



**FLORIDA
BUILDING
COMMISSION**

"STRONGER CODES THROUGH SCIENCE AND CONSENSUS"



**FACILITATOR'S SUMMARY REPORT OF THE
12 OCTOBER 2021
FLORIDA BUILDING COMMISSION**

VIRTUAL MEETING VIA WEBINAR AND TELECONFERENCE

PROCESS DESIGN, CONSENSUS-BUILDING AND FACILITATION BY



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**FLORIDA BUILDING COMMISSION
12 OCTOBER 2021 FACILITATOR’S MEETING SUMMARY REPORT**

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FLORIDA BUILDING COMMISSION
12 OCTOBER 2021 FACILITATOR'S MEETING SUMMARY REPORT



OVERVIEW OF COMMISSION'S KEY ACTIONS AND DECISIONS

TUESDAY, OCTOBER 12, 2021

I. PLENARY SESSION SUMMARY AND OVERVIEW

The Commission conducts their 12 October 2021 meeting as a virtual meeting via webinar and teleconference. At the 12 October 2021 virtual meeting the Commission considered and decided on Chair's issues and recommendations, Executive Director's announcements and discussions, product and entity approvals, applications for accreditor and course approvals, and recommendations from the Commission's various committees. In addition, the Commission was briefed on Binding Interpretation #228. Specific actions included voting to: 1.) Reverse the Binding Interpretation Panel's interpretation of the Florida Building Code regarding Binding Interpretation #217 as outside the scope of the Binding Interpretation process; and, 2.) Approve the updated Workplan and Schedule for development of the 8th Edition (2023), Florida Building Code.

(Attachment 1—Meeting Evaluation Results)

II. CHAIR'S WELCOME

Chairman Schock welcomed the Commission, DBPR staff, and the public to the 12 October 2021 virtual plenary session of the Florida Building Commission.

The Chair noted that in addition to considering regular procedural issues, updates, and reports, the primary purpose of the 12 October 2021 meeting was to hear an appeal of Binding Interpretation #217.

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 come up to the speakers table and 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 12 October 2021 meeting conducted in Sarasota and via webinar and teleconference:

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

(14 of the 15 currently seated Commissioners attended—93%).

Absent Commissioners:

Grey Marker.

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, 14 - 0 in favor, to approve the agenda for the 12 October 2021 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 Hear Appeal of Binding Interpretation #217.
- To Receive an Update on Binding Interpretation #228.
- To Receive Update on the Workplan for the 8th Edition (2023), Florida Building Code.
- To Consider/Decide on Approvals/Revocations of Products & Product Approval Entities.
- To Consider Applications for Accreditor and Course Approval.
- To Receive a Legal Report Briefing.
- To Consider and Decide on Petitions for Declaratory Statements.
- To Receive/Decide on Reports and Recommendations from Committees.
- To Hear Commissioner and Public Comment.

- To Identify Needed Next Steps, Assignments, and Agenda Items for Next Meeting (December 14 - 15, 2021 in-person meeting at the Hilton UF in Gainesville).

Amendments to the Posted Agenda:

There were no amendments to the posted agenda.

(Attachment 2—12 October 2021 Commission Agenda)

V. APPROVAL OF THE 10 AUGUST 2021 FACILITATOR’S SUMMARY REPORT AND MEETING MINUTES

MOTION—The Commission voted unanimously, 14 - 0 in favor, to approve the 10 August 2021 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 appointments:

TAC Appointments

Updated Commission Milestones

The Chair reminded participants that the Updated Commission Milestones document (updated as of 10 August 2021) is linked to the 12 October 2021 FBC Agenda on the BCIS.

