



FLORIDA BUILDING COMMISSION

"STRONGER CODES THROUGH SCIENCE AND CONSENSUS"



FACILITATOR'S SUMMARY REPORT OF THE 9 AUGUST 2022 FLORIDA BUILDING COMMISSION

VIRTUAL MEETING

PROCESS DESIGN, CONSENSUS-BUILDING AND FACILITATION BY



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FLORIDA BUILDING COMMISSION
9 AUGUST 2022 FACILITATOR’S MEETING SUMMARY REPORT

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FLORIDA BUILDING COMMISSION

9 AUGUST 2022 FACILITATOR'S MEETING SUMMARY REPORT



OVERVIEW OF COMMISSION'S KEY ACTIONS AND DECISIONS TUESDAY, AUGUST 9, 2022

I. PLENARY SESSION SUMMARY AND OVERVIEW

The Commission conducted their 9 August 2022 meeting as a virtual meeting via webinar and teleconference. At the 9 August 2022 virtual meeting the Commission considered and decided on Chair's issues and recommendations, Executive Director's announcements and discussions, accessibility waiver applications, product and entity approvals, applications for accreditor and course approvals, a petition for declaratory statement, and recommendations from the Commission's various committees. Specific actions included voting to: **1)** Approve the updated Workplan and Schedule for development of the 8th Edition (2023), Florida Building Code; **2)** Adopt the code language as amended by staff, in response to public comment, pursuant to Section 553.73(8), F.S., to update the Florida Building Code, 7th Edition (2020), to include the requirements of SB 4-D providing for an exception to the 25% rule for roofs and to include condominium inspection requirements as proposed by DBPR staff, to proceed with rulemaking for Rule 61G20-1.001 — Florida Building Code Adopted, and to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Commission; and **3)** approve the 2022 - 2023 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 the 9 August 2022 virtual plenary session of the Florida Building Commission.

The Chair noted that in addition to considering regular procedural issues, updates, and reports, the primary task for the 9 August 2022 meeting was to conduct a rule workshop for Rule 61G20-1.001 to amend the 7th Edition (2020), FBC to conform to the requirements of SB 4-D.

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 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 9 August 2022 meeting conducted virtually via webinar and teleconference:

Jim Schock (Chair), James Batts, Michael Bourré (Vice Chair), David Brown, David Compton, Charles Fisher, Jeff Gross, Rodney Hershberger, David John, Paul Jones, Brian Langille, Brad Schiffer, and Brian Swope.

(13 of the 16 seated Commissioners attended — 81%).

Absent Commissioners:

David Gilson, Grey Marker, and Tim Tolbert.

DBPR STAFF PARTICIPATING

Thomas Campbell, Sabrina Evans, 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 9 August 2022 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 Regarding the Florida Building Code, 8th Edition, (2023), Workplan.
- To Conduct A Rule Workshop for Rule 61G20-1.001.
- To Consider/Decide on Accessibility Waiver Applications.
- To Consider/Decide on Product Approval Applications.
- To Consider/Decide on Advanced Code Course Applications and Accreditor Applications.
- To Receive a Legal Report Briefing.
- To Consider/Decide on a Petition for Declaratory Statement.
- To Receive/Decide on Reports and Recommendations from Committees.
- To Hear Public Comment.
- To Identify Needed Next Steps, Assignments, and Agenda Items for Next Meeting (October 11, 2022, Onsite, Holiday Inn, Gainesville, Florida).

Amendments to the Posted Agenda:

There were no amendments to the posted agenda.

(Attachment 2 — 9 August 2022 Commission Agenda)

V. APPROVAL OF THE 7 JUNE 2022 FACILITATOR'S SUMMARY REPORT AND MEETING MINUTES

MOTION— The Commission voted unanimously, 12 - 0 in favor, to approve the 7 June 2022 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:

POC/TAC Appointments

Product Approval POC. Tim Tolbert was appointed to Product Approval POC to fill a vacant position. The Chair thanked Tim for agreeing to serve.

