

**FLORIDA BUILDING COMMISSION
TELECONFERENCE MEETING FROM TALLAHASSEE
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Plenary Session

OCTOBER 12, 2021

8:30 A.M.

Minutes

COMMISSIONERS PRESENT:

James Schock, Chairman
James Batts
Michael Bourré
Donald Brown
David Compton
Charles Fischer
David Gilson
Jeff Gross

Rodney Hershberger
David John
Paul Jones
Brian Langille
Brad Schiffer
Brian Swope

COMMISSIONERS NOT PRESENT:

Grey Marker

STAFF PRESENT:

Mo Madani
Justin Vogel
Thomas Campbell

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 Commissioners, staff, and members of the public to the October 12, 2021, virtual plenary session of the Florida Building Commission via webinar and teleconference.

Chairman Schock stated the primary focus of the October meeting, in addition to considering regular procedural issues, and updates and reports, is to conduct a hearing for the appeal of Binding Interpretation #217.

Chairman Schock stated that, as always, we will provide an opportunity for public comment on each of the Commission's substantive discussion topics. He advised that if anyone wanted to comment on a specific substantive Commission agenda item, that they please wait until the facilitator invites members of the public to speak at the appropriate times throughout the meeting. Chairman Schock stated that public input is welcome, but should be offered before there is a formal motion on the floor.

Chairman Schock advised that Jeff Blair will review the Commission's adopted Webinar and Teleconference Participation Process before taking roll call.

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

Approval of Previous Meeting Minutes and Facilitator Report for August 10, 2021:

Commissioner Bourré entered a motion to approve the minutes from August 10, 2021 as posted. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 14 to 0.

Chairman's Discussion Issues:

Commissioner Schock stated there is no Chairman's discussion at this time.

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

Executive Director Announcements and Discussions:

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

December 14-15, 2021-On-Site, Gainesville, Florida

February 8, 2022-Teleconference Call

April 12, 2022-Onsite, Location TBD

June 7, 2022-Teleconference Call

August 9, 2022-Teleconference Call

October 11, 2022-On-site, Location TBD

December 13-14, 2022-On-site, Location TBD

Appeal of Binding Interpretation #217

Mr. Vogel introduced the Commission to the procedure for the Appeal of Binding Interpretation #217.

BI-217- Original Petition

Mr. Madani provided details on the Appeal of Binding Interpretation #217.

BI-217- Petitioner's Statement

Drew Peeler on behalf of the American Council of Engineering Companies of Florida (ACEC-FL) provided a brief statement on Binding Interpretation #217. He requested that that the Commission adopts an interpretation of Florida Building Code Section 110.8 that would require building officials to approve private providers to perform building code inspections and threshold inspections on the same threshold building.

BI-217- Building Official's Response

Mr. Paul Myers from the City of Gainesville spoke on the behalf of John Freeland the Building Official. He asked the Commission to support the Gainesville Building Department's interpretation of Florida Building Code Section 110.8

Binding Interpretation 217

Staff, commission members, the building official's representative, and the petitioner discussed Binding Interpretation #217.

Appeal of Binding Interpretation #217 (cont.)

Commissioner Bourré entered a motion to reverse Binding Interpretation #217 on the basis that the question posed is outside the scope of the binding interpretation process. Commissioner Compton seconded the motion. The motion passed by a vote of 13-1.

Briefing on Binding Interpretation # 228

Mr. Madani provided brief details on Binding Interpretation #228.

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

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

Commissioner Hershberger entered a motion to approve the updated Florida Building Code Workplan. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 14 to 0.

Applications for Product (2020) and Entity Approval

Commissioner Hershberger entered a motion for approval of the consent agenda of 22 product approval entities. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 14 to 0.

Commissioner Hershberger entered a motion for approval of the consent agenda of 177 product approval applications. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 14 to 0.

Mr. Blair stated there are no products on the consent agenda for approval by individual consideration. He stated there are two products on the consent agenda for conditional approval with comments; FL 39699 and FL 39700 based on the applicants changes per public comments.

Commissioner Hershberger entered a motion for approval of the consent agenda of products for conditional approval with comments. Commissioner Schiffer 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 didn't receive for consideration any accreditor applications or administratively approved courses.

Commissioner Bourré made a motion recommending approval of the following advanced accredited courses 1071.0, 1073.0, 1072.0, and 1074.0. Commissioner John seconded the motion. The motion passed unanimously with a vote of 14 to 0.

Legal Report

Mr. Vogel stated Rule 61G20-2.005, 61G20-3.008, 61G20-3.011, 61G20-3.013, and 61G20-3.016 have been submitted for adoption. He also stated that Rule 61G20-1.001, 61G20-2.003, and 61G20-6.002 are still in the rule making process.

Commissioner Jones left the meeting.

Declaratory Statements:

DS 2021-039 by David Ross of Tierra, Inc.

Mr. Vogel provided brief legal instructions on the declaratory statement. He stated there are two preliminary matters to address. The first preliminary matter was FRSA's motion to intervene. Chairman Shock considered the motion to intervene and denied the motion as untimely.

The second preliminary matter was the petitioner's request to withdraw their petition.

Commissioner Compton entered a motion to accept petitioner's request to withdraw. Commissioner Bourré seconded the motion. The motion passed unanimously with a vote of 13 to 0.

