



**FLORIDA
BUILDING
COMMISSION**

"STRONGER CODES THROUGH SCIENCE AND CONSENSUS"



**FACILITATOR'S SUMMARY REPORT OF THE
11 OCTOBER 2022 FLORIDA BUILDING COMMISSION**

GAINESVILLE, FLORIDA

PROCESS DESIGN, CONSENSUS-BUILDING AND FACILITATION BY



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FLORIDA BUILDING COMMISSION
11 OCTOBER 2022 FACILITATOR’S MEETING SUMMARY REPORT

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FLORIDA BUILDING COMMISSION
11 OCTOBER 2022 FACILITATOR'S MEETING SUMMARY REPORT



OVERVIEW OF COMMISSION'S KEY ACTIONS AND DECISIONS
TUESDAY, OCTOBER 11, 2022

I. PLENARY SESSION SUMMARY AND OVERVIEW

The Commission conducted their 11 October 2022 meeting onsite in Gainesville, Florida. At the 11 October 2022 meeting the Commission considered and decided on Chair's issues and recommendations, Executive Director's announcements and discussions, accessibility waiver applications, product and entity approvals, applications for accreditor and course approvals, a petition for declaratory statement, and recommendations from the Commission's various committees. In addition, the Commission received an update regarding UF's preliminary assessment of building damage caused by Hurricane Ian. Specific actions included voting to: **1)** Approve the updated Workplan and Schedule for development of the 8th Edition (2023), Florida Building Code; and **2)** Adopt the *Florida Building Commission's Recommendations on Milestone Structural Inspection Requirements*, incorporating the Existing Building Inspection Workgroup's Recommendations, in fulfillment of SB 4-D Assignment #1, and to authorize DBPR to make editorial revisions as needed and to submit the Commission's recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2022.

(Attachment 1 — Meeting Evaluation Results)

II. CHAIR'S WELCOME

Chairman Schock welcomed the Commission, DBPR staff, and the public to the 11 October 2022 plenary session of the Florida Building Commission.

The Chair stated that on behalf of the Florida Building Commission he wanted offer the Commission's sympathy and support to all those impacted by Hurricane Ian. The Florida Building Commission has continuously assessed building systems and component failures identified after major storms since its inception in 1998, and in response has funded research to strengthen the Code's effectiveness against wind and water intrusion based on these assessments. Each year the Commission's Hurricane Research Advisory Committee evaluates research proposals related to enhancing the wind and water intrusion provisions of the Code and provides the Commission with their recommended research project priorities for funding.. The Commission remains committed to this effort. The Chair noted that during the meeting the Commission would receive an update regarding UF's preliminary building damage assessment from Hurricane Ian.

The Chair noted that in addition to considering regular procedural issues, updates, and reports, the primary task for the 11 October 2022 meeting was to review the Existing Building Inspection Workgroup's recommendations and to adopt the *Florida Building Commission's Recommendations on Milestone Structural Inspection Requirements* for ensuring that the milestone inspection requirements in SB-4D are sufficient to determine the structural integrity of a building.

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 expressed that if one wants to comment on a specific substantive Commission agenda item, they should 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 11 October 2022 meeting conducted onsite in Gainesville, Florida:

Jim Schock (Chair), Michael Bourré (Vice Chair), David Brown, David Compton, Jeff Gross, David John, Grey Marker, Brad Schiffer, Brian Swope, and Tim Tolbert.

(10 of the 14 seated Commissioners attended — 71%).

Absent Commissioners:

James Batts, Charles Fisher, Rodney Hershberger, and Brian Langille.

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, 10 - 0 in favor, to approve the agenda for the 11 October 2022 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 Receive a Preliminary Update Regarding Survey of Building Damage from Hurricane Ian.
- To Receive Update Regarding the Florida Building Code, 8th Edition, (2023), Workplan.
- To Consider/Decide on the EBIWG’s SB 4-D Assignment #1 Recommendations.
- To Consider/Decide on Accessibility Waiver Applications.
- 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 a Petition for Declaratory Statement.
- To Receive/Decide on Reports and Recommendations from Committees.
- To Hear Public Comment.
- To Identify Needed Next Steps, Assignments, and Agenda Items for Next Meeting (December 13 -14, 2022, Onsite, The Shores, Resort and Spa, Daytona Beach Shores).

