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**Plenary Session**

**AUGUST 12, 2025**

**8:30 A.M.**

## **Minutes**

### **COMMISSIONERS PRESENT:**

Michael Bourré, Chairman  
James Batts  
Donald Brown  
David Compton  
John Garra  
Rodney Hershberger  
David John

Brian Langille  
Asael Marrero  
Brad Schiffer  
Fred Schilling  
Jim Schock  
Brian Swope  
Tim Tolbert

### **STAFF PRESENT:**

Alan Burke  
Melissa Campos  
Sabrina Evans  
Jim Hammers

Marlita Peters  
Mo Madani  
Justin Vogel

### **MEETING FACILITATION:**

The meeting was facilitated by Jeff Blair from Facilitated Solutions, LLC. Consultation, Process Design & Facilitation. Information at: [facilitatedsolutions.org](https://facilitatedsolutions.org)

**Time: 8:30 a.m.**

Chairman Bourré welcomed the Commissioners, staff, and members of the public to the August 12, 2025, web-based and teleconference virtual plenary session of the Florida Building Commission.

Chairman Bourré stated the primary focus of the June meeting is to consider our regular procedural matters, updates, briefings, product and education course approvals, accessibility waivers, petitions for declaratory statements, and committee reports, and to decide on a local amendment challenge.

Chairman Bourré explained 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 Schock 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 10, 2025:**

Commissioner Brown entered a motion to approve the minutes from June 10, 2025, as posted. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 14 to 0.

**Chairman's Discussion Issues and Recommendations**

**A) Appointments:**

**Roofing Technical Advisory Committee**

Chairman Bourré appointed Mark Renninger to replace Bill Schultz who rolled off of the Roofing TAC. Chairman Bourré thanked Mr. Renninger for agreeing to serve and welcomed him to the TAC and thanked Mr. Bill Schultz for his service to the citizens of Florida.

### **Special Occupancy Technical Advisory Committee**

Chairman Bourré appointed Jack Williams to replace Dr. Kyra Lucas who rolled off of the Special Occupancy TAC. Chairman Bourré thanked Mr. Williams for agreeing to serve and welcomed him to the TAC and thanked Dr. Lucas for her service to the citizens of Florida.

#### **B) Milestones:**

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

### **Executive Director Announcement and Discussions:**

#### **A) Remaining 2025 Commission Meeting Dates**

Mr. Burke reminded the Commission that the next meeting will be October 14, 2025, and will be conducted web and teleconference-based virtual meeting.

- December 9, 2025 – Onsite Location TBD

#### **B) Proposed Future Commission Meeting Dates Review and Approval**

- February 10, 2026 – Web-Based and Teleconference Virtual Meeting
- April 14, 2026 – Onsite, Location, TBD
- June 9, 2026 – Web-Based and Teleconference Virtual Meeting
- August 11, 2026 – Onsite, Location TBD
- October 13, 2026 – Web-Based and Teleconference Virtual Meeting
- December 8, 2026 – Onsite, Location TBD

#### **Motion:**

Commissioner Schilling entered a motion to approve the Commission meeting dates for 2026. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 14 to 0.

#### **C) Commission FY 2024-2025 Annual Report to the Legislature Review and Approval**

Mr. Blair reviewed the Annual Report consideration process.

Mr. Burke provided a brief summary of the FY 2024-2025 Annual Report.

#### **Motion:**

Commissioner Schilling entered a motion to approve the Commission's Fiscal Year 2024 – 2025 Annual Report (Report to 2026 Legislature), including Commission actions taken during the

August 12, 2025, meeting, and to charge the Chair with reviewing and approving the Final Report prior to submittal to the Legislature and Governor. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 14 to 0.

**Discussion:**

Commissioner Brown asked the staff a question.

Mr. Blair and Mr. Madani provided answers to Commissioner Brown's question.

Commissioner Brown provided a comment.

**Workplan:**

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

Mr. Madani provided details on the updated Workplan and Schedule for the adoption of code language into the 8th Edition (2023), Florida Building Code for consistency with the 2025 legislative directive.