VII. EXECUTIVE DIRECTOR ANNOUNCEMENTS AND DISCUSSIONS

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

Future Commission Meeting Dates

Tom reported that the Commission’s next meeting will be December 14 – 15, 2021 and will be held in Gainesville, Florida at the Hilton UF. Following are the dates for the regular bimonthly Commission meetings scheduled for the remainder of 2021:

- February 8, 2022, Webinar/Teleconference Virtual Meeting
- April 12, 2022, Onsite, Location TBD
- June 7, 2022, Webinar/Teleconference Virtual Meeting
- August 9, 2022, Webinar/Teleconference Virtual Meeting
- October 11, 2022, Onsite, Location TBD (Coincides with TAC meetings for Code mods)
- December 13 -14, 2022, Onsite, Location TBD (Code mod approval)

VIII. BINDING INTERPRETATION #217 APPEAL

The Chair noted that at the August meeting Justin Vogel reported that Binding Interpretation #217 had been appealed by the petitioner, the American Council of Engineering Consultants of Florida.

Binding Interpretation #217 was petitioned by American Council of Engineering Consultants of Florida regarding the City of Gainesville's BO's interpretation pursuant to section 110.8 of the 7th Edition 2020 Florida Building Code, Building. The issue involves whether section 110.8 of the Florida Building Code prohibits the fee owner of a threshold building from selecting a qualified private entity to perform both private provider services and required threshold inspections on the same threshold building.

The Chair explained that the Commission would now consider the appeal. First, Justin explained the relevant legal criteria for determining whether to uphold or reverse the Interpretation Panel's interpretation of the Florida Building Code regarding Binding Interpretation #217 as follows:

- The determination shall be based upon the Florida Building Code or, if the Code is ambiguous, the intent of the Code.
- The burden of proof lies with the party who initiated the appeal.

Second, Mo provided an overview of the Panel's answer to the Binding Interpretation as follows:

The answer to the Petition was No. As per Section 110.8.6, the building official has the authority to allow a qualified private entity to perform both private provider services and required threshold inspections on the same threshold building.

Subsequently, Jeff reviewed and facilitated the appeal process as follows:

- Appellant's Explanation Why the Panel's Interpretation Should be Overturned
- Building Officials Response Why the Interpretation Should be Upheld
- Public Comment
- Commission Member's Clarifying Questions
- Commission Discussion/Deliberation
- Commission Action

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

Commission Actions:

MOTION—The Commission voted, 13 – 1 in favor, to reverse the Binding Interpretation Panel's interpretation of the Florida Building Code regarding Binding Interpretation #217 as outside the scope of the Binding Interpretation process.

IX. BINDING INTERPRETATION #228 BRIEFING

The Chair reported that Binding Interpretation #228 was petitioned by R&M Construction, LLC regarding the Alachua County BO's interpretation pursuant to Section [A] 107.1 of the 7th Edition (2020) Florida Building Code, Building, and Section R703.7.2.1 of the 7th Edition (2020) Florida Building Code, Residential.

The issue involved a petition for a binding interpretation regarding whether a building official has the authority to issue a “stop work order” for failure to comply with building code requirements and to require corrections to the work by a registered design professional..

Mo Madani briefed the Commission reporting that the answer to Binding Interpretation #228 was as follows:

The Panel concluded that the building official has the authority to require the petitioner to provide corrections to work by a registered design professional under the authority granted to the building official as provided in the Florida Building Code before proceeding with work.

X. 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 actions:

Commission Actions:

MOTION—The Commission voted unanimously, 14 – 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)

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, 14 - 0 in favor, to approve the consent agenda of product approval entities (22) as posted/presented.

MOTION—The Commission voted unanimously, 14 - 0 in favor, to approve the consent agenda of products (177) 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 (0), 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 (2) 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, 14 - 0 in favor, to approve the consent agenda of products with comments (2) 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 2021 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, 14 – 0 in favor, to approve advanced accredited course numbers: 1071.0, 1073.0, 1072.0, and 1074.0.

XIII. LEGAL REPORT

Justin Vogel, Commission Legal Counsel, reported there were no outstanding legal matters relevant to the Commission. Justin also reported that Rules 61G20-2.005, 3.008, 3.011, 3.013, and 3.016 were filed with the Department of State for adoption, and the rulemaking process is ongoing for rules 61G20-1.001, 2.003, and 6.002.

