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Plenary Session

AUGUST 15, 2023

8:30 A.M.

Minutes

COMMISSIONERS PRESENT:

James Schock, Chairman

James Batts

Michael Bourré

Donald Brown

David Compton

Jeff Gross

David John

Grey Marker

Asael Marrero

Brad Schiffer

Fred Schilling

Brian Swope

Tim Tolbert

Stephen Wilcox

COMMISSIONERS NOT PRESENT:

Rodney Hershberger

Brian Langille

STAFF PRESENT:

Mo Madani

Justin Vogel

Thomas Campbell

Melissa Campos

Jim Hammers

Sabrina Evans

Marlita Peters

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 the Commissioners, staff, and members of the public to the August 15, 2023, virtual plenary session of the Florida Building Commission via webinar and teleconference.

Chairman Schock stated the primary focus of the August meeting is to consider regular procedural issues, updates, briefings, and reports. Specific actions include reviewing a product approval complaint.

Chairman Schock stated that, 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.

Roll Call:

Mr. Blair performed roll call for the Florida Building Commission. A quorum was determined with 14 members present at roll call.

Agenda Approval:

Commissioner Bourré entered a motion to approve the agenda for today's meeting as posted. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 14 to 0.

Approval of Previous Meeting Minutes and Facilitator Report for June 20, 2023:

Commissioner Brown entered a motion to approve the minutes from June 20, 2023, as posted. Commissioner Bourré seconded the motion. The motion passed unanimously with a vote of 14 to 0.

Chairman's Discussion Issues and Recommendations:

Chairman Schock sadly announced the passing of Mr. John O'Connor. On behalf of the Commission, they offered their sincere condolences to Mr. O'Connor's family and friends. Mr. John O'Connor was involved with the Commission process since inception and served on numerous TACs and workgroups over the years. Chairman Schock thanked Mr. O'Connor for his dedicated service to the citizens of Florida, and he will be missed.

TAC Appointments:

Chairman Schock stated he appointed Mr. Kyle Sawchuk to the Code Administration TAC to replace the late Mr. John O'Connor. He thanked Mr. Kyle Sawchuk for agreeing to serve.

Chairman Schock stated he appointed Ms. Rebecca Quinn to the Hurricane Research Advisory Committee. He thanked Ms. Rebecca Quinn for agreeing to serve.

Milestones:

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

Executive Director Announcements and Discussions:

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

- October 17, 2023- Onsite, Coca Beach, Florida
- December 12, 2023- Virtual Meeting

Mr. Campbell informed the Commission that an email will be sent out with the 2024-Tentative Commission Meeting Dates.

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

Mr. Madani provided brief details on the status of the updated workplan and schedule for the development of the 8th Edition, (2023) triennial update.

Discussion:

Commission members and staff went into discussion with questions and comments.

Motion:

Commissioner Bourré entered a motion to approve the updated workplan and schedule for the development of the 2023 Code Update Process-8th Edition for the Florida Building Code. Commissioner Marker seconded the motion. The motion passed unanimously with a vote of 14 to 0.

Energy Compliance Software for the Florida Building Code, Energy Conservation, 8th Edition (2023), and recommendations to the Commission regarding its approval.

A) Right-Suite Universal 2023:

Chairman Schock reviewed the Right-Suite Universal 2023 software.

Public Comment:

Ms. Arlene Stewart, Energy Circuit Rider, provided a comment.

Motion:

Commissioner Bourré entered a motion to approve Right-Suite Universal 2023 using its Right-Energy Florida module Version 23.0.01.01, for demonstrating compliance with the residential building energy requirements of the 8th Edition (2023) Florida Building Code, Energy Conservation for single-family new construction using the performance method, and to authorize staff to approve non-consequential changes to the software as needed. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 14 to 0.

B) EnergyGauge USA 8.00:

Chairman Schock reviewed the EnergyGauge USA 8.00 software.

Motion:

Commissioner Brown entered a motion to approve EnergyGauge USA Version 8.00, for demonstrating compliance with the residential building energy requirements of the 8th Edition (2023) Florida Building Code, Energy Conservation, for the following code compliance methods: R402 Prescriptive R-Value Method, Prescriptive Total UA Alternative Method, Performance Method – R405, and ERI Method – R406, and to authorize staff to approve non-consequential changes to the software as needed.