**Motion:**

Commissioner Brown moved to approve the updated Workplan and Schedule for the Adopted 8th Edition (2023), Florida Building Code. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 14 to 0.

**Florida Building Code, 9th Edition, (2026) Update- Workplan Status:**

Mr. Madani provided details on the updated Workplan and Schedule for the development of the 2026 Code Update Process – 9th. Edition (2026), Florida Building Code.

**Motion:**

Commissioner Brown moved to approve the updated Workplan and Schedule for the development of the 9<sup>th</sup> Edition (2026), Florida Building Code. Commissioner Marrero seconded the motion. The motion passed unanimously with a vote of 14 to 0.

**Product Approval:**

**2023 Code:**

Commissioner Hershberger stated there were 20 product approval entities on the consent agenda for approval for the 2023 code.

**Motion:**

Commissioner Hershberger entered a motion to approve the 24 product approval entities for the 2023 code. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 14 to 0.

Commissioner Hershberger stated there are 168 product approval applications on the consent agenda for approval.

**Product Pulled for Consideration:**

Commissioner Hershberger stated that FL 47587 was pulled from the Consent Agenda for individual consideration at the request of the applicant.

**Motion:**

Commissioner Hershberger entered a motion to recommend conditionally approve product FL 47587 to allow the applicant to correct the installation drawings for sub-products .2, .3 and .4 so they are in sequence with the subsection numbers. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 14 to 0.

**Products with Comments:**

Commissioner Hershberger stated there were 2 conditional approval applications with comments: FL 47577, and FL 47541.

**Motion:**

Commissioner Hershberger entered a motion to recommend conditional approval of FL 47577, and FL 47541. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 14 to 0.

**DBPR Product Approval Applications Consent Agenda:**

Commissioner Hershberger stated there were 139 DBPR product approval applications including one application with comments, and that there was no action needed.

**Applications for Accreditor and Course Approval:**

Chairman Bourré stated there were no education accreditor or course applications submitted for the August cycle, and as a result no Commission action is required.

**Application for waiver from Accessibility Requirements:**

- 1) Tangerine Learning Center – Waiver 684 - 7699 Biscayne Blvd., Miami 33138 - ISSUE:** Vertical accessibility to the second floor.

Mr. Vogel presented the waiver and advised that the council recommended denial for vertical accessibility to the second floor on the grounds it is not necessary.

Mr. Vogel presented the waiver and advised that the staff recommend granting the waiver for vertical accessibility to the second floor to the extent it has been made necessary.

**Representative:**

Gonzalo Munoz, Applicant, stated he had no comment.

**Motion:**

Commissioner Schiffer entered a motion to grant the waiver for vertical accessibility to the second floor to the extent it has been made necessary. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 14 to 0.

- 2) Cactus Club Cafe – Waiver 716 - 850 Commerce Street, Miami Beach 33139-ISSUE:** Vertical accessibility to the mezzanine.

Mr. Vogel presented the waiver and advised that the council recommended granting the waiver for vertical accessibility on the grounds of technical infeasibility.

**Motion:**

Commissioner Schiffer entered a motion to grant the waiver for vertical accessibility on the grounds of technical infeasibility. Commissioner Marrero seconded the motion.

**Discussion:**

Commissioner Schock asked Ms. Chesrow a question.

Sophia Chesrow, AIA, for Cactus Club Café, provided an answer to Commissioner Schock's question.

**Motion Continued:**

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

**3) 2920 Interior Renovations – Waiver 720 - 2920 SW 27th Avenue, Miami 33133 Issue:**  
Vertical accessibility to the second floor.

Mr. Vogel presented the waiver and advised that the council recommended granting the waiver for vertical accessibility on the grounds of technical infeasibility.

**Motion:**

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

**4) Dapper D's Cigars Downtown – Waiver 722 - 11 Ocean Street., Jacksonville 32202 Issue:** Vertical accessibility to the second floor.