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

Motion—The Commission voted unanimously, 13 - 0 in favor, to dismiss the Petition at the Petitioner's request.

**FRSA submitted a motion to intervene, and based on legal counsel's analysis and recommendation the Chair denied the Motion.*

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

Motion—The Commission voted unanimously, 13 - 0 in favor, to approve the Fire TAC's recommendations on the Petition supporting staff's analysis Option 2 for Q1, Q2, and Q3.

3. DS 2021-044 by Roslyn Chancey

Motion—The Commission voted unanimously, 13 - 0 in favor, to approve the Fire TAC's recommendations on the Petition to deny the Petition on the basis that the Commission has no jurisdiction to interpret a local ordinance, and it addresses past conduct.

4. DS 2021 - 049 by Ned Lawrence of INTEX Millwork Solutions

Motion—The Commission voted unanimously, 13 - 0 in favor, to approve the Product Approval POC's recommendations on the Petition supporting staff's analysis* for Q1.

**The product falls outside the scope of the State Product Approval Program.*

5. DS 2021-050 by Thomas Smith of Classic Florida Dream Homes. LLC

Motion—The Commission voted unanimously, 13 - 0 in favor, to approve the Structural TAC's and Special Occupancy TAC's recommendations on the Petition supporting staff's analysis for Q1 as amended* by the Commission.

**This does not absolve the community from any NFIP related requirements.*

XV. COMMITTEE REPORTS AND RECOMMENDATIONS

Chairman 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 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 12 October 2021 Agenda on the BCIS.

Accessibility TAC

Commissioner Gross presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 13 – 0 in favor, to accept the TAC's report as presented/posted (September 23, 2021).

Code Administration TAC

Jeff Blair presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 13 – 0 in favor, to accept the TAC's report as presented/posted (October 1, 2021).

Education POC

Commissioner Bourré presented the POC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 13 – 0 in favor, to accept the POC's report as presented/posted (October 6, 2021).

Electrical TAC

Commissioner Fischer presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 13 – 0 in favor, to accept the TAC's report as presented/posted (October 4, 2021).

Energy TAC

Mo Madani presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 13 – 0 in favor, to accept the Energy TAC's report as presented/posted (September 30, 2021).

Fire TAC

Commissioner Schiffer presented the TAC's reports and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 13 – 0 in favor, to accept the Fire TAC's reports as presented/posted (September 29, 2021 and October 6, 2021).

Hurricane Research Advisory Committee (HRAC)

Jeff Blair presented the HRAC's reports and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 13 – 0 in favor, to accept the HRAC's reports as presented/posted (August 27, 2021 and September 13, 2021).

Tom Campbell reported that at the last HRAC meetings there was a request for clarification on the Commission's intent regarding the role of the HRAC in providing comments on the ICC's "Appendix C Existing Building Safety Guide" document.

The current plan for the draft of "Appendix C" is for the HRAC and other stakeholders to provide further comments to ICC on at least one more draft. During this process, interested policymakers or members of the public will have access to the drafts and comments. They will be able to use the drafts and comments as a resource when exploring different options for inspections of existing buildings. Furthermore, as more information becomes available over the coming months and years through research projects or investigations of the Champlain Towers collapse the Commission will determine the appropriate next steps, if any, for the draft of "Appendix C."

Mechanical TAC

Commissioner John presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 13 – 0 in favor, to accept the Mechanical TAC's report as presented/posted (October 1, 2021).

Plumbing TAC

Mo Madani presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 13 – 0 in favor, to accept the Plumbing TAC's report as presented/posted (October 4, 2021).

Product Approval POC

Commissioner Hershberger presented the POC's report and 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 (October 6, 2021).

Roofing TAC

Commissioner Swope presented the TAC's reports and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 13 – 0 in favor, to accept the Roofing TAC's reports as presented/posted (October 4, 2021 and October 7, 2021).

