

**FLORIDA BUILDING COMMISSION
HYATT REGENCY SARASOTA
1000 BOULEVARD OF THE ARTS
SARASOTA, FLORIDA 34236
Plenary Session
August 10, 2021
8:30 AM**

MINUTES

COMMISSIONERS PRESENT:

James Schock, Chairman
David John
Donald Brown
David Compton
Brad Schiffer
Brian Swope

James Batts
Paul Jones
Brian Langille
Charles Fischer
David Gilson
Jeff Gross

COMMISSIONERS NOT PRESENT:

Michael Bourré
Rodney Hershberger

Grey Marker

STAFF PRESENT:

Thomas Campbell
Mo Madani

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

Time: 8:30 am

Chairman Schock welcomed Commissioners, staff, and members of the public to Sarasota and the August 10, 2021, plenary session of the Florida Building Commission. He stated the primary focus of the August meeting, in addition to considering regular procedural issues, and updates and reports, is to conduct a rule hearing on changes to the 7th Edition (2020) Florida Building Code and proposed errata.

Chairman Schock stated that members of the public are requested to sign the attendance sheet on the speaker's table in the center of the room. In addition, we have a sign-up sheet for general public comment. He advised that as always, we will provide an opportunity for public comment on each of the Commission's substantive discussion topics or actions that are not procedural or ministerial in content. Chairman Schock stated that if they want to comment on a specific substantive Commission agenda item, please come to the speaker's table when the issue is up for consideration so we know you want to speak. He said that public input is welcome, but should be offered before there is a formal motion on the floor. Chairman Schock asked that all please remember to keep all electronic devices turned off or in a silent mode and thanked them for their cooperation.

Chairman Schock advised all in attendance that if they are licensed by the Building Code Administrators and Inspectors Board attending the Commission meeting and interested in CE credits that they must complete the CE sign-in sheet in the binder located on the speaker's table in the center of the room.

Roll Call:

Mr. Blair performed roll call; a quorum was met with 12 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 Schock entered a motion to approve the agenda as posted. The motion was seconded by Commissioner Schiffer. The motion passed unanimously with a vote of 12 to 0 in favor.

Approval of Previous Meeting Minutes and Facilitator Report for June 8, 2021:

Chairman Schock requested a motion for approval of the June 8, 2021 Facilitator's Summary Report and meeting minutes if there were no changes.

Commissioner Brown entered a motion to approve the June 8, 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 12 to 0 in favor.

Chairman's Discussion Issues and Recommendations:

Appointments:

Chairman Schock announced Governor Ron DeSantis' appointments of Michael Bourré, Grey Marker, and Paul Jones.

Hurricane Research Advisory Committee:

Chairman Schock announced that in light of the tragic collapse of the Champlain Towers condominium building, in Surfside, Florida, he has 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, they have both been appointed effective immediately.

New Assignments for the Hurricane Research Advisory Committee:

Chairman Schock advised the Hurricane Research Advisory Committee is being assigned the following new assignments:

- 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.

Commissioner Schock has instructed Commission staff to hold back on 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:

Chairman Schock advised that there is a list of new appointments to the TACs attached to the agenda.

Plumbing TAC

Chairman Schock appointed Brian Rickert to replace the retiring Mike Robbins as the building official representative. Chairman Schock thanked Mr. Rickert for agreeing to serve and Mr. Robbins for his service.

Roofing TAC

Chairman Schock appointed Joe Williams to replace the retired Karen Warseck for the architect position. Chairman Schock thanked Mr. Williams for agreeing to serve and Ms. Warseck for her service.

Chairman Schock appointed Riku Ylipelkonen to replace Lorraine Aliso-Ross in the product manufacturer position. Chairman Schock thanked Mr. Ylipelkonen for agreeing to serve and Mrs. Aliso-Ross for her service.

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:

The retired Elizabeth (Chris) Howell has requested Executive Director Thomas Campbell to read a letter that she wrote to the Commission thanking them for making her time with the commission one she will cherish.

Executive Director Thomas Campbell thanked Ms. Elizabeth (Chris) Howell for her service to the Florida Building Commission.

Future Meetings:

October 12, 2021- Teleconference Call
December 14-15- Will be held On-Site at the Hilton UF located in Gainesville, FL

8th 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) and answered member questions.

Commissioner Schiffer entered a Motion to approve the updated Workplan and schedule for development of the 8th Edition (2023), Florida Building Code. The motion was seconded by Commissioner Brown. The motion passed unanimously with a vote of 12 to 0 in favor.