C) EnergyGauge Summit 8.00:

Chairman Schock reviewed the EnergyGauge Summit 8.00 software.

Motion:

Commissioner Brown entered a motion to approve EnergyGauge Summit 8.00, for demonstrating compliance with the commercial building energy requirements of the 8th Edition (2023) Florida Building Code, Energy Conservation, for the following code compliance methods: ASHRAE 90.1-2019 – Energy Cost Budget Method, ASHRAE 90.1-2019 – Prescriptive Compliance Method, ASHRAE 90.1-2019 – Appendix G Performance Rating Option, FBC 2023 – Total Building Performance Compliance Option, FBC 2023 – Prescriptive Compliance Option, and FBC 2023 – Component Performance Alternative Method, and to authorize staff to approve non-consequential changes to the software as needed. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 14 to 0.

D) COMCHECK Web-ASHRAE 90.1 2019:

Chairman Schock reviewed the COMcheck-Web-ASHRAE 90.1 2019 software.

Commissioner Marrero entered a motion to approve COMcheck-Web, for demonstrating compliance with the commercial building energy efficiency requirements pursuant to the requirements of Section 5.6, Envelope Trade-Off Compliance for the envelope, using the procedures of the Normative Appendix C of ASHRAE 90.1—2019, and using Sections 6, 7, 8, 9 & 10 for compliance using the prescriptive method. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 14 to 0.

Product Approval

Entity Approval:

Mr. Blair stated that the POC recommends approval of the consent agenda of 14 product approval entities.

Motion:

Commissioner Compton entered a motion for approval of the consent agenda of 14 product approval entities. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 14 to 0.

Mr. Blair stated that the POC recommends approval of the consent agenda of 110 product approval applications.

Motion:

Commissioner Compton entered a motion to approve the 110 product approval applications on the consent agenda. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 14 to 0.

Product Approval Application:

Mr. Blair stated there were 2 applications on the consent agenda with comments and recommendations for approval.

Motion:

Commissioner Compton entered a motion to approve FL 42117 and FL 42119 on the consent agenda. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 14 to 0.

Conditional Approval:

Mr. Blair stated there were 2 applications on the consent agenda with comments for conditional approval.

Motion:

Commissioner Compton entered a motion for conditional approval of FL 42095 and FL 42122 on the consent agenda. Commissioner Marrero seconded the motion. The motion passed unanimously with a vote of 14 to 0.

Complaint Filed by Yiping Wang:

Chairman Schock reviewed Ms. Wang's complaint and provided the POC's recommendation.

Mr. Blair provided details on the complaint process.

Mr. Vogel informed the committee that Commissioner Hershberger provided a memorandum of voting conflict for state officers.

Mr. Vogel provided the legal framework for the complaint filed by Ms. Yiping Wang regarding FL 15709.

Respondent:

Mr. Dan DeLeo, Attorney with Shumaker, provided a response to the complaint filed against FL 15709.

Staff:

Mr. Madani provided details on the staff's recommendation regarding the complaint filed against FL 15709.

Discussion:

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

Motion:

Commissioner Compton entered a motion to not initiate an investigation of FL #15709. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 14 to 0.

Applications for Accreditor and Course Approval:

Commissioner Bourré stated the Education POC did not receive for consideration any accreditor applications. The Education POC reviewed 11 advanced accredited courses and recommends course approval on 1143.0, 1138.0, 1139.0, 1134.0, 1135.0, 1140.0, 1136.0, 1137.0 and 689.3. Commissioner John seconded the motion.

Commission:

Commissioner Schiffer stated he will be abstaining on 1136.0 and 1137.0, since he is the author of those courses.

Motion Continued:

The motion passed unanimously with a vote of 14 to 0 on all courses except 1136.0 and 1137.0 and passing unanimously with a vote of 13 to 0 on courses 1136.0 and 1137.0, with Commissioner Schiffer abstaining.

Conditional Approval:

Motion:

Commissioner Bourré entered a motion to conditionally approve advanced accredited courses 725.3 and 821.3. Commissioner John seconded the motion. The motion was passed unanimously with a vote of 14 to 0.

Applications for Waiver from Accessibility Requirements:

- 1) **Southern Grounds- Waiver 608-** 556 Central Avenue, St. Petersburg 33701- **ISSUE:** Vertical Accessibility to the second floor.

