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Plenary Session

AUGUST 9, 2022

8:30 A.M.

Minutes

COMMISSIONERS PRESENT:

James Schock, Chairman

James Batts

Michael Bourré

Donald Brown

David Compton

Charles Fischer

Jeff Gross

Rodney Hershberger

David John

Paul Jones

Brian Langille

Grey Marker

Brad Schiffer

Brian Swope

COMMISSIONERS NOT PRESENT:

David Gilson

Tim Tolbert

STAFF PRESENT:

Mo Madani

Justin Vogel

Thomas Campbell

Jim Hammers

Sabrina Evans

MEETING FACILITATION:

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

Time: 8:30 a.m.

Chairman Schock welcomed Commissioners, staff, and members of the public to the August 2022 web-based and teleconference virtual plenary session of the Florida Building Commission.

Chairman Schock stated that the primary focus of the August meeting, in addition to considering regular procedural issues, updates, briefings, and reports, is to conduct a rule hearing for Rule 61G20-1.001 to amend the 7th Edition (2020), FBC to conform to the requirements of SB 4-D.

Chairman Schock stated as always, we will provide an opportunity for public comment on each of the Commission's substantive discussion topics. If you want to comment on a specific substantive Commission agenda item, please wait until the facilitator invites members of the public to speak at the appropriate times throughout the meeting. Public comment will be limited to 3 minutes per person. Public input is welcome, but should be offered before the Commission begins discussion or there is a formal motion on the floor.

Chairman Schock advised that Jeff Blair will conduct roll call.

Roll Call:

Mr. Blair performed roll call for the Florida Building Commission. A quorum was determined with 12 members present at roll call.

Agenda Approval:

Commissioner Batts entered a motion to approve the agenda for today's meeting as posted. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 12 to 0.

Minutes and Facilitator Report for June 7, 2022:

Commissioner Brown entered a motion to approve the minutes from June 7, 2022 as posted. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 12 to 0.

Chairman's Discussion Issues and Recommendations

TAC Appointments:

Commissioner Schock stated that Tim Tolbert was appointed to the Product Approval POC to fill a vacant position. Tim is the Building Official and Director of Building Services for Escambia County. Chairman Schock thanked Tim Tolbert for agreeing to serve.

Commissioner Schock informed the Commission of the passing of Otto Vinas, a member of the Plumbing TAC. On behalf of the Commission we offer condolences to his family, and thank Otto for his services.

Commissioner Schock stated that Jack McStravic will replace Otto Vinas as a member of the Plumbing TAC. Chairman Schock thanked Jack McStravic for agreeing to serve.

Commission Milestones:

Commissioner Schock reminded the participants that the updated Commission Milestones document is linked to the agenda for today's meeting and also on the BCIS.

Commissioner Michael Bourré joined the meeting, making quorum 13 members present.

Executive Director Announcements and Discussions:

Mr. Campbell briefly provided updates on the implementation of bills passed by the 2022 Legislature.

Mr. Campbell informed the Commission the Existing Building Inspection Workgroup held their first meeting on July 14, 2022.

Mr. Campbell reminded everyone that the Commission's next meeting will be October 11, 2022 at the Holiday Inn, Gainesville, Florida (coinciding with TAC meetings for Code Amendments (10-13)).

Mr. Campbell provided the Commission information on the upcoming meeting dates:

- October 11, 2022- On-site, Gainesville (Coincides with TAC meetings for Code mods)
- December 13-14, 2022- On-site, The Shore Resort & Spa in Daytona, Florida (Code mods approval)
- February 7, 2023-Virtual Meeting
- March 14, 2023-Onsite, TBD
- April 11, 2023-Virtual Meeting
- June 20, 2023-Onsite, TBD
- August 15, 2023 Onsite, TBD
- December 12, 2023-Virtual Meeting

Mr. Campbell informed the Commission that the onsite March 2023 and June 2023 meetings are very important, as the Commission will be finalizing the 2023 Edition of the code.

Public Comment:

Arlene Stewart asked Mr. Campbell a question.

Mr. Campbell provided an answer to Ms. Stewart's question.

Florida Building Code, 8th Edition, (2023) Update-Work plan Status

Mr. Madani provided brief details on the status of the update to the Florida Building Code.

Public Comment:

Arlene Stewart asked Mr. Madani a question.

Mr. Madani provided an answer to Ms. Stewart's question.

Motion:

Commissioner Brown entered a motion to approve the updated Florida Building Code Workplan. Commissioner Bourré seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Rule Workshop for Rule 61G20-1.001

Chairman Schock stated 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.

Motion:

Commissioner Brown entered a motion to take from the table the consideration of implementing the Code provisions of SB 4-D. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Proposed code language for consistency with SB 4-D.

Mr. Madani briefly provided details of the proposed Code language and comments that were provided.

Mr. Campbell provided additional information.

Public Comment:

Sergio Ascunce, Deputy Building Official of Miami-Dade County, provided details of the comments he submitted.

John Farinelli asked a question.