Rule Workshop on Rule 61G20-1.001:

Commissioner Schock stated that at the June 8th, 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 recommendations from the 6 TACs that reviewed the proposed errata and legislative changes.

Errata:

Errata Reviewed by Energy TAC:

EN-FBC-EC/R-Ch.1- Errata #1 TAC recommends approval as submitted.

Commissioner Swope entered a motion to approve EN-FBC-EC/R-Ch.1- Errata #1 as submitted. The motion was seconded by Commissioner Compton. The motion passed unanimously with a vote of 12 to 0 in favor.

Errata Reviewed by Roofing TAC

R-FBC-B/R –Ch. 15/9 – Errata #1 TAC recommends approval as modified.

Commissioner Swope entered a motion to approve R-FBC-B/R –Ch. 15/9 – Errata #1 as modified. The motion was seconded by Commissioner Compton. The motion passed unanimously with a vote of 12 to 0 in favor.

R-FBC-B-Ch. 15 – Errata #2 TAC recommends approval as modified.

Commissioner Swope entered a motion to approve R-FBC-B-Ch. 15 – Errata #2 as modified. The motion was seconded by Commissioner Compton. The motion passed unanimously with a vote of 12 to 0 in favor.

R-FBC-B-Ch. 15 – Errata #3 TAC recommends approval as submitted.

Commissioner Swope entered a motion to approve R-FBC-B-Ch. 15 – Errata #3 as submitted. The motion was seconded by Commissioner Compton. The motion passed unanimously with a vote of 12 to 0 in favor.

Errata Reviewed by Special Occupancy TAC

SP-FBC-B – Ch.4 – Errata #1 TAC recommends approval as submitted.

Commissioner Compton entered a motion to approve SP-FBC-B – Ch.4 – Errata #1 as submitted. The motion was seconded by Commissioner Batts. The motion passed unanimously with a vote of 12 to 0 in favor.

SP-FBC-B – Ch.4 – Errata #2 TAC recommends approval as submitted.

Commissioner Compton entered a motion to approve SP-FBC-B – Ch.4 – Errata #2 as submitted. The motion was seconded by Commissioner Batts. The motion passed unanimously with a vote of 12 to 0 in favor.

Errata Reviewed by Structural TAC

S-FBC-RAS 127- Errata #1 TAC recommends approval as submitted.

Commissioner Compton entered a motion to approve S-FBC-RAS 127- Errata #1 as submitted. The motion was seconded by Commissioner Batts. The motion passed unanimously with a vote of 12 to 0 in favor.

S-FBC-B-Ch. 20- Errata #2 TAC recommends approval as submitted.

Commissioner Compton entered a motion to approve S-FBC-B-Ch. 20- Errata #2 as submitted. The motion was seconded by Commissioner Batts. The motion passed unanimously with a vote of 12 to 0 in favor.

Code Language Based on HB 401 – Code Administration TAC

Legislative change amending FBC-B-Ch. 1 (HB 401) TAC recommended approval as submitted.

Commissioner Gilson entered a motion to approve legislative change amending FBC-B-Ch. 1 (HB 401) as submitted. The motion was seconded by Commissioner Schiffer. The motion passed unanimously with a vote of 11 to 1 in favor.

Code Language Based on SB 286 – Fire TAC

Legislative change amending FBC-B-Ch. 1 (SB 286) TAC recommended approval as submitted.

Commissioner Schiffer entered a motion to approve Legislative change amending FBC-B-Ch. 1 (SB 286) as submitted. The motion was seconded by Commissioner Batts. The motion passed unanimously with a vote of 12 to 0 in favor.

Code Language Based on SB 804 – Fire TAC

Legislative change amending FBC-EB-Ch. 5/10 (SB 804) TAC recommended approval as submitted.

Commissioner Schiffer entered a motion to approve Legislative change amending FBC-EB-Ch. 5/10 (SB 804) as submitted. The motion was seconded by Commissioner Batts. The motion passed unanimously with a vote of 12 to 0 in favor.

Rule Adoption for Rule 61G20-1.001

Commissioner Brown entered a motion 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. The motion was seconded by Commissioner Batts. The motion passed unanimously with a vote of 12 to 0 in favor.

Binding Interpretations 207, 214 and 217:

Mr. Madani provided the Commission with a report on binding interpretations 207, 214 and 217.

207

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.

Mr. Madani advised the Commission that the answer to Binding Interpretation #204 is 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.

214

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.