Amendments to the Posted Agenda:

There were no amendments to the posted agenda.

(Attachment 2 — 11 October 2022 Commission Agenda)

V. APPROVAL OF THE 9 AUGUST 2022 AND 16 SEPTEMBER 2022 MEETING MINUTES AND FACILITATOR’S SUMMARY REPORTS

MOTION — The Commission voted unanimously, 10 - 0 in favor, to approve the August 9, 2022 Meeting Minutes and Facilitator’s Summary Report and the September 16, 2022 Meeting Minutes and Facilitator’s Summary Report 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:

Commission Resignations

The Chair reported that Paul Jones resigned from the Commission effective September 8, 2022 due to work commitments. Paul served on the Commission beginning September 12, 2020 and served as the Plumbing TAC chair. The Chair thanked Paul for his service on behalf of the citizens of Florida.

The Chair reported that David Gilson resigned from the Commission effective September 14, 2022 due to work commitments. David served on the Commission beginning March 27, 2014 and served as the Code Administration TAC chair. The Chair thanked David for his service on behalf of the citizens of Florida.

POC/TAC Appointments

Code Administration TAC

Commissioner Brown was appointed to chair the Code Administration TAC replacing David Gilson who resigned from the Commission. The Chair thanked Don for agreeing to serve, and thanked David again for his service.

Updated Commission Milestones

The Chair reminded participants that the Updated Commission Milestones document (updated as of 16 September 2022) is linked to the 11 October 2022 FBC Agenda on the BCIS.

VII. EXECUTIVE DIRECTOR ANNOUNCEMENTS AND DISCUSSIONS

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

A) Future Commission Meeting Dates

Tom reported that the Commission's next meeting will be December 13 -14, 2022, Onsite, at The Shores, Resort and Spa, Daytona Beach Shores (Code Amendment Approval Meeting). Following are the dates for the regular bimonthly Commission meetings scheduled for 2023:

- February 7, 2023, Web-Based and Teleconference Virtual Meeting
- March 14, 2023, Onsite, Location TBD
- April 11, 2023, Web-Based and Teleconference Virtual Meeting
- June 20, 2023, Onsite, Location TBD
- August 15, 2023, Web-Based and Teleconference Virtual Meeting
- October 17, 2023, Onsite, Location TBD
- December 12, 2023, Web-Based and Teleconference Virtual Meeting