Special Occupancy TAC

Mo Madani presented the TAC's reports and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 13 – 0 in favor, to accept the Special Occupancy TAC's reports as presented/posted (September 24, 2021 and October 7, 2021).

Structural TAC

Commissioner Compton presented the TAC's reports and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 13 – 0 in favor, to accept the Structural TAC's reports as presented/posted (October 5, 2021 and October 7, 2021).

Swimming Pool TAC

Commissioner Batts presented the TAC's report and recommendations.

Commission Action:

MOTION—The Commission voted unanimously, 13 – 0 in favor, to accept the Swimming Pool TAC's report as presented/posted (September 22, 2021).

XVI. COMMISSION MEMBER COMMENTS AND ISSUES

Chairman 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:

- None.

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

Public Comments:

- David Ross, Tierra, Inc.: expressed disappointment with the outcome of DS 2021-039 considered in a concurrent meeting of the Structural and Roofing TACs, and noted that it was on this basis that he requested to withdraw the Petition.

XVIII. NEXT COMMISSION MEETING OVERVIEW AND ASSIGNMENTS

The December 14 – 15, 2021 meeting will focus on the Commission's regular procedural and substantive issues, any relevant rule development initiatives, and the Commission's review of and decision on the TACs' recommendations on proposed I-Code changes for inclusion in the 8th Edition (2023), Florida Building Code. The December meeting will be conducted on-site at the Gainesville Hilton UF.

(Attachment 5—Commission Meeting Schedule)

OTHER COMMISSION ACTIONS

All Commission actions taken during the 12 October 2021 meeting are reflected within specific agenda items.

STAFF ASSIGNMENTS FROM THE 12 OCTOBER 2021 COMMISSION MEETING

All Commission actions taken during the 12 October 2021 meeting are reflected within specific agenda items.

ADJOURNMENT

The Chair thanked Commission members, staff and the public for their participation, and adjourned the meeting at 10:46 AM on Tuesday, October 12, 2021.

ATTACHMENT 1
FLORIDA BUILDING COMMISSION MEETING EVALUATION RESULTS

12 OCTOBER 12021—VIRTUAL MEETING

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

Number of Respondents: 8 of 14 (57% response rate) Commissioners participating in the virtual meeting completed meeting evaluations.

1. OVERALL MEETING ASSESSMENT.

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

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

- 9.9 Chair's Discussion Issues/Recommendations.
- 9.6 Executive Director's Announcements and Discussions.
- 9.3 Binding Interpretation #217 Appeal.
- 9.8 Binding Interpretations 228 Briefing.
- 9.9 8th Edition (2022), FBC Workplan/Schedule Approval.
- 9.6 Applications for Products and Product Approval Entities Approvals.
- 9.9 Applications for Accreditor and Course Approvals.
- 9.1 Legal Report.
- 9.8 Petitions for Declaratory Statements Decisions.
- 9.9 TAC, POC, Committee, and Workgroup Reports and Recommendations.

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

- 9.9 The members followed the direction of the Facilitator.
- 9.9 The Facilitator made sure the concerns of all members were heard.
- 9.9 The Facilitator helped us arrange our time well.
- 9.9 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.
- 9.9 I was very satisfied with the services provided by the Facilitator.
- 9.9 I am satisfied with the outcome of the meeting.

5. HOW WELL THE NEXT STEPS WERE COMMUNICATED.

- 9.9 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.

- Mr. Blair and Mr. Schock's efficiency.
- Jeff, once again, did an excellent job keeping the meeting on track and meeting the objectives of the meeting.
- Jeff always does an excellent job making sure stakeholders are heard.
- The discussion re the binding interpretation could have been confusing for those of us not in the inspection process but it was explained and the discussion was clear and controlled.

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

- Notice the meetings with an email and supporting information.
- I have no recommendations on improvement.