Plumbing TAC. The Chair reported that Plumbing TAC member Otto Vinas passed away, thanked Otto for his service, and offered condolences to his family on behalf of the Commission. Jack McStravic was appointed to the Plumbing TAC. The Chair thanked Jack for agreeing to serve.

Updated Commission Milestones

The Chair reminded participants that the Updated Commission Milestones document (updated as of 7 June 2022) is linked to the 9 August 2022 FBC Agenda on the BCIS.

VII. EXECUTIVE DIRECTOR ANNOUNCEMENTS AND DISCUSSIONS

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

A) Legislative Assignments Update

Tom reminded the Commission that at the June meeting he briefed the Commission on the two specific Legislative tasks from SB 4-D assigned by the Florida Legislature to the Florida Building Commission. The first task is to review the inspection requirements in SB 4-D and provide the legislature with any recommendations the Commission may have to ensure the inspections are sufficient to determine the structural integrity of a building. Any recommendations are due in December 2022.

The second task is for the Commission, in consultation with the State Fire Marshal's Office, to provide recommendations for the adoption of comprehensive structural and life safety standards for maintaining and inspecting all types of buildings and structures in this state that are three stories or more in height. These recommendations are due in December 2023.

Tom reported that in response the Chair convened an Existing Building Inspection Workgroup to provide the Commission with recommendations. The Workgroup met for the first time on July 14, 2022 and will meet following the 9 August 2022 Commission Meeting.

B) Future Commission Meeting Dates

Tom reported that the Commission's next meeting will be 11 October 2022, Onsite, at the Holiday Inn, Gainesville, Florida (Coincides with TAC meetings for Code Amendments 10-13). Following are the dates for the regular bimonthly Commission meetings scheduled for the remainder of 2022 and for 2023:

- December 13 -14, 2022, Onsite, The Shores, Resort and Spa, Daytona Beach Shores (Code Amendment Approval Meeting)
- February 7, 2023, Web-Based and Teleconference Virtual Meeting
- March 14, 2023, Onsite, Location TBD
- April 11, 2023, Web-Based and Teleconference Virtual Meeting
- June 20, 2023, Onsite, Location TBD
- August 15, 2023, Web-Based and Teleconference Virtual Meeting
- October 17, 2023, Onsite, Location TBD
- December 12, 2023, Web-Based and Teleconference Virtual Meeting

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 action:

Commission Action:

MOTION— The Commission voted unanimously, 13 – 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 and Schedule)

IX. RULE WORKSHOP ON RULE 61G20-1.001

The Chair explained that for this agenda item the Commission would conduct a Rule Workshop on Rule 61G20-1.001 — Florida Building Code Adopted, for the purpose of implementing required revisions to the 7th Edition (2020), Florida Building Code pursuant to changes to Florida statutes from SB 4-D.

The Chair explained that at the June 7, 2022 meeting the Commission voted to table action on implementing the Code-related provisions of SB 4-D, pending the relevant TACs meeting and providing recommendations to the Commission regarding DBPR staff's proposed code language, which will provide for an exception to the 25% rule for roofs and include condominium inspection requirements.

Jeff Blair explained that the Commission will first need a motion to *Take From The Table* the consideration of implementing the Code provisions of SB 4-D, and subsequently the Commission can proceed to take action on the matter.

Commission Action:

MOTION— The Commission voted unanimously, 13 – 0 in favor, to *Take From The Table* the consideration of implementing the Code provisions of SB 4-D.

The Chair then reported that:

The Code Administration TAC met on June 16, 2022 and voted to recommend that the Commission adopt the draft code language pursuant to Section 553.73(8), F.S., to update the Florida Building Code, 7th Edition (2020), to include the requirements of SB 4-D for condominium inspection requirements as proposed by DBPR staff, and to proceed with rulemaking for Rule 61G20-1.001 — Florida Building Code Adopted.

The Roofing TAC met on June 20, 2022 and voted to recommend that the Commission adopt the draft code language pursuant to Section 553.73(8), F.S., to update the Florida Building Code, 7th Edition (2020), to include the requirements of SB 4-D providing for an exception to the 25% rule for roofs as proposed by DBPR staff, and to proceed with rulemaking for Rule 61G20-1.001 — Florida Building Code Adopted.

