

FLORIDA BUILDING COMMISSION
Plenary Session
The Courtyard by Marriott Cocoa Beach Cape Canaveral
3435 North Atlantic Avenue
Cocoa Beach, Florida 32931

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OCTOBER 17, 2023

8:30 A.M.

Minutes

COMMISSIONERS PRESENT:

James Schock, Chairman
James Batts
Michael Bourré
Donald Brown
David Compton
Jeff Gross
Rodney Hershberger
David John

Grey Marker
Brian Langille
Asael Marrero
Brad Schiffer
Fred Schilling
Brian Swope
Tim Tolbert
Stephen Wilcox

STAFF PRESENT:

Mo Madani
Justin Vogel
Thomas Campbell

Jim Hammers
Sabrina Evans
Alex Ronda

MEETING FACILITATION:

The meeting was facilitated by Jeff Blair from Facilitated Solutions, LLC. Consultation, Process Design & Facilitation. Information at: facilitatedsolutions.org

Time: 8:30 a.m.

Chairman Schock welcomed Commissioners, staff, and members of the public to Cocoa Beach, Florida and the October 17, 2023, virtual plenary session of the Florida Building Commission.

Chairman Schock took the opportunity on behalf of the Florida Building Commission to offer its sympathy and support to all those impacted by Hurricane Idalia. 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. Chairman Schock stated the FBC will remain committed to this effort. Chairman Schock stated they will receive an update regarding UF's preliminary building damage assessment from Hurricane Idalia.

Chairman Schock stated that the primary focus of the October meeting, in addition to considering regular procedural issues, updates, briefings and reports, is the approval of the Existing Building Inspection Workgroup's Recommendations for SB 4-D Assignment #2.

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

Roll Call:

Mr. Blair performed roll call for the Florida Building Commission. A quorum was determined with 16 members present at roll call.

Agenda Approval:

Commissioner Bourré entered a motion to approve the agenda for today's meeting as posted. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 16 to 0.

Approval of Previous Meeting Minutes and Facilitator Report for August 15, 2023:

Commissioner Schilling entered a motion to approve the minutes from August 15, 2023, as posted. Commissioner Batts seconded the motion. The motion passed unanimously with a vote of 16 to 0.

Preliminary Update regarding Survey of Building Damage from Hurricane Idalia:

Chairman Schock stated that the Commission would now receive the presentation of Dr. David Prevatt regarding Hurricane Idalia.

Presentation:

Dr. David Prevatt, University of Florida updated the commissioners on the survey of building damage from Hurricane Idalia.

Discussion:

Members of the Commissioner and Dr. David Prevatt went into discussion with questions and comments.

Dr. David Prevatt did not recommend further study of the impacts of Hurricane Idalia since they appeared to be limited in severity.

Chairman's Discussion Issues and Recommendations:

Chairman Schock announced Tom Campbell, the Commission's Executive Director, is taking a higher-level position within DBPR, and today (October 17, 2023) is his last day as the Commission's Executive Director. Since being appointed Executive Director on September 23, 2016, Tom has provided 7 years of outstanding service to the Commission demonstrating a collaborative and respectful approach toward working with the many diverse stakeholders representing building construction industry interests, consistent with the Commission's commitment to working with affected interests to build consensus on the Florida Building Code System. On behalf of the Commission, Chairman Schock thanked Tom for his service to the state of Florida in his role as the Commission's Executive Director.

TAC Appointments:

Chairman Schock stated he appointed Linda Patrick to the Swimming Pool TAC to replace John O'Connor. He thanked Ms. Linda Patrick for agreeing to serve and acknowledged Mr. O'Connor's years of dedicated service to the citizens of Florida.

Milestones:

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

Executive Director Announcements and Discussions:

Mr. Campbell reminded the Commission that the next meeting will be held on December 12, 2023, and will be conducted as a web-based and teleconference virtual meeting. He noted that the Commission will elect a new Chairman at the meeting.

Mr. Campbell stated that April's meeting will include a rule workshop and may run longer than usual.