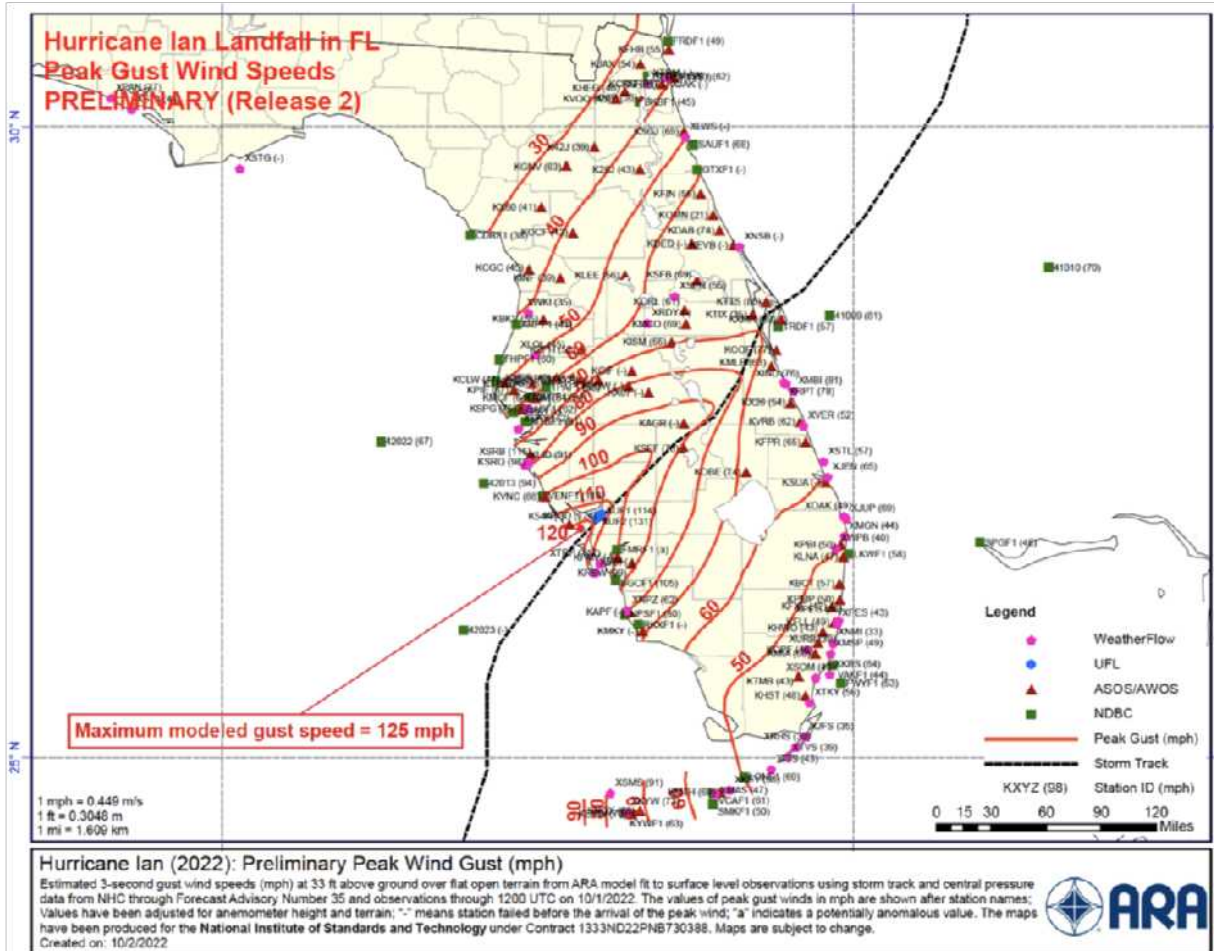
VIII. SURVEY OF BUILDING DAMAGE FROM HURRICANE IAN UPDATE

Chairman Schock reported that Hurricane Ian made landfall in Florida on September 29, 2022 along the southwestern coast of Florida near Cayo Costa as a powerful Category 3 storm. In order to evaluate the Code's effectiveness against wind and water intrusion, the Commission has an ongoing contract with the University of Florida (UF) to conduct/survey building damage assessment of hurricanes impacting Florida. Dr. David Prevatt from UF provided the Commission with an update regarding UF's preliminary assessment of building damage caused by Hurricane Ian.

Dr. David Prevatt, UF, provided the Commission with a presentation titled: "Hurricane Ian of 28 September 2022 Preliminary Observations of Impacts in Florida." The presentation will be posted to the BCIS.

Summary of Activity:

- Preliminary Observations from a Week After Hurricane Ian:
 - UF Triage Building performance surveys on 9/30, 10/2 and 10/3.
 - Summary of Hazard Conditions (Wind, Surge, Inland Flooding).
- Ongoing Efforts:
 - Florida International University faculty and private contractor conducted StreetView Camera data collection in several coastal locations.
 - Applied for permissions for research team to access the barrier islands – awaiting approvals.
 - University of Florida team investigated flooding and conditions in Central Florida.



Hurricane Ian Peak Wind Gust Map

Proposed Next Steps Recommended by UF:

- Secure permissions to conduct performance assessments on barrier islands, Ft Meyer's Beach, Sanibel Island and Bonita Springs Beach.
- Conduct door-to-door building performance assessments of houses impacted by wind, storm surge and inland flooding
- Collect aerial overview using drones
- Augment physical observations with building characteristics data from building appraisers' public website.