The Structural TAC met on June 21, 2022 and voted to recommend that the Commission adopt the draft code language pursuant to Section 553.73(8), F.S., to update the Florida Building Code, 7th Edition (2020), to include the requirements of SB 4-D providing for an exception to the 25% rule for roofs as proposed by DBPR staff, and to proceed with rulemaking for Rule 61G20-1.001 — Florida Building Code Adopted.

Subsequently, Mo Madani reviewed the proposed Code language, and Jeff Blair facilitated the review process, public comment, and the Commission’s discussion and decision process.

Following the opportunity provided for questions and answers, public comment, and Commission discussion, the Commission took the following action:

Commission Action:

MOTION— The Commission voted unanimously, 13 – 0 in favor, to adopt the code language as amended by staff, in response to public comment, pursuant to Section 553.73(8), F.S., to update the Florida Building Code, 7th Edition (2020), to include the requirements of SB 4-D providing for an exception to the 25% rule for roofs and to include condominium inspection requirements as proposed by DBPR staff, to authorize DBPR staff to correlate codes as required, to proceed with rulemaking for Rule 61G20-1.001 — Florida Building Code Adopted, and to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Commission.

X. ACCESSIBILITY WAIVER APPLICATIONS

Justin Vogel, Accessibility Advisory Council legal advisor, presented the Accessibility Advisory Council’s recommendations for the waiver application, and the Commission reviewed and decided on the waiver application submitted for their consideration.

Commission Actions Regarding Accessibility Waiver Applications:

A. The Retreat Salon & Spa Suites – Waiver 580 - 9116 Cypress Green Drive, Jacksonville

MOTION— The Commission voted unanimously, 13 – 0 in favor, to grant the waiver for vertical accessibility to the second floor on the grounds of economic hardship.

B. GPI Tenant Improvements – Waiver 506 - 1590 Village Square Boulevard, Tallahassee

MOTION— The Commission voted unanimously, 13 – 0 in favor, to grant the waiver for vertical accessibility to the bottom floor on the grounds of economic hardship.

C. Swim Tech Gainesville – Waiver 581 - 7010 NW 23rd Way B, Gainesville

MOTION— The Commission voted unanimously, 13 – 0 in favor, to grant the waiver for vertical accessibility to the swim and spa on the grounds of economic hardship.

D. The Vestcor Companies, INC. – Waiver 577 - 1649 Atlantic Blvd, Jacksonville

MOTION— The Commission voted unanimously, 13 – 0 in favor, to grant the waiver for vertical accessibility to the second floor on the grounds of economic hardship.

XI. CONSIDERATION OF APPLICATIONS FOR PRODUCT AND ENTITY APPROVAL

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

Commission Actions on the Consent Agendas for Approval:

MOTION— The Commission voted unanimously, 13 - 0 in favor, to approve the consent agenda of product approval entities (17) as posted/presented.

MOTION— The Commission voted unanimously, 13 - 0 in favor, to approve the consent agenda of products (129) recommended for approval to the 2020 Code as presented/posted.

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 (2), 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 (1) 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, 13 - 0 in favor, to approve the consent agenda of products with comments (2) recommended for approval to the 2020 Code.

MOTION— The Commission voted unanimously, 13 - 0 in favor, to approve the consent agenda of products with comments (1) recommended for conditional approval to the 2020 Code based on the conditions recommended by DBPR staff analysis and reflected in the posted documentation.

Commission Actions Regarding DBPR Applications:

There was no Commission action required regarding the August 2022 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*)

XII. 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, 13 – 0 in favor, to approve Sanjeev Mangoli as an accreditor.

MOTION— The Commission voted unanimously, 13 – 0 in favor, to accept the withdrawal of advanced accredited course number(s): 1107.0.