DS 2021-041 by Brian Ray of OFK Ocala LLC.

Mr. Vogel provided a brief introduction to the declaratory statement.

Mr. Madani stated the answer to question #1 is yes, the answer to question #2 is no, and the answer to question #3 is no.

Commissioner Schiffer entered a motion of approval based on staff's recommendation. Commissioner Batts seconded the motion. The motion passed unanimously with a vote of 13 to 0.

DS 2021-044 by Roslyn Chancey

Mr. Vogel provided a brief introduction to the declaratory statement. He recommended denial because the Commission has no jurisdiction to interpret a local ordinance and the petition addresses past conduct.

Commissioner Schiffer entered a motion for denial based on the staff's recommendation. Mr. Batts seconded the motion. The motion passed unanimously with a vote of 13 to 0.

DS 2021-049 by Ned Lawrence of Intex Millwork Solutions.

Mr. Vogel provided a brief introduction to the declaratory statement.

Mr. Madani stated the answer to the petitioner's question is that Pursuant to the definition of "structural component" (see Rule 61G20-3.002) and Rule 61G20-3.001, the products in question fall outside the scope of the state product approval program. However, these products must meet the requirements of the Florida Building Code and are subject to approval by the local authority having jurisdiction.

Commissioner Compton entered a motion for approval based on staff's recommendation. Mr. Batts seconded the motion. The motion passed unanimously with a vote of 13 to 0.

**DS 2021-050 by Thomas Smith of Classic Florida Dream Homes, LLC.
Committee Reports:**

Mr. Vogel provided a brief introduction to the declaratory statement.

Mr. Madani stated the answer to the petitioner's question is no.

Public Comment:

Mr. Seijas made a statement concerning private providers and FEMA requirements.

Mr. Belcher, FHBA in support of the staff's recommendation.

Mr. Cole stated he is the state's NFIP coordinator and Floodplain Manager and agrees with Mr. Seijas's statement.

Staff and the members of the Commission discussed the declaratory statement.

Motion:

Commissioner Compton entered a motion for approval based on the staff's recommendation with additional language that "this does not absolve the community from complying with any requirements under the National Flood Insurance Program." Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Accessibility Technical Advisory Committee:

Commissioner Gross provided a brief summary of the Accessibility TAC's September 23, 2021 teleconference meeting.

Commissioner Gross entered a motion to accept the report from the September 23, 2021, teleconference meeting. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Code Administration Technical Advisory Committee:

Mr. Blair provided a brief summary of the Code Administration TAC's October 1, 2021 meeting.

Commissioner Brown entered a motion to accept the report from the October 1, 2021, meeting. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Education Program Oversight Committee:

Commissioner Bourré provided a brief summary of the Education POC's October 6, 2021 meeting.

Commissioner Bourré entered a motion to accept the report from the October 6, 2021, meeting. Commissioner Swope seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Electrical Technical Advisory Committee:

Commissioner Swope provided a brief summary of the Electrical TAC's October 1, 2021 meeting.

Commissioner Swope entered a motion to accept the report from the October 6, 2021, meeting. Commissioner Bourré 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 October 4, 2021 meeting.

Commissioner Compton entered a motion to accept the report from the October 4, 2021 meeting. Commissioner Bourré 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 September 29, 2021 and October 6, 2021 meetings.

Commissioner Schiffer entered a motion to accept the report from the September 29, 2021, meeting. Commissioner Batts seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Commissioner Schiffer entered a motion to accept the report from the October 6, 2021, meeting. Commissioner Compton 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 September 13, 2021 meeting and they will meet on October 12, 2021 at 2:00 p.m.

Commissioner Compton entered a motion to accept the report from the September 13, 2021 meeting. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Mr. Campbell provided a brief statement about the HRAC interaction with the International Code Council's Draft "Appendix C Existing Building Safety Inspection Guide."

Mechanical Technical Advisory Committee:

Commissioner John provided a brief summary of the Mechanical TAC's October 1, 2021 meeting.

Commissioner John entered a motion to accept the report from the October 1, 2021 meeting. Commissioner Bourré seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Plumbing Technical Advisory Committee:

Mr. Madani provided a brief summary of the Plumbing TAC's October 4, 2021 meeting.

Commissioner Compton entered a motion to accept the report from the October 4, 2021 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 October 6, 2021 meeting.

Commissioner Hershberger entered a motion to accept the report from the October 6, 2021 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 October 4, 2021 and October 7, 2021 meetings.

Commissioner Swope entered a motion to accept the report from the October 4, 2021 and October 7, 2021 meetings. Commissioner Compton 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 September 24, 2021 and October 7, 2021 meetings.

Commissioner Compton entered a motion to accept the report from the September 24, 2021 and October 7, 2021 meetings. Commissioner Batts 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 October 5, 2021 and October 7, 2021 meetings.

Commissioner Compton entered a motion to accept the report from the October 5, 2021 and October 7, 2021 meetings. Commissioner Bourré 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 September 22, 2021 meeting.

Commissioner Batts entered a motion to accept the report from the September 22, 2021 meeting. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 13 to 0.

Commission Comments:

None

Public Comment:

David Ross stated he was disappointed in the outcome of the declaratory statement 2021-039.

Adjournment:

Chairman Schock stated the next meeting will be December 14-15, 2021 at the Hilton UF Conference Center, in 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 10:46 a.m.