2021) Roofing Technical Advisory Committee (6/23/2021) (7/30/2021) Special Occupancy Technical Advisory Committee (6/22/2021) (7/30/2021) Structural Technical Advisory Committee (6/22/2021) (7/30/2021) Swimming Pool Technical Advisory Committee (6/22/2021)</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 at Florida State University 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 comprehensive and transparent 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 since January 1, 2021 is a 19-member representative stakeholder group who successfully created, implemented, maintains, and updates the new statewide Florida Building Code. The Commission is comprised of 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 interests, providing extensive 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 frequently assigns policy issues to the Commission for evaluation and implementation.

ATTACHMENT 5
COMMISSION’S UPDATED MEETING SCHEDULE AND
2023 CODE UPDATE WORKPLAN
UPDATED 10 AUGUST 2021

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 Gainesville Hilton UF

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 the Commission’s TACs on impactful code changes. RCCIWG meeting – virtual meeting	6/29/21
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

<p>TACs review the 2021 changes to the I Codes and make recommendations to the Commission regarding those changes as follows:</p> <p>That the Commission rejects certain model code provisions by consent agenda.</p> <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) <p>That the Commission approves certain model code provisions by consent agenda.</p> <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.) <p>That the Commission approve or reject certain model code provisions after considering them individually.</p> <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.) <p>TACs meetings – on site - TBD</p>	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
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	TBD

TACs/Commission on impactful code changes. RCCIWG meeting – on-site meeting (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.	