Mike Silvers, FRSA, provided a comment.

Joe Belcher, FICAP and FHBA spoke in support of Mr. Ascunce's comments.

Arlene Stewart asked a question.

Staff/Commissioner:

Mr. Campbell provided answers to Mr. Farinelli and Ms. Stewart's questions.

Commissioner Schock asked Mr. Campbell a question.

Mr. Campbell provided an answer to Commissioner Schock's question.

Motion:

Commissioner Brown entered a motion 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 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. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Staff:

Mr. Madani asked the Commission to revise the motion to reflect Mr. Silvers's comment.

Motion Continued:

Commissioner Brown accepted the amendment and revised his motion. Commissioner Compton revised his second accordingly. The motion passed unanimously with a vote of 13 to 0.

Accessibility Waiver Applications:

- A) **The Retreat Salon & Spa Suites – Waiver 580- 9116 Cypress Green Drive, Jacksonville 32256 – Issue:** Vertical accessibility to the second floor.

Mr. Vogel presented the waiver and advised that the Council recommended granting the request for a waiver from vertical accessibility requirements on the grounds of economic hardship.

Motion:

Commissioner Schiffer entered a motion to accept the Council's recommendation to grant the waiver on the basis of economic hardship. Commissioner Batts seconded the motion. The motion passed unanimously with a vote of 13-0.

**A) GPI Tenant Improvements - Waiver 506 – 1590 Village Square Boulevard,
Tallahassee 32309 – Issue: Vertical accessibility to the bottom floor.**

Mr. Vogel presented the waiver and advised that the Council recommended granting the request for a waiver from vertical accessibility requirements on the grounds of economic hardship.

Motion:

Commissioner Schiffer entered a motion to accept the Council's recommendation and to grant the waiver on the basis of economic hardship. Commissioner Bourré seconded the motion. The motion passed unanimously with a vote of 13-0.

**B) Swim Tech Gainesville – Waiver 581 – 7010 NW 23rd Way B, Gainesville 32653 –
Issue: Vertical accessibility to the swim spa.**

Mr. Vogel presented the waiver and advised that the Council was unable to reach consensus regarding the waiver request. Their vote to recommend denying the waiver failed with a vote of 3-3.

Petitioner:

David Huelsman thanked everyone and stated he was here to answer any questions.

Motion:

Commissioner Batts entered a motion to grant the waiver on the basis of economic hardship. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 13-0.

**C) The Vestcor Companies, Inc. – Waiver 577 – 1649 Atlantic Blvd, Jacksonville 32207
– Issue: Vertical accessibility to the second floor.**

Mr. Vogel presented the waiver and advised that the Council recommended granting the request for waiver on the grounds of economic hardship.

Motion:

Commissioner Schiffer entered a motion to accept the Council's recommendation and grant the waiver on the basis of economic hardship. Commissioner Batts seconded the motion. The motion passed unanimously with a vote of 13-0.

Applications for Consent Agenda of Entity Approval Applications:

Mr. Blair stated that the POC recommends approval of the consent agenda of 17 entities and 129 products.

Motion:

Commissioner Hershberger entered a motion for approval of the consent agenda of 17 product approval entities. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 13-0.

Commissioner Hershberger entered a motion for approval of the consent agenda of 129 product approval application with comment. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 13-0.

Applications for Consideration of Product Approval Applications with Comments:

Mr. Blair stated there were two products on the consent agenda with comments for approval, FL 41586 and FL 20454.

Mr. Blair stated there was one product on the consent agenda with comments for conditional approval, FL 41591.

Motion:

Commissioner Hershberger entered a motion for approval of the products listed on the consent agenda with comments. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 13-0.

Commissioner Hershberger entered a motion for approval of the product listed on the consent agenda with comments for conditional approval. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 13-0.

Application for Accreditor and Advanced Course Approval:

Commissioner Bourré stated the Education POC received one accreditor application from Sanjeev Mangoli. The Education POC reviewed the application and recommended the applicant be approved.

Motion:

Commissioner Bourré entered a motion to approve Sanjeev Mangoli's accreditor application. Commissioner John seconded the motion. The motion passed unanimously with a vote of 13-0.

Commissioner Bourré stated the Education POC received advanced code course application 1107.0 for review. The Education POC reviewed the advanced accredited course application and recommended denial.

The provider of course 1107.0 submitted a written request to withdraw the course application, to allow them to correct issues with the course. Commissioner Bourré entered a motion to accept the withdrawal of advanced course 1107.0. Commissioner John seconded the motion. The motion passed unanimously with a vote of 13-0.

Legal:

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

Mr. Vogel updated the Commission on the Annual Regulatory Plan and the lawsuit filed impacting the implementation of SB 4-D.

Commission:

Commissioner Shock asked Mr. Vogel a question.

Mr. Vogel provided an answer to Commissioner Schock's question.

Motion:

Commissioner Bourré entered a motion to approve the Annual Regulatory Plan. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 13-0.

Declaratory Statements:

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

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

Mr. Vogel provided a brief description of the declaratory statement.