IX. 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 action:

Commission Action:

MOTION— The Commission voted unanimously, 10 – 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)

X. EXISTING BUILDING INSPECTION WORKGROUP RECOMMENDATIONS FOR SB 4-D ASSIGNMENT #1

The Chair explained that in response to the Champlain Towers tragedy, the Florida Legislature unanimously passed Senate Bill 4-D (2022) in a special session in May 2022. The bill created Section 553.899, Florida Statutes, which required mandatory structural inspections for condominium and cooperative buildings. These “milestone inspections” are required when buildings reach a certain age, depending on their distance from the coastline. Buildings are first subjected to a visual, qualitative assessment of their structural condition; if signs of substantial structural deterioration are found, then a second phase of inspection to fully assess the structural soundness of the building and confirm its safety is required.

Subsection 553.899, Florida Statutes, directs the Florida Building Commission to complete two assignments. The first assignment requires the Commission to “review the milestone inspection requirements under this section and make recommendations, if any, to the Legislature to ensure inspections are sufficient to determine the structural integrity of a building.” This assignment requires the Commission to submit a written report of any recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2022.

The second assignment requires the Commission, in consultation with the State Fire Marshal, to “provide recommendations to the Legislature for the adoption of comprehensive structural and lifesafety standards for maintaining and inspecting all types of buildings in this state that are three stories or more in height,” and requires the Commission to submit a written report of its recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2023.

To complete the two assignments, the Chair appointed and convened the Existing Building Inspection Workgroup (EBIWG). The EBIWG is comprised of 16 members who have experience in structural engineering, architecture, building inspection and plan review, building materials, building management, and other related fields; five of the members are also currently-serving members of the Florida Building Commission. For the first assignment the EBIWG was tasked with evaluating the milestone inspection requirements put into place by Section 553.899, Florida Statutes, and to make recommendations to the Commission to ensure that the milestone inspection requirements actually achieve the Legislature’s goal of maintaining the safety and structural integrity of condominium and cooperative buildings in the State of Florida. The EBIWG met multiple times during 2022 to discuss

the milestone inspection requirements and the issues surrounding implementation of the program. The Workgroup solicited public opinion and provided opportunity for public testimony at its meetings, and engaged in a consensus-building process to identify potential recommendations that had a broad base of support.

At their final Phase 1 meeting the Workgroup voted unanimously to recommend the Commission include their 24 consensus ranked options in the *Florida Building Commission's Recommendations on Milestone Structural Inspection Requirements* report.

The overarching principle is that the Workgroup believes that it would be more efficient and practical to develop the milestone inspection program via the rulemaking process, which would make it easier to modify in response to new research, data, developments, and stakeholder input. As a result, the Workgroup is recommending that the Commission recommend that the Legislature grant the Commission rulemaking authority and charge it to establish a minimum Building Inspection Safety Program/Milestone Inspection Program within the Florida Building Code, Existing Building volume. The minimum Building Inspection Safety Program/Milestone Inspection Program would contain milestone inspection requirements, standardized inspection forms, checklists, and provide other baseline guidance and minimum requirements, which could be further strengthened at the local level by jurisdictions which choose to do so.

This approach would have the benefit of using the Commission's existing consensus-building process to develop an inspection scheme with input from impacted stakeholders, including building owners and local building departments, and house the requirements in the Florida Building Code, which should increase the ease of use for local jurisdictions.

The consensus recommendations for SB 4-D Assignment #1 were provided to the Florida Building Commission for its consideration during the 11 October 2022 meeting.

Subsequently, Tom Campbell reviewed the recommendations, and Jeff Blair facilitated the review process, public comment, and the Commission's discussion and decision process.

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

Commission Action:

MOTION — The Commission voted unanimously, 10 – 0 in favor, to adopt the *Florida Building Commission's Recommendations on Milestone Structural Inspection Requirements*, incorporating the Existing Building Inspection Workgroup's Recommendations, in fulfillment of SB 4-D Assignment #1, and to authorize DBPR to make editorial revisions as needed and to submit the Commission's recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2022.

XI. ACCESSIBILITY WAIVER APPLICATIONS

Justin Vogel, Accessibility Advisory Council legal advisor, presented the Accessibility Advisory Council's recommendations for the waiver applications, and the Commission reviewed and decided on the waiver application submitted for their consideration.

Commission Actions Regarding Accessibility Waiver Applications:

A. Days Inn, Ocala North – Waiver 574 - 3811 NW Blitchton Rd, Ocala 34482

MOTION— The Commission voted, 8 – 1 in favor, to grant the waiver for vertical accessibility to the second floor on the grounds of technical infeasibility.