XIII. LEGAL REPORT

Justin Vogel, Commission Legal Counsel, updated the Commission on outstanding legal matters relevant to the Commission as follows:

Lawsuit Challenging SB 4-D

At the June meeting Justin reported that a lawsuit had been filed challenging the constitutionality of provisions of SB 4-D. A hearing on petitions to intervene was held and is pending decisions. DBPR's legal staff is evaluating how to respond to the lawsuit, and Justin will keep the Commission updated on the lawsuit as events unfold.

Annual Regulatory Plan

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 2022 – 2023 the following will be included in the Annual Regulatory Plan:

- Implementation of HB 423 requires rulemaking (Rule 61G20-1.001).
- Implementation of SB 1140 requires rulemaking (Rule 61G20-1.001).
- Implementation of the Energy Minimum Efficiency Standards for Certain Products for Consistency with the Federal Minimum Energy Efficiency Standards requires rulemaking (Rule 61G20-1.001).
- Implementation of SB 4-D requires rulemaking (Rule 61G20-1.001).
- Development of the 8th Edition (2023), Florida Building Code requires rulemaking (Rule 61G20-1.001).

Following the opportunity provided for questions and answers, public comment, and Commission discussion, the Commission took the following action:

Commission Action:

MOTION— The Commission voted unanimously, 13 – 0 in favor, to approve the 2022 - 2023 Annual Regulatory Plan as presented, and to authorize publication of the Plan by DBPR.

XIV. PETITIONS FOR DECLARATORY STATEMENTS

Justin Vogel, Commission Legal Counsel, presented each declaratory statement in turn. Following are the actions taken by the Commission regarding the petitions for declaratory statements.

1. DS 2022-025 by Manuel Lopez of City of Coral Gables

Motion— The Commission voted unanimously, 13 - 0 in favor, to approve the Fire TAC's recommendation on the Petition (to approve staff's analysis).

XV. COMMITTEE REPORTS AND RECOMMENDATIONS

Chair 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/or 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 the Commission's 9 August 2022 Agenda on the BCIS.

Accessibility TAC

Commissioner Gross presented the TAC's report and any recommendations.

Commission Action:

MOTION— The Commission voted unanimously, 13 – 0 in favor, to accept the TAC's report as presented/posted (June 16, 2022).

Code Administration TAC

Mo Madani presented the TAC's report and any recommendations.

Commission Action:

MOTION— The Commission voted unanimously, 13 – 0 in favor, to accept the TAC's report as presented/posted (June 16, 2022).

Education POC

Commissioner Bourré presented the POC's report and any recommendations.

Commission Action:

MOTION— The Commission voted unanimously, 13 – 0 in favor, to accept the POC's report as presented/posted (August 3, 2022).

Electrical TAC

Commissioner Fisher presented the TAC's report and any recommendations.

Commission Action:

MOTION— The Commission voted unanimously, 13 – 0 in favor, to accept the TAC's report as presented/posted (June 23, 2022).

Energy TAC

Mo Madani presented the TAC's report and any recommendations.

Commission Action:

MOTION— The Commission voted unanimously, 13 – 0 in favor, to accept the Energy TAC's report as presented/posted (June 24, 2022).

Existing Building Inspection Workgroup

Jeff Blair presented the Workgroup's report and any recommendations.

Commission Action:

MOTION— The Commission voted unanimously, 13 – 0 in favor, to accept the Workgroup's report as presented/posted (July 14, 2022).

Fire TAC

Commissioner Schiffer presented the TAC's reports and any recommendations.

Commission Action:

MOTION— The Commission voted unanimously, 13 – 0 in favor, to accept the TAC's reports as presented/posted (June 16, 2022 and July 29, 2022).

Hurricane Research Advisory Committee (HRAC)

Jeff Blair presented the Committee's reports and any recommendations.

Commission Action:

MOTION— The Commission voted unanimously, 13 – 0 in favor, to accept the HRAC's reports as presented/posted (June 16, 2022 and June 27, 2022).

Mechanical TAC

Commissioner John presented the TAC's report and any recommendations.

Commission Action:

MOTION— The Commission voted unanimously, 13 – 0 in favor, to accept the TAC's report as presented/posted (June 24, 2022).

Plumbing TAC

Commissioner Jones presented the TAC's report and any recommendations.