Mr. Vogel presented the waiver and advised that the council recommend granting the 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.

**5) 408 E 7th - Office Conversion – Waiver 725 - 408 E 7th, Tampa 33602 Issue:** Vertical accessibility to the second floor

Mr. Vogel presented the waiver and advised that the council recommend granting the waiver for vertical accessibility on the grounds of the historical nature of the property and technical infeasibility.

**Motion:**

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

**Local Amendment Challenge-Corrected Appeal Petition by Jack A. Bulter**

**Staff:**

Mr. Vogel provided a summary of the petitioner and as his legal opinion regarding the Commission's response to the Petition.

**Petitioner:**

Jack Butler, Butler & Butler, LLC, presented a Petition for Hearing Before the Florida Building Commission requesting the Commission refer Petitioner's challenge of specified Broward County local administrative amendments to the Division of Administrative Hearings.

**Respondent:**

Charles Kramer, attorney for the Broward County Board of Rules and Appeals (BORA), responded to the Petition for Hearing Before the Florida Building Commission.

**Public Comment:**

John Kramer provided a comment.

**Motion:**

Commissioner Compton entered a motion to deny Petitioner's request for a hearing before the Commission and to likewise decline to refer the case to the Division of Administrative Hearings, and to issue an Order to that effect. Commissioner Marrero seconded the motion.

**Discussion:**

Mr. Brown provided a comment.

**Motion Continued:**

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

**Legal Report:**

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

**Declaratory Statements:**

**A) DS 2025-019 by Larry Burchett**

**Staff:**

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

Mr. Madani provided staff analysis and answers.



**Representative:**

Larry Burchett provided the background information on the declaratory statement request

**Motion:**

Commissioner Schilling entered a motion to adopt the Plumbing TAC's recommendation that the Commission deny the Petition, since it asks the Commission to opine on the past actions of other individuals, seeks approval or disapproval of past conduct, and is suggesting changes to the Florida Building Code which must occur via the rulemaking process. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 14 to 0.

**B) DS 2025-021 by Martin Aquatics**

**Staff:**

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

Mr. Madani provided staff analysis and answers.

**Motion:**

Commissioner Schilling entered a motion to adopt the Plumbing and Swimming Pool TACs' recommendation that the Commission adopt staff's analysis as revised by the TACs, regarding the question(s) presented in the Petition. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 14 to 0.

**Binding Interpretation #305:**

**Staff:**

Mr. Madani provided details on Binding Interpretation#305.

**Energy Compliance Software for the FBC, Energy Conservation, 8th Edition (2023)**

**Staff:**

Mr. Madani provided a summary of the staff's recommendation of the Energy Compliance Software for the FBC, Energy Conservation, 8th Edition (2023).

**Ekotrope Version 5.1:**

**Representative:**

Patrick Nachlas, Ekotrope, provided details on the Energy Compliance Software titled Ekotrope Version 5.1.

**Public Comment:**

Arlene Stewart, Energy Circuit Rider, provided a comment.

**Motion:**

Commissioner John entered a motion to conditionally approve Ekotrope Version 5.1 for demonstrating compliance with residential building energy requirements using the “Prescriptive Total UA Alternative Method”, the “Performance Method – R405”, and the “ERI Method – R406,” subject to the applicant revising the submittal to address the comments provided by DBPR staff, and to authorize DBPR 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.

**Committee Report:**

**Accessibility Technical Advisory Committee:**

Mr. Madani provided a brief summary of the Accessibility TAC’s June 16, 2025, meeting.

**Motion:**

Commissioner Schilling entered a motion to accept the report of the June 16, 2025, meeting. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 14 to 0.

**Code Administration Technical Advisory Committee:**

Commissioner Brown provided a brief summary of the Code Administration TAC’s June 16, 2025, meeting.

**Motion:**

Commissioner Brown entered a motion to accept the report of the June 16, 2025, meeting. Commissioner Schock seconded the motion. The motion passed unanimously with a vote of 14 to 0.

**Education Program Oversight Committee:**

Commissioner Langille provided a brief summary of the Education POC's August 7, 2025, meeting.