SUGGESTIONS FOR IMPROVEMENTS FROM THE COMMENTS PROVIDED ABOVE

- Provide commissioners with a meeting reminder and the relevant agenda items supporting documentation.

ATTACHMENT 2
10 AUGUST 2021 MEETING AGENDA

FLORIDA BUILDING COMMISSION
PLENARY SESSION
12 OCTOBER 2021
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 Decide Appeal of Binding Interpretation #217.
- To Receive a Briefing on Binding Interpretation #228.
- To Receive Update Regarding the 8th Edition (2023) Florida Building Code, Workplan.
- 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 Petitions for Declaratory Statements.
- To Receive/Decide on Reports and Recommendations from Committees.
- To Hear Public Comment.
- To Identify Needed Next Steps, Assignments, and Agenda Items for the Next Meeting.

COMMISSION AND COMMITTEES—WEBINAR AND TELECONFERENCE MEETINGS

August 27, 2021	9:00 a.m.	Hurricane Research Advisory Committee
September 13, 2021	9:00 a.m.	Hurricane Research Advisory Committee
September 22, 2021	10:00 a.m.	Swimming Pool Technical Advisory Committee
September 23, 2021	9:00 a.m.	Accessibility Technical Advisory Committee
September 24, 2021	9:00 a.m.	Special Occupancy Technical Advisory Committee
September 29, 2021	8:00 a.m.	Fire Technical Advisory Committee
September 30, 2021	8:00 a.m.	Energy Technical Advisory Committee
October 1, 2021	8:00 a.m.	Mechanical Technical Advisory Committee
October 1, 2021	10:00 a.m.	Code Admin Technical Advisory Committee
October 4, 2021	8:00 a.m.	Electrical Technical Advisory Committee
October 4, 2021	9:00 a.m.	Roofing Technical Advisory Committee
October 4, 2021	10:00 a.m.	Plumbing Technical Advisory Committee
October 5, 2021	8:00 a.m.	Structural Technical Advisory Committee
October 6, 2021	8:00 a.m.	Education Program Oversight Committee
October 6, 2021	9:00 a.m.	Product Approval Program Oversight Committee
October 6, 2021	10:00 a.m.	Fire Technical Advisory Committee
October 7, 2021	8:00 a.m.	Structural Technical Advisory Committee concurrently with Roofing Technical Advisory Committee Structural Technical Advisory Committee concurrently with Special Occupancy Technical Advisory Committee Structural Technical Advisory Committee
October 7, 2021	10:00 a.m.	Energy Technical Advisory Committee

MEETING AGENDA - OCTOBER 12, 2021

All Agenda Times—including Public Comment and Adjournment—are Approximate and Subject to Change