Commission Action:

MOTION— The Commission voted unanimously, 13 – 0 in favor, to accept the TAC's report as presented/posted (June 20, 2022).

Product Approval POC

Commissioner Hershberger presented the POC's report and any recommendations.

Commission Action:

MOTION— The Commission voted unanimously, 13 – 0 in favor, to accept the POC's report and Facilitator's summary report as presented/posted (July 28, 2022).

Roofing TAC

Commissioner Swope presented the TAC's report and any recommendations.

Commission Action:

MOTION— The Commission voted unanimously, 13 – 0 in favor, to accept the TAC's report as presented/posted (June 20, 2022).

Special Occupancy TAC

Mo Madani presented the TAC's report and any recommendations.

Commission Action:

MOTION— The Commission voted unanimously, 13 – 0 in favor, to accept the Energy TAC's report as presented/posted (June 17, 2022).

Structural TAC

Commissioner Compton presented the TAC's report and any recommendations.

Commission Action:

MOTION— The Commission voted unanimously, 13 – 0 in favor, to accept the TAC's report as presented/posted (June 21, 2022).

Swimming Pool TAC

Commissioner Batts presented the TAC's report and any recommendations.

Commission Action:

MOTION— The Commission voted unanimously, x – 0 in favor, to accept the TAC's report as presented/posted (June 23, 2022).

XVI. COMMISSION MEMBER COMMENTS AND ISSUES

Chair 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:

- Don Brown: requested that Justin Vogel provide clarification to the Commission regarding the economic hardship rule for accessibility waiver applications.
- Justin Vogel: Section 553.512 (1), F.S. requires that a waiver shall be granted if the economic hardship threshold (the cost of providing vertical accessibility meet or exceed 20% of the cost of the alteration) is met. Per Section 553.512 (1)...if an applicant for a waiver demonstrates economic hardship in accordance with 28 C.F.R. s. 36.403(f)(1), a waiver shall be granted. It was noted that this provision only applies to existing buildings.

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, Chair Schock invited members of the public to address the Commission on any issues under the Commission's purview.

Public Comments:

- Beth Meyer, Florida Independent Living Council: regarding Swim Tech Gainesville – Waiver 581, documentation that is provided is always useful for reviewing requests. There were no comments from the local government or permit information provided, which would have been helpful. Red flags came up on this application for me, alternatives to providing accessibility should have been explored by the applicant, instead of simply relying on the economic hardship provision.

XVIII. NEXT COMMISSION MEETING OVERVIEW AND ASSIGNMENTS

The October 11, 2022 meeting will focus on the Commission's regular procedural and substantive issues, and any rule development initiatives. The October meeting will be conducted onsite at the Holiday Inn Gainesville. In addition, the TACs will be meeting October 10-13 at the same facility to review public comments on their preliminary recommendations and to provide the Commission with their final recommendations on proposed Code amendments for the 8th Edition (2023), Florida Building Code.

(Attachment 5 — Commission Meeting Schedule)

OTHER COMMISSION ACTIONS

All Commission actions taken during the 9 August 2022 meeting are reflected within specific agenda items.

STAFF ASSIGNMENTS FROM THE 9 AUGUST 2022 COMMISSION MEETING

- There were no specific assignments resulting from the 9 August 2022 meeting.

ADJOURNMENT

The Chair thanked Commission members, staff and the public for their participation, and adjourned the meeting at 10:10 AM on Tuesday, August 9, 2022.

ATTACHMENT 1
FLORIDA BUILDING COMMISSION MEETING EVALUATION RESULTS

9 AUGUST 2022 — VIRTUAL MEETING

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

Number of Respondents: x of 13 (46% response rate) Commissioners participating in the virtual meeting completed meeting evaluations.