Petitioner's Question:

Does the 6" step at the main egress door of the attached plan violate section R311.3.1 of the 2020 FBC Residential?

Staff Analysis:

The answer to the Petitioner's question is no. As per the exception in section R311.3.1 of the 7th Edition (2020) Florida Building Code, Residential, the 6" step in question is within the permitted threshold height of 7-3/4 inches.

Motion:

Commissioner Bourré entered a motion to accept the staff analysis. Commissioner Batts seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Committee Reports

Accessibility Technical Advisory Council:

Commissioner Gross provided a brief summary of the Accessibility TAC's June 16, 2021 teleconference meeting.

Commissioner Gross entered a motion to accept the report from the June 16, 2022 meeting. Commissioner Batts seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Code Administration Technical Advisory Committee:

Mr. Madani provided a brief summary of the Code Administration TAC's June 16, 2022 meeting.

Commissioner Bourré entered a motion to accept the report from the June 16, 2022 meeting. Commissioner Batts seconded the motion. The motion passed unanimously with a vote of to 0.

Education Program Oversight Committee:

Commissioner Bourré provided a brief summary of the Education POC's August 3, 2022 meeting.

Commissioner Bourré entered a motion to accept the report from the August 3, 2022 meeting. Commissioner Batts seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Electrical Technical Advisory Committee:

Commissioner Fischer provided a brief summary of the Electrical TAC's June 23, 2022 meeting.

Commissioner Fischer entered a motion to accept the report from the June 23, 2022 meeting. Commissioner Batts seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Energy Technical Advisory Committee:

Mr. Madani provided a brief summary of the Energy TAC's June 24, 2022 meeting.

Commissioner John entered a motion to accept the report from the June 24, 2022 meeting. Commissioner Batts seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Existing Building Inspection Workgroup:

Mr. Blair provided a brief summary of the Existing Building Inspection Workgroup's July 14, 2022 meeting.

Commissioner Compton entered a motion to accept the report from the July 14, 2022 meeting. Commissioner Batts seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Fire Technical Advisory Committee:

Commissioner Schiffer provided a brief summary of the Fire TAC's June 22, 2022 and July 29, 2022 meetings.

Commissioner Schiffer entered a motion to accept the report from the June 22, 2022 and July 29, 2022 meetings. Commissioner Bourré seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Hurricane Research Advisory Committee:

Mr. Blair provided a brief summary of the Hurricane Research Advisory Committee's June 16, 2022 and June 27, 2022 meetings.

Commissioner Hershberger entered a motion to accept the report from the June 16, 2022 and June 27, 2022 meetings. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Mechanical Technical Advisory Committee:

Commissioner John provided a brief summary of the Mechanical TAC's June 24, 2022 meeting.

Commissioner John entered a motion to accept the report from the June 24, 2022 meeting. Commissioner Batts seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Plumbing Technical Advisory Committee:

Commissioner Jones provided a brief summary of the Plumbing TAC's June 20, 2022 meeting.

Commissioner Jones entered a motion to accept the report from the June 20, 2022 meeting. Commissioner Batts seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Product Approval Program Oversight Committee:

Commissioner Hershberger provided a brief summary of the Product Approval POC's July 28, 2022 meeting.

Commissioner Hershberger entered a motion to accept the report from the July 28, 2022 meeting. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Roofing Technical Advisory Committee:

Commissioner Swope provided a brief summary of the Roofing TAC's June 20, 2022.

Commissioner Swope entered a motion to accept the report from the June 20, 2022 meeting. Commissioner Batts seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Special Occupancy Technical Advisory Committee:

Mr. Madani provided a brief summary of the Special Occupancy TAC's June 17, 2022 meeting.

Commissioner Batts entered a motion to accept the report from the June 17, 2022 meeting. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Structural Technical Advisory Committee:

Commissioner Compton provided a brief summary of the Structural TAC's June 21, 2022 meeting.

Commissioner Compton entered a motion to accept the report from the June 21, 2022 meeting. Commissioner Batts seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Swimming Pool Technical Advisory Committee:

Commissioner Batts provided a brief summary of the Swimming Pool TAC's June 23, 2022 meeting.

Commissioner Batts entered a motion to accept the report from the June 23, 2022 meeting. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Commissioner Comment:

Commissioner Brown asked Mr. Vogel to refresh the Commission on the grounds for granting accessibility waiver requests on the grounds of economic hardship.

Mr. Vogel briefly provided details on the applicable requirements.

Commissioner Schock asked Mr. Vogel a question.

Mr. Vogel provided an answer to Commissioner Schock's question.

Public Comment:

Beth Meyers, FILC, provided comment on Swim Tech Gainesville-Waiver 581.

Adjourn Commission Plenary Session:

Chairman Shock stated the next meeting will be October 11, 2022 at the Holiday Inn, Gainesville, Florida. He said there being no further business before the Commission at this time he would adjourn the Commission meeting. The meeting adjourned at 10:10 a.m.