1.)	<p>WELCOME AND OPENING ROLL CALL</p> <p>A. Statement of Teleconference Participation Process</p> <p>B. Roll Call of Commission Members</p> <p>C. Identification of Staff Attendees</p>
2.)	<p>REVIEW AND APPROVAL OF MEETING AGENDA</p>
3.)	<p>REVIEW AND APPROVAL OF AUGUST 10, 2021 FACILITATORS REPORT AND MEETING MINUTES</p>
4.)	<p>CHAIR'S DISCUSSION ISSUES</p> <p>A. Appointments</p> <p>B. Updated Commission Milestones</p>
5.)	<p>EXECUTIVE DIRECTOR ANNOUNCEMENTS AND DISCUSSIONS</p> <p>A. Future Meetings: 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</p>
6.)	<p>APPEAL OF BINDING INTERPRETATION #217</p>
7.)	<p>BRIEFING ON BINDING INTERPRETATION #228</p>
8.)	<p>FLORIDA BUILDING CODE, 8TH EDITION, (2023) UPDATE – WORKPLAN STATUS</p>
9.)	<p>APPLICATIONS FOR PRODUCT (2020) AND ENTITY APPROVAL</p>
10.)	<p>APPLICATIONS FOR ACCREDITOR AND COURSE APPROVAL</p>
11.)	<p>LEGAL REPORT</p>
12.)	<p>DECLARATORY STATEMENTS</p> <p>A. DS 2021-039 by David Ross of Tierra, Inc.</p> <p>B. DS 2021-041 by Brian Ray of OFK Ocala LLC.</p> <p>C. DS 2021-044 by Roslyn Chancey.</p> <p>D. DS 2021-049 by Ned Lawrence of Intex Millwork Solutions.</p> <p>E. DS 2021-050 by Thomas Smith of Classic Florida Dream Homes, LLC.</p>
13.)	<p>COMMITTEE REPORTS</p> <p>A. Accessibility Technical Advisory Committee (September 23, 2021)</p> <p>B. Code Administration Technical Advisory Committee (October 1, 2021)</p> <p>C. Education Program Oversight Committee (October 6, 2021)</p> <p>D. Electrical Technical Advisory Committee (October 4, 2021)</p> <p>E. Energy Technical Advisory Committee (September 30, 2021)</p> <p>F. Fire Technical Advisory Committee (September 29, 2021) (October 6, 2021)</p> <p>G. Hurricane Research Advisory Committee (August 27, 2021) (September 13, 2021)</p> <p>H. Mechanical Technical Advisory Committee (October 1, 2021)</p> <p>I. Plumbing Technical Advisory Committee (October 4, 2021)</p> <p>J. Product Approval Program Oversight Committee (October 6, 2021)</p> <p>K. Roofing Technical Advisory Committee (October 4, 2021) (October 7, 2021)</p>

	L. Special Occupancy Technical Advisory Committee (September 24, 2021) (October 7, 2021) M. Structural Technical Advisory Committee (October 5, 2021) (October 7, 2021) N. Swimming Pool Technical Advisory Committee (September 22, 2021)
14.)	COMMISSIONER COMMENT
15.)	PUBLIC COMMENT
16.)	ADJOURN

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 12 OCTOBER 2021

COMMISSION MEETING DATES FISCAL YEAR 2021 - 2022

August 10, 2021	On-Site Meeting Sarasota Hyatt Regency
October 12, 2021	Webinar/Teleconference Virtual Meeting
December 14 -15, 2021	Gainesville, Hilton UF (I-Code Changes Approval)
February 8, 2022	Webinar/Teleconference Virtual Meeting
April 12, 2022	Onsite, TBD
June 7, 2022	Webinar/Teleconference Virtual Meeting

COMMISSION MEETING DATES FISCAL YEAR 2022 - 2023

August 9, 2022	Webinar/Teleconference Virtual Meeting
October 11, 2022	Onsite, TBD (Coincide with TAC meetings for Code mods)
December 13-14, 2022	On-Site Meeting, Gainesville Hilton UF (Code mod approval)

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. RCCIWG meeting – virtual meeting	6/29/21 Completed
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
Deadline for requesting amendments (2021 I-Codes changes) to be pulled of the consent agenda for individual consideration	11/19/2021
Commission considers TACs' recommendations regarding the latest changes to the model codes - on site meeting (TBD)	12/14 -15/2021
Staff post Commission's recommendations online	1/3/2022
<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
Proposed amendments reviewed by staff and posted to the Commission website	3/3/2022
1 st 45 day comment period ends (<i>By law -45 day min before TAC review</i>)	4/18/2022

Staff post on Commission website proposed code changes (Tracking Charts and Detail Reports)	5/2/2022
TACs consider proposed modifications (1 st 45 day comment period) TACs meetings - 4-day on-site meetings	6/20 - 24/2022
TACs recommendations posted to the website Starting date for the 2 nd 45 day comment period	7/12/2022
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 TACs/Commission on impactful code changes. RCCIWG meeting – on-site meeting (TBD)	TBD
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 – 4-day meetings [2-day on-site (TBD) and 2 – day via conference/webinar] – As needed and as applicable	10/11 - 14/2022
Staff post on Commission website TACs consideration of public comments	11/10/2022
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 13, 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.	