1. OVERALL MEETING ASSESSMENT.

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

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

- 9.8 Chair's Discussion Issues/Recommendations.
- 9.8 Executive Director's Announcements and Discussions.
- 9.8 8th Edition (2022), FBC Workplan/Schedule Approval.
- 9.7 Rule Workshop for Rule 61G20-1.001, Florida Building Code Adopted.
- 9.7 Accessibility Waiver Applications.
- 9.8 Applications for Products and Product Approval Entities Approvals.
- 9.8 Applications for Accreditor and Course Approvals.
- 9.7 Legal Report.
- 9.8 Petitions for Declaratory Statements Decisions.
- 9.8 TAC, POC, Committee, and Workgroup Reports and Recommendations.

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

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

4. COMMISSIONERS LEVEL OF SATISFACTION WITH THE MEETING.

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

5. HOW WELL THE NEXT STEPS WERE COMMUNICATED.

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

6. WHAT COMMISSIONERS LIKED BEST ABOUT THE MEETING.

- Our Chair and Facilitator were cognizant of our time and very effective at managing the meeting.
- Jeff kept us focused in dealing with a very complex assignment.
- On time and kept to the agenda.

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

- None at this time.

SUGGESTIONS FOR IMPROVEMENTS FROM THE COMMENTS PROVIDED ABOVE

- None were offered.

**ATTACHMENT 2
9 AUGUST 2022 MEETING AGENDA**

**FLORIDA BUILDING COMMISSION
PLENARY SESSION
9 AUGUST 2022
VIRTUAL MEETING**

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 Regarding the Florida Building Code, 8th Edition, (2023), Workplan.
- To Conduct A Rule Workshop for Rule 61G20-1.001.
- To Consider/Decide on Accessibility Waiver Applications.
- To Consider/Decide on Product Approval Applications.
- To Consider/Decide on Advanced Code Course Applications and Accreditor Applications.
- To Receive a Legal Report Briefing.
- To Consider/Decide on a Petition for Declaratory Statement.
- To Receive/Decide on Reports and Recommendations from Committees.
- To Hear Public Comment.
- To Identify Needed Next Steps, Assignments, and Agenda Items for Next Meeting.

MEETING AGENDA — 9 AUGUST 2022

All Agenda Times—Including Adjournment—Are Approximate and Subject to Change

8:30a.m.	1.)	Welcome and Opening, Roll Call
	2.)	Review and Approval of Meeting Agenda
	3.)	Review and Approval of the June 7, 2022 Meeting Minutes and Facilitator's Summary Report
	4.)	Chair's Discussion Issues TAC Appointments: Updated Commission Milestones:
	5.)	Executive Director Announcements and Discussions Future Meetings: October 11, 2022-On-site, Holiday Inn, Gainesville, Florida December 13-14, 2022-On-site, The Shores Resort & Spa in Daytona, Florida February 7, 2023-Virtual Meeting March 14, 2023-Onsite, TBD April 11, 2023-Virtual Meeting June 20, 2023-Onsite, TBD August 15, 2023-Virtual Meeting

		October 17, 2023-Onsite, TBD December 12, 2023-Virtual Meeting
	6.)	Florida Building Code, 8th Edition, (2023) Update – Workplan Status
	7.)	Rule Workshop for Rule 61G20-1.001 Proposed Code Language for Consistency with SB 4-D
	8.)	Applications for Waiver from Accessibility Requirements A. The Retreat Salon & Spa Suites – Waiver 580 - 9116 Cypress Green Drive, Jacksonville 32256 - Issue: Vertical accessibility to the second floor. B. GPI Tenant Improvements – Waiver 506 - 1590 Village Square Boulevard, Tallahassee 32309 - Issue: Vertical accessibility to the bottom floor. C. Swim Tech Gainesville – Waiver 581 - 7010 NW 23rd Way B, Gainesville 32653 - Issue: Vertical accessibility to the Pool. D. The Vestcor Companies, INC. – Waiver 577 - 1649 Atlantic Blvd, Jacksonville 32207 - Issue: Vertical accessibility to the second floor.
	9.)	Applications for Product (2020) and Entity Approval
	10.)	Applications for Accreditor and Course Approval
	11.)	Legal Report Annual Regulatory Plan
	12.)	Declaratory Statements DS 2022-025 by Manuel Lopez of City of Coral Gables.
	13.)	Committee Reports A. Accessibility Technical Advisory Committee (June 16, 2022) B. Code Administration Technical Advisory Committee (June 16, 2022) C. Education Program Oversight Committee (August 3, 2022) D. Electrical Technical Advisory Committee (June 23, 2022) E. Energy Technical Advisory Committee (June 24, 2022) F. Existing Building Inspection Workgroup (July 14, 2022) G. Fire Technical Advisory Committee (June 22, 2022) (July 29, 2022) H. Hurricane Research Advisory Committee (June 16, 2022) (June 27, 2022) I. Mechanical Technical Advisory Committee (June 24, 2022) J. Plumbing Technical Advisory Committee (June 20, 2022) K. Product Approval Program Oversight Committee (July 28, 2022) L. Roofing Technical Advisory Committee (June 20, 2022) M. Special Occupancy Technical Advisory Committee (June 17, 2022) N. Structural Technical Advisory Committee (June 21, 2022) O. Swimming Pool Technical Advisory Committee (June 23, 2022)
	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 9 AUGUST 2022