B. Gonzalez Office Building – Waiver 586 - 375 Capital Circle NE #B, Tallahassee 32303

MOTION— The Commission voted, 9 – 1 in favor, to grant the waiver for vertical accessibility to the second and third floors on the grounds of economic hardship.

C. 411-419 Michigan Avenue – Waiver 590 - 411 Michigan Avenue, Miami Beach 33139

MOTION— The Commission voted unanimously, 10 – 0 in favor, to grant the waiver for vertical accessibility to the first floor on the grounds of the historic significance of the building and technical infeasibility.

XII. CONSIDERATION OF APPLICATIONS FOR PRODUCT AND ENTITY APPROVAL

The Chair reported that since the Product Approval POC meeting was cancelled as a result of Hurricane Ian, the Product Approval POC would meet concurrently with the Commission to provide their recommendations for Commission action on entity and product approval applications.

Jeff Blair explained that the POC would take up each item in turn (Consent Agenda of Entity Approvals, Consent Agenda of Product Approvals, and Product Approvals with Comments) and make their recommendation to the Commission. Immediately following each POC recommendation the Commission would take action on the POC's recommendation.

POC Recommendations on the Consent Agendas for Approval:

MOTION— The POC voted unanimously, 10 - 0 in favor, to approve the consent agenda of product approval entities (10) as posted/presented.

MOTION— The POC voted unanimously, 10 - 0 in favor, to approve the consent agenda of products (147) recommended for approval to the 2020 Code as presented/posted.

Commission Actions on the Consent Agendas for Approval:

MOTION— The Commission voted unanimously, 10 - 0 in favor, to approve the consent agenda of product approval entities (10) as posted/presented.

MOTION— The Commission voted unanimously, 10 - 0 in favor, to approve the consent agenda of products (147) recommended for approval to the 2020 Code as presented/posted.

POC Recommendations Regarding Product Approval Applications With Comments—2020 Code:

MOTION— The POC voted unanimously, 10 - 0 in favor, to approve FL 41627.

MOTION — The POC voted unanimously, 10 - 0 in favor, to conditionally approve FL 41655 based on the conditions recommended by DBPR staff analysis and reflected in the posted documentation.

Commission Actions Regarding Product Approval Applications With Comments—2020 Code:

MOTION — The Commission voted unanimously, 10 - 0 in favor, to approve FL 41627.

MOTION — The Commission voted unanimously, 10 - 0 in favor, to conditionally approve FL 41655 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 October 2022 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*)

XIII. 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, 10 – 0 in favor, to approve advanced accredited course number(s): 1109.0, 1110.0, and 1105.0.

MOTION — The Commission voted unanimously, 10 – 0 in favor, to conditionally approve advanced accredited course number(s): 1111.0.

MOTION — The Commission voted unanimously, 10 – 0 in favor, to deny advanced accredited course number(s): 1108.0. Does not comply with requirements of statute.

XIV. LEGAL REPORT

Justin Vogel, Commission Legal Counsel, updated the Commission on outstanding legal matters relevant to the Commission as follows:

Lawsuit Challenging SB 4-D

At the June meeting Justin reported that a lawsuit had been filed challenging the constitutionality of provisions of SB 4-D. DBPR legal staff filed a motion to dismiss the lawsuit and the ruling is pending a hearing scheduled for November 17, 2022. Justin will keep the Commission updated on the lawsuit as events unfold.

XV. 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 2022-037 by Leo Amos

Motion — The Commission voted unanimously, 10 - 0 in favor, to approve the Code Administration TAC's recommendation on the Petition to decline to answer because Petitioner seeks a statement

which would determine the conduct of persons other than himself, and because this Petition involves conduct which has already occurred.

XVI. 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/or 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 11 October 2022 Agenda on the BCIS.

Code Administration TAC

Commissioner Brown presented the TAC's report and any recommendations.

Commission Action:

MOTION — The Commission voted unanimously, 7 – 0 in favor, to accept the TAC's report as presented/posted (September 27, 2022).

Education POC

Commissioner Bourré presented the POC's report and any recommendations.