Mr. Madani advised the Commission that the answer to Binding Interpretation #214 is 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.

217

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.

Mr. Madani advised the Commission that the answer to Binding Interpretation #217 is 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.

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.

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

Commissioner Schiffer entered a motion to grant the waiver for vertical accessibility to the upper lobby reception area and restrooms based on the negative impacts it would have on historical nature of the property. The motion was seconded by Commissioner Batts. The motion passed unanimously with a vote of 12 to 0 in favor.

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

Commissioner Schiffer entered a motion to grant the waiver for vertical accessibility as the structural integrity of the building would be compromised. The motion was seconded by Commissioner Batts. The motion passed unanimously with a vote of 12 to 0 in favor.

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

Waiver withdrawn by applicant.

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

Commissioner Schiffer entered a motion to deny the 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. The motion was seconded by Commissioner Batts. The motion passed unanimously with a vote of 12 to 0 in favor.

Product Approval:

Entities:

Commissioner Compton entered a motion to approve the 21 product approval entities as posted. Commissioner Swope seconded the motion. The motion passed unanimously with a vote of 12 to 0. Approved

Product Approval Applications without Comments Consent Agenda (2020):

Commissioner Compton entered a motion to approve the 184 products on the consent agenda list. Commissioner Swope seconded the motion. The motion passed unanimously with a vote of 12 to 0.

Product Approval (cont.):

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

Commissioner Compton entered a motion to approve the product listed on the consent agenda with comments. The product listed was FL 38739. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 12 to 0.

Product FL 32041-R5 was pulled from the consent agenda during the POC meeting by Dale Nelson, President of Roof Hugger, Inc. stating they did not provide the mandatory factor of safety of 2 applied to them.

Commissioner Compton entered a motion to conditionally approve the product listed on the consent agenda with comments. The product listed was FL 32041-R5. Commissioner Swope seconded the motion. The motion passed unanimously with a vote of 12 to 0.

Product Approval Applications with Comments Consent Agenda (2020) for Conditional Approval:

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.

Commissioner Compton entered a motion to approve the consent agenda of products with comments (1) recommended for approval to the 2020 Code. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 12 to 0.

Education:

Accreditor and Course Approval:

Chairman Schock advised Executive Director of the Florida Building Commission Thomas Campbell would present the Education Program Administrator's recommendations regarding applications for accreditor and course approval.

Pending Advanced Accredited Courses:

Commissioner John entered a motion to approve advanced accredited courses 1070.0, 1068.0 and 1069.0. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 12 to 0.

Pending Administratively Approved Updated Courses:

Commissioner John entered a motion to conditionally approve the administratively approved updated course 893.1 to allow the course type to be identified. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 12 to 0.

Pending administratively approved Self Affirmed (ONE CHANGE) updated course:

Commissioner Schiffer entered a motion to deny the administratively approved Self Affirmed (One Change) updated course 928.1 as there is more than one change to the course. POC Recommends Denial. Commissioner Batts seconded the motion. The motion passed unanimously with a vote of 12 to 0.

Legal Report:

2021-2022 Annual Regulatory Plan

Mr. Vogel stated that he had drafted the Commission's 2021-2022 Annual Regulatory Plan, and would submit it to the Department for publication once it is approved by the Commission.

Commissioner Batts entered a motion to accept the 2021-2022 Annual Regulatory Plan. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 12 to 0.

Binding Interpretation #217

Legal Counsel Justin Vogel informed the commission that Binding Interpretation #217 has been appealed by the petitioner, the American Council of Engineering Consultants of Florida. The commission will likely take up the appeal at its October meeting.

Committee Reports:

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

Accessibility Technical Advisory Committee:

Commissioner Gross provided a brief summary of the Accessibility TAC's June 22, 2021 teleconference meeting.

Commissioner Gross entered a motion to accept the report from the June 22, 2021, teleconference meeting. Commissioner Swope seconded the motion. The motion passed unanimously with a vote of 12 to 0.

Code Administration Technical Advisory Committee:

Commissioner Gilson provided a brief summary of the Code Administration TAC's June 22, 2021 and August 3, 2021 teleconference meetings.

Commissioner Gilson entered a motion to accept the report from the June 22, 2021, and August 3, 2021 teleconference meetings. Commissioner Batts seconded the motion. The motion passed unanimously with a vote of 12 to 0.

Education Program Oversight Committee:

Executive Director Thomas Campbell provided a brief summary of the Education POC's July 28, 2021 teleconference meeting.