COMMISSION MEETING DATES FOR 2022 AND 2023

Oct. 11, 2022	Holiday Inn, Gainesville
Oct. 6 – 13, 2022	TAC Final Code Amendments Recommendations Meetings (Virtual/Onsite)
Dec. 13 – 14, 2022	The Shores, Resort and Spa, Daytona Beach Shores
February 7, 2023	Web-Based and Teleconference Virtual Meeting
March 14, 2023	Onsite, Location TBD
April 11, 2023	Web-Based and Teleconference Virtual Meeting
June 20, 2023	Onsite, Location TBD
August 15, 2023	Web-Based and Teleconference Virtual Meeting
October 17, 2023	Onsite, Location TBD
December 12, 2023	Web-Based and Teleconference Virtual Meeting

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 Completed
<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 Completed
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 Completed
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.	6/29/2021 Completed

RCCIWG meeting – <i>Conference call/Webinar</i>	
45 day public review and comment period ends (<i>By Rule -45 day min before TAC review</i>)	7/1/2021 Completed
Staff post on Commission website analysis of the 2021 I-Code changes with public comments (Tracking Charts and code change monographs)	8/2/2021 Completed
TACs review the 2021 changes to the I Codes and make recommendations to the Commission regarding those changes as follows: That the Commission rejects certain model code provisions by consent agenda. <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) That the Commission approves certain model code provisions by consent agenda. <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.) That the Commission approve or reject certain model code provisions after considering them individually. <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.) TACs meetings – on site - TBD	9/22-30/2021 and 10/1-7/2021 Completed
Staff post TACs’ recommendations online for further public review	10/15/2021 Completed
Deadline for requesting amendments (2021 I-Codes changes) to be pulled of the consent agenda for individual consideration	11/19/2021 Completed
Commission considers TACs’ recommendations regarding the latest changes to the model codes - on site meeting (TBD)	12/14-15/2021 Completed
Staff post Commission’s recommendations online	1/3/2022 Completed
<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 Completed
Proposed amendments reviewed by staff and posted to the Commission website	3/3/2022 Completed
1 st 45 day comment period ends (<i>By law -45 day min before TAC review</i>)	4/17/2022
Staff post on Commission website proposed code changes (Tracking Charts and Detail Reports)	5/2/2022 Completed

Staff assign TAC members specific proposed code change for review in advance of the TAC meetings in June	Completed
TACs consider proposed modifications (1 st 45 day comment period) TACs meetings - 4-day on-site meetings	6/20-24/2022 Completed
TACs recommendations posted to the website Starting date for the 2 nd 45 day comment period	7/13/2022 Completed
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 <u>TACs/Commission</u> on impactful code changes. RCCIWG Virtual Meeting	08/17/22
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 – 6-day meetings [5-day on-site and 1 – day via conference/webinar]	10/6-13/2022
Staff post on Commission website TACs consideration of public comments	11/10/2022
<u>Deadline for requesting amendments to be pulled of the consent agenda for individual consideration</u>	<u>11/22/2022</u>
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 14, 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.	