Commission Action:

MOTION — The Commission voted unanimously, 8 – 0 in favor, to accept the POC's report as presented/posted (October 4, 2022).

Electrical TAC

Mo Madani presented the TAC's report and any recommendations.

Commission Action:

MOTION — The Commission voted unanimously, 10 – 0 in favor, to accept the TAC's report as presented/posted (October 6, 2022).

Energy TAC

Mo Madani presented the TAC's reports and any recommendations.

Commission Action:

MOTION — The Commission voted unanimously, 10 – 0 in favor, to accept the Energy TAC's reports as presented/posted (September 16, 2022 and October 10, 2022).

Existing Building Inspection Workgroup

Jeff Blair presented the Workgroup's reports and any recommendations.

Commission Action:

MOTION — The Commission voted unanimously, 10 – 0 in favor, to accept the Workgroup's reports as presented/posted (August 9, 2022, September 13, 2022, and October 4, 2022).

Fire TAC

Commissioner Schiffer presented the TAC's report and any recommendations.

Commission Action:

MOTION — The Commission voted unanimously, 10 – 0 in favor, to accept the TAC's report as presented/posted (October 10, 2022).

Mechanical TAC

Commissioner John presented the TAC's report and any recommendations.

Commission Action:

MOTION — The Commission voted unanimously, 10 – 0 in favor, to accept the TAC's report as presented/posted (October 6, 2022).

Plumbing TAC

Mo Madani presented the TAC's report and any recommendations.

Commission Action:

MOTION — The Commission voted unanimously, 10 – 0 in favor, to accept the TAC's report as presented/posted (October 6, 2022).

Residential Construction Cost Impact Workgroup

Jeff Blair presented the Workgroup's report and any recommendations.

Commission Action:

MOTION — The Commission voted unanimously, 10 – 0 in favor, to accept the Workgroup's report as presented/posted (August 17, 2022).

Special Occupancy TAC

Mo Madani presented the TAC's report and any recommendations.

Commission Action:

MOTION — The Commission voted unanimously, 10 – 0 in favor, to accept the TAC's report as presented/posted (October 7, 2022).

XVII. COMMISSION MEMBER COMMENTS AND ISSUES

Chair 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 were offered.

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

Public Comments:

- None were offered.

XIX. NEXT COMMISSION MEETING OVERVIEW AND ASSIGNMENTS

The December 13-14, 2022 meeting will focus on the Commission’s regular procedural and substantive issues, any rule development initiatives, and the Commission’s review and approval of proposed Code amendments for the 8th Edition (2023), Florida Building Code. The December meeting will be conducted onsite at the Shores, Resort and Spa, Daytona Beach Shores.

(Attachment 5 — Commission Meeting Schedule)

OTHER COMMISSION ACTIONS

All Commission actions taken during the 11 October 2022 meeting are reflected within specific agenda items.

STAFF ASSIGNMENTS FROM THE 11 OCTOBER 2022 COMMISSION MEETING

- There were no specific assignments resulting from the 11 October 2022 meeting.

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ADJOURNMENT

The Chair thanked Commission members, staff and the public for their participation, and adjourned the meeting at 10:03 AM on Tuesday, October 11, 2022.

ATTACHMENT 1
FLORIDA BUILDING COMMISSION MEETING EVALUATION RESULTS

11 OCTOBER 2022 — GAINESVILLE, FLORIDA

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

Number of Respondents: 5 of 10 (50% 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.
- 9.8 The objectives for the meeting were stated at the outset.
- 9.8 Overall, the objectives of the meeting were fully achieved.

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

- 9.8 Chair's Discussion Issues/Recommendations.
- 9.8 Executive Director's Announcements and Discussions.
- 9.4 Preliminary Update Regarding Survey of Building Damage from Hurricane Ian.
- 9.8 8th Edition (2022), FBC Workplan/Schedule Approval.
- 9.6 EBIWG's SB 4-D Assignment #1 Recommendations Adoption.
- 9.8 Accessibility Waiver Applications.
- 9.8 Applications for Products and Product Approval Entities Approvals.
- 9.8 Applications for Accreditor and Course Approvals.
- 9.8 Legal Report.
- 9.8 Petitions for Declaratory Statements Decisions.
- 9.8 TAC, POC, Committee, and Workgroup Reports and Recommendations.