Mr. Vogel presented the waiver and advised that the council recommended granting the request for a waiver for vertical accessibility based on the historical nature of the property.

Motion:

Commissioner Schiffer entered a motion to grant the waiver for vertical accessibility on the grounds of the historical nature of the property. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 14 to 0.

- 2) **Old School Square Office Suites- Waiver 631-** 102 North East 1st Avenue, Delray Beach 3344 – **ISSUE:** Vertical Accessibility to the second floor.

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

Presenter:

Larry Schneider, Accessibility Consultant, provided a comment.

Motion:

Commissioner Schiffer entered a motion to grant the waiver for vertical accessibility on the grounds of economic hardship. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 14 to 0.

- 3) **Novak Cornwall Building – Waiver 627** – 602 East Union Street, Jacksonville 32206 – **ISSUE:** Vertical Accessibility to the second floor.

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

Motion:

Commissioner Schiffer entered a motion to grant the waiver for vertical accessibility on the grounds of economic hardship. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 14 to 0.

- 4) **Carlos Miranda – Waiver 628** – 600 NW 5th Street, Miami 33128 – **ISSUE:** Vertical Accessibility to the second floor.

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

Motion:

Commissioner Schiffer entered a motion to grant the waiver for vertical accessibility on the grounds of economic hardship. Commissioner Marker seconded the motion. The motion passed unanimously with a vote of 14 to 0.

Legal Report:

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

Mr. Vogel stated there were no legal matters to report.

Declaratory Statement:

- A) DS 2023-025 by Kevin F. Martin of Pizzo Self Storage of Alachua, LLC.

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

Mr. Madani provided a brief description of the staff analysis for the declaratory statement.

Motion:

Commissioner Schilling moved to recommend that the Commission adopt staff's recommended answer to the petition. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 14 to 0.

B) DS 2023-033 by Ron Annechiarico of Accent Closets

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

Motion:

Commissioner Marreo entered a motion to approve staff's analysis for Q1 – Q5 to decline to answer the Petition on the basis that the Petitioner asks the Commission to review interpretations of the Florida Building Code by a local enforcement authority and because this Petition is prospective in nature and involves conduct which has already occurred. Commissioner Schiffer seconded the motion.

Discussion:

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

Motion Continued:

The motion passed unanimously with a vote of 14 to 0.

Committee Report:

Education Program Oversight Committee:

Commissioner Bourré provided a brief summary of the Education POC's August 8, 2023, meeting.

Commissioner Bourré entered a motion to accept the report from the August 8, 2023, meeting. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 14 to 0.

Energy Technical Advisory Committee:

Mr. Madani provided a brief summary of the Energy TAC's July 25, 2023, and August 11, 2024, meetings.

Motion:

Commissioner Marrero entered a motion to accept the report from the July 25, 2023, and August 11, 2023. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 14 to 0.

Existing Building Inspection Workgroup:

Mr. Blair provided a brief summary of the Existing Building Inspection Workgroup's July 7, 2023, meeting.

Motion:

Commissioner Compton entered a motion to accept the report from the July 7, 2023, meeting. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 14 to 0.

Fire Technical Advisory Committee:

Commissioner Schiffer provided a brief summary of the Fire Technical Advisory Committee's August 9, 2023, meeting.

Motion:

Commissioner Schiffer entered a motion to accept the report from the August 9, 2023, meeting. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 14 to 0.

Plumbing Technical Advisory Committee:

Commissioner Schilling provided a brief summary of the of the Plumbing Technical Advisory Committee's July 25, 2023, meeting.

Motion:

Commissioner Schilling entered motion to accept the report from the July 25, 2023, meeting. Commissioner Brown seconded the motion. The motion was passed unanimously with a vote of 14-0.

Product Approval Program Oversight Committee:

Mr. Blair provided a brief summary of the Product Approval POC's August 8, 2023, meeting.

Motion:

Commissioner Compton entered a motion to accept the report from August 8, 2023, meeting. Commissioner Schilling seconded the motion. The motion was passed unanimously with a vote of 14-0.

Commissioner Comment:

Commissioner Brown provided a comment.

Public Comment:

None.

Adjourn Commission Plenary Session:

Chairman Schock stated the next meeting will be October 17, 2023, and will be an onsite meeting in Cocoa Beach, Florida, it will focus on the commission's regular procedural and substantive issues. Chairman Schock adjourned the meeting at 9:41 a.m.