Commissioner Batts entered a motion to accept the report from the Education POC's July 28, 2021, teleconference meeting. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 12 to 0.

Committee Reports (cont.):

Energy Technical Advisory Committee:

Mr. Madani provided a brief summary of the Energy TAC's June 24, 2021 and July 30, 2021 teleconference meetings.

Commissioner Batts entered a motion to accept the report from the June 24, 2021 and July 30, 2021, teleconference meetings. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 12 to 0.

Fire Technical Advisory Committee:

Commissioner Schiffer provided a brief summary of the Fire TAC's June 22, 2021 and August 2, 2021 teleconference meeting.

Commissioner Schiffer entered a motion to accept the report from the June 22, 2021 and August 2, 2021 teleconference meetings. Commissioner Batts seconded the motion. The motion passed unanimously with a vote of 12 to 0.

Hurricane Research Advisory Committee:

Jeff Blair provided a brief summary of the Hurricane Research Advisory Committee's June 21, 2021 teleconference meeting.

Commissioner Compton entered a motion to approve the report of the Hurricane Research Advisory Committee's June 21, 2021 teleconference meeting. Commissioner Batts seconded the motion. The motion passed unanimously with a vote of 12 to 0.

Mechanical Technical Advisory Committee:

Commissioner John provided a brief summary of the Mechanical TAC's June 22, 2021 teleconference meeting.

Commissioner John entered a motion to approve the report of the Mechanical TAC's June 22, 2021 teleconference meeting. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 12 to 0.

Committee Reports (cont.):

Plumbing Technical Advisory Committee:

Commissioner Jones provided a brief summary of the Plumbing TAC's June 22, 2021 teleconference meeting.

Commissioner Jones entered a motion to approve the report of the Plumbing TAC's June 22, 2021 teleconference meeting. Commissioner Batts seconded the motion. The motion passed unanimously with a vote of 12 to 0.

Product Approval Program Oversight Committee:

Jeff Blair provided a brief summary of the Product Approval POC's July 29, 2021 teleconference meeting.

Commissioner Compton entered a motion to approve the report of the Product Approval POC's July 29, 2021 teleconference meeting. Commissioner Schiffer 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 June 29, 2021 teleconference meeting.

Commissioner Batts entered a motion to approve the report of the Residential Construction Cost Impact Workgroup June 29, 2021 teleconference meeting. Commissioner John seconded the motion. The motion passed unanimously with a vote of 12 to 0.

Roofing Technical Advisory Committee:

Commissioner Swope provided a brief summary of the Roofing TAC's June 23, 2021 and July 30, 2021 teleconference meetings.

Commissioner Swope entered a motion to accept the report from the June 23, 2021 and July 30, 2021 teleconference meetings. Commissioner Batts seconded the motion. The motion passed unanimously with a vote of 12 to 0.

Committee Reports (cont.):

Special Occupancy Technical Advisory Committee:

Mo Madani provided a brief summary of the Special Occupancy TAC's June 22, 2021 and July 30, 2021 teleconference meetings.

Commissioner Batts entered a motion to accept the report from the June 22, 2021 and July 30, 2021, teleconference meetings. Commissioner Schiffer 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 June 22, 2021 and July 30, 2021 teleconference meetings.

Commissioner Compton entered a motion to accept the report from the June 22, 2021 and July 30, 2021, teleconference meetings. Commissioner Batts seconded the motion. The motion passed unanimously with a vote of 12 to 0.

Swimming Pool Technical Advisory Committee:

Commissioner Batts provided a brief summary of the Swimming Pool TAC's June 22, 2021 teleconference meeting.

Commissioner Batts entered a motion to accept the report from the June 22, 2021, teleconference meeting. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 12 to 0.

Commission Comments: None

Public Comment: None

Mike Silvers FRSA – Requests that any roofing related mods or errata come before the roofing technical advisory committee. With respect to the issue involving local jurisdictions not being allowed to require contracts, he offers the suggestion that the jurisdiction instead require a sworn statement from the contractor that they have permission to apply for the permit, along with the value of the project.

Arlene Stewart: Inquired whether any authorities investigating the Surfside collapse had approached the Commission, and whether there was any activity from the Commission yet.

Mr. Campbell responded that the Commission had stated that it was going to expand the membership and possibly the scope of the HRAC to look into the issue.

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Adjournment:

Chairman Schock stated the next meeting will be October 12, 2021 via webinar. He said there being no further business before the Commission at this time he would adjourn the Commission meeting. The meeting adjourned at 9:58 a.m.