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

- 9.8 The members followed the direction of the Facilitator.
- 9.8 The Facilitator made sure the concerns of all members were heard.
- 9.8 The Facilitator helped us arrange our time well.
- 9.8 Commission actions were documented accurately in previous meeting's Facilitator's Report.

4. COMMISSIONERS LEVEL OF SATISFACTION WITH THE MEETING.

- 9.8 Overall, I am very satisfied with the meeting.
- 9.8 I was very satisfied with the services provided by the Facilitator.
- 9.8 I am satisfied with the outcome of the meeting.

5. HOW WELL THE NEXT STEPS WERE COMMUNICATED.

- 9.8 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.

- On time and subject.

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

- None were offered.

SUGGESTIONS FOR IMPROVEMENTS FROM THE COMMENTS PROVIDED ABOVE

- None were offered.

ATTACHMENT 2
11 OCTOBER 2022 MEETING AGENDA

FLORIDA BUILDING COMMISSION
PLenary SESSION
11 OCTOBER 2022
GAINESVILLE, FLORIDA

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 Receive a Preliminary Update Regarding Survey of Building Damage from Hurricane Ian.
- To Receive Update Regarding the Florida Building Code, 8th Edition, (2023), Workplan.
- To Consider/Decide on the EBIWG’s SB 4-D Assignment #1 Recommendations.
- To Consider/Decide on Accessibility Waiver Applications.
- 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 a Petition for Declaratory Statement.
- To Receive/Decide on Reports and Recommendations from Committees.
- To Hear Public Comment.
- To Identify Needed Next Steps, Assignments, and Agenda Items for Next Meeting.

COMMISSION COMMITTEE ON SITE AND TELECONFERENCE/WEBINAR MEETINGS

August 9, 2022	1:00 p.m.	Existing Building Inspection Workgroup
August 17, 2022	1:30 p.m.	Residential Construction Cost Impact Workgroup
September 13, 2022	9:00 a.m.	Existing Building Inspection Workgroup
September 16, 2022	10:00 a.m.	Energy Technical Advisory Committee
September 16, 2022	2:00 p.m.	Florida Building Commission
September 27, 2022	10:00 a.m.	Code Administration Technical Advisory Committee
October 4, 2022	9:00 a.m.	Education Program Oversight Committee
October 4, 2022	10:00 a.m.	Existing Building Inspection Workgroup
October 5, 2022	2:00 p.m.	Accessibility Advisory Council
October 6, 2022	8:30 a.m.	Plumbing Technical Advisory Committee
October 6, 2022	9:30 a.m.	Mechanical Technical Advisory Committee
October 6, 2022	10:30 a.m.	Code Administration Technical Advisory Committee
October 6, 2022	1:30 p.m.	Electrical Technical Advisory Committee
October 7, 2022	9:00 a.m.	Special Occupancy Technical Advisory Committee (Onsite)
October 10, 2022	8:00 a.m.	Energy Technical Advisory Committee (Onsite)
October 10, 2022	1:00 p.m.	Fire Technical Advisory Committee (Onsite)
October 11, 2022	8:30am	Product Approval Program Oversight Committee (Onsite)