**Motion:**

Commissioner Langille entered a motion to accept the report of the August 7, 2025, meeting. Commissioner John seconded the motion. The motion passed unanimously with a vote of 14 to 0.

**Electrical Technical Advisory Committee:**

Commissioner Schock provided a brief summary of the Electrical TAC's June 26, 2025, meeting.

**Motion:**

Commissioner Schock entered a motion to accept the report of the June 26, 2025, meeting. Commissioner Marrero 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 June 27, 2025, and August 5, 2025, meetings.

**Motion:**

Commissioner John entered a motion to accept the report of June 27, 2025, and August 5, 2025, meetings. Commissioner Schilling 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 TAC's June 25, 2025, meeting.

**Motion:**

Commissioner Schiffer entered a motion to accept the report from the June 25, 2025, meeting. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 14 to 0.

**Hurricane Research Advisory Committee:**

Mr. Blair provided a brief summary of the Hurricane Research Advisory Committee's June 28, 2025.

**Motion:**

Commissioner Compton entered a motion to accept the report of the June 28, 2025, meeting. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 14 to 0.

**Mechanical Technical Advisory Committee:**

Commissioner John provided a brief summary of the Mechanical TAC's June 27, 2025, meeting.

**Motion:**

Commissioner John entered a motion to accept the report of the June 27, 2025, meeting. Commissioner Schock 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 Plumbing TAC's June 23, 2025, and August 6, 2025, meetings.

**Motion:**

Commissioner Schilling entered a motion to accept the report of the June 23, 2025, and August 6, 2025, meetings. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 14 to 0.

**Product Approval Program Oversight Committee:**

Commissioner Hershberger provided a brief summary of the Product Approval POC's August 7, 2025, meeting.

**Motion:**

Commissioner Hershberger entered a motion to accept the report from the August 7, 2025, meeting. Commissioner Schilling seconded the motion. The motion was passed unanimously with a vote of 14 to 0.

**Roofing Technical Advisory Committee:**

Commissioner Swope provided a brief summary of the Roofing TAC's June 23, 2025, meeting.

**Motion:**

Commissioner Swope entered a motion to accept the report from the June 23, 2025, meeting. Commissioner Hershberger seconded the motion. The motion was passed unanimously with a vote of 14 to 0.

**Special Occupancy Technical Advisory Committee:**

Commissioner Marrero provided a brief summary of the Special Occupancy TAC's June 17, 2025, meeting.

**Motion:**

Commissioner Marrero entered a motion to accept the report from the June 27, 2025, meeting. Commissioner Schilling seconded the motion. The motion was passed unanimously with a vote of 14 to 0.

**Structural Technical Advisory Committee:**

Commissioner Compton provided a brief summary of the Structural TAC's June 24, 2025, meeting.

**Motion:**

Commissioner Compton entered a motion to accept the report from the June 24, 2025, meeting. Commissioner Schock seconded the motion. The motion was passed unanimously with a vote of 14 to 0.

**Swimming Pool Technical Advisory Committee:**

Commissioner Batts provided a brief summary of the Swimming Pool TAC's June 26, 2025, and August 6, 2025, meetings.

**Motion:**

Commissioner Batts entered a motion to accept the report from the June 26, 2025, and August 6, 2025, meetings. Commissioner Schilling seconded the motion. The motion was passed unanimously with a vote of 14 to 0.

**Commissioner's Comment:**

Commissioner Garra asked the staff a question on the Local Amendment Challenge-Corrected Appeal Petition.

Mr. Blair provided an answer to Commissioner Garra's question.

Commissioner Garra stated that he supported the denial.

**Public Comment:**

None.

**Adjourn Commission Plenary Session:**

Chairman Bourré stated the October 14, 2025, meeting will focus on the Commission's regular procedural and substantive issues, and any needed rule development initiatives. The October meeting will be conducted as a Web-Based and Teleconference Virtual Meeting. The meeting was adjourned at 10:27 a.m.