MEETING AGENDA — OCTOBER 11, 2022

All Agenda Times—Including Adjournment—Are Approximate and Subject to Change

8:30am	1.)	Welcome and Opening, Roll Call
	2.)	Review and Approval of Meeting Agenda
	3.)	Review and Approval of the June 7, 2022 and September 16, 2022 Meeting Minutes and Facilitator’s Summary Reports
	4.)	Chair’s Discussion Issues TAC Appointments: Updated Commission Milestones
	5.)	Executive Director Announcements and Discussions Future Meetings: December 13-14, 2022-On-site, The Shores Resort & Spa in Daytona, Florida February 7, 2023-Virtual Meeting March 14, 2023-Onsite, TBD April 11, 2023-Virtual Meeting June 20, 2023-Onsite, TBD August 15, 2023-Virtual Meeting October 17, 2023-Onsite, TBD December 12, 2023-Virtual Meeting
	6.)	Preliminary Update Regarding Survey of Building Damage by Hurricane Ian
	7.)	Florida Building Code, 8th Edition, (2023) Update – Workplan Status
	8.)	Review and Approval of the Existing Building Inspection Workgroup’s Recommendations for SB 4-D Assignment # 1
	9.)	Applications for Waiver from Accessibility Requirements 1. Days Inn, Ocala North -Waiver 574 - 3811 NW Blitchton Rd, Ocala 34482- Issue: Vertical Accessibility to the second floor. Staff Analysis 2. Gonzalez office Building - Waiver 586- 3375 Capital Circle NE #B, Tallahassee 32303- Issue: Vertical Accessibility to the second and third floors. Staff Analysis 3. 411-419 Michigan Ave- Waiver 590 – 411 Michigan Avenue, Miami Beach 33139- Issue: Vertical Accessibility to the first floors: Staff Analysis
	10.)	Applications for Product (2020) and Entity Approval
	11.)	Applications for Accreditor and Course Approval
	12.)	Legal Report

	13.)	Declaratory Statements DS 2022-037 by Leo Amos
	14.)	Committee Reports A. Code Administration Technical Advisory Committee (September 27, 2022) (October 6, 2022) B. Education Program Oversight Committee (October 4, 2022) C. Electrical Technical Advisory Committee (October 6, 2022) D. Energy Technical Advisory Committee (September 16, 2022) (October 10, 2022) E. Existing Building Inspection Workgroup (August 9, 2022) (September 13, 2022) (October 4, 2022) F. Fire Technical Advisory Committee (October 10, 2022) G. Mechanical Technical Committee (October 6, 2022) H. Plumbing Technical Committee (October 6, 2022) I. Residential Construction Cost Impact Workgroup (August 17, 2022) J. Special Occupancy Technical Advisory Committee (October 7, 2022)
	15.)	Commissioner Comment
	16.)	Public Comment
	17.)	Adjourn Commission Plenary Session

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 11 OCTOBER 2022

COMMISSION MEETING DATES FOR REMAINDER OF 2022 AND FOR 2023

Dec. 13 – 14, 2022	The Shores, Resort and Spa, Daytona Beach Shores
February 7, 2023	Web-Based and Teleconference Virtual Meeting
March 14, 2023	Onsite, Location TBD
April 11, 2023	Web-Based and Teleconference Virtual Meeting
June 20, 2023	Onsite, Location TBD
August 15, 2023	Web-Based and Teleconference Virtual Meeting
October 17, 2023	Onsite, Location TBD
December 12, 2023	Web-Based and Teleconference Virtual Meeting

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.	6/29/2021 Completed
RCCIWG meeting – Conference call/Webinar	

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 Completed
Deadline for requesting amendments (2021 I-Codes changes) to be pulled of the consent agenda for individual consideration	11/19/2021 Completed
Commission considers TACs' recommendations regarding the latest changes to the model codes - on site meeting (TBD)	12/14-15/2021 Completed
Staff post Commission's recommendations online	1/3/2022 Completed
<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 Completed
Proposed amendments reviewed by staff and posted to the Commission website	3/3/2022 Completed
1 st 45 day comment period ends (<i>By law -45 day min before TAC review</i>)	4/17/2022
Staff post on Commission website proposed code changes (Tracking Charts and Detail Reports) Staff assign TAC members specific proposed code change for review in advance of the TAC meetings in June	5/2/2022 Completed Completed

TACs consider proposed modifications (1 st 45 day comment period) TACs meetings - 4-day on-site meetings	6/20-24/2022 Completed
TACs recommendations posted to the website Starting date for the 2 nd 45 day comment period	7/13/2022 Completed
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 <u>TACs/Commission</u> on impactful code changes. RCCIWG Virtual Meeting	08/17/22 Completed
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 Completed
TACs consider public comments on their actions on the proposed mods TACs meetings – 6-day meetings [5-day on-site and 1 – day via conference/webinar]	10/6-13/2022
Staff post on Commission website TACs consideration of public comments	11/10/2022
Deadline for requesting amendments to be pulled off consent agendas for individual consideration	11/22/2022
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 14, 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 no sooner than 6 months 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.	