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

- December 12, 2023- Virtual Meeting
- February 13, 2024 - Virtual Meeting
- April 16, 2024 – Onsite, TBA
- June 18, 2024 - Virtual Meeting
- August 13, 2024 - Virtual Meeting
- October 15, 2024 – Onsite, TBA
- December 10, 2024 – Onsite, TBA

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

Mr. Madani provided brief details on the status of the updated Workplan and schedule for the development of the 2023 Code Update Process-8th Edition.

Motion:

Commissioner Bourré entered a motion to approve the updated Workplan and schedule for the development of the 2023 Code Update Process-8th Edition. Commissioner Batts seconded the motion. The motion was passed unanimously with a vote of 16 to 0.

SB 4-D Assignment #2:

Chairman Schock provided an update on the EBIWG recommendations for SB 4-D assignment #2.

Mr. Blair explained the process for taking up the EBIWG recommendations for SB 4-D assignment #2.

Mr. Campbell provided an overview of the EBIWG's recommendations, and the 5 revisions proposed by DBPR.

Discussion:

Commissioner Tolbert and Mr. Madani went into discussion with questions and comments.

Public:

Jaime Gascon, Building Official of Miami Dade County, provided a comment in support of the EBIWG's recommendations.

Commissioner:

Commissioner Tolbert provided a comment.

Motion:

Commissioner Bourré entered a motion to adopt DBPR's 5 proposed revisions. Commissioner Compton seconded the motion.

Discussion:

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

Amended Motion:

Commissioner Bourré agreed to modify his motion to include referencing statutory requirements which pertain to public record requests.

Motion:

Commissioner Bourré entered a motion to adopt the Florida Building Commission's Recommendations on Structural and Life Safety Maintenance and Inspection Standards, incorporating the Existing Building Inspection Workgroup's Recommendations and the Commission's approved revisions, in fulfillment of SB 4-D Assignment #2, and to authorize DBPR to make editorial revisions for presentation, clarity, and consistency as needed and to submit the Commission's Report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2023. Commissioner Compton seconded the motion. The motion passed with a vote of 15 to 1.

Entity Applications for Approval to the 2023 Code:

Commissioner Hershberger stated that the POC recommends approval of the consent agenda of 9 product approval entities.

Motion:

Commissioner Hershberger entered a motion to approve the 9 product approval entities. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 16 to 0.

Commissioner Hershberger stated that the POC recommends approval of the consent agenda of 25 product approval applications.

Motion:

Commissioner Hershberger entered a motion to approve the 25 product approval applications on the consent agenda. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 16 to 0.

Product Approval Applications with Comments-2020 Code:

Mr. Blair stated that the POC recommends approval of 3 applications with comments.

Motion:

Commissioner Hershberger entered a motion to approve FL 42284, FL 42289, and FL 42290 on the consent agenda. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 16 to 0.

Mr. Blair stated that POC recommends conditional approval of 1 application.

Motion:

Commissioner Hershberger entered a motion for conditional approval of FL 42291. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 16 to 0.

Product Applications:

Mr. Blair stated the POC recommends approval of 830 applications on the consent agenda including supplement FL 39124.

Motion:

Commissioner Hershberger entered a motion to approve the 830 products including supplement FL 39124. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 16 to 0.

Product Applications with Comments:

Mr. Blair stated the POC recommended approval of 3 applications with comments.

Motion:

Commissioner Hershberger entered a motion to approve FL 7561, FL 42346, and FL 42355 on the consent agenda with comments. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 16 to 0.

Conditional Approval:

Mr. Blair stated the POC recommended conditional approval of 4 applications.

Motion:

Commissioner Hershberger entered a motion to continually approve products FL 2894, FL 15822, FL 17723, and FL 41735. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 16 to 0.

Applications for Accreditor and Course Approval:

Commissioner Bourré stated the Education POC did not receive for consideration any accreditor applications. The Education POC reviewed 12 advanced accredited courses and recommends course approval on 1150.0, 1165.0, 1160.0, 1161.0, 1153.0, 1147.0, 1151.0, 1152.0, 1148.0, 1144.0, and conditional approval on 1130.0 and 1131.0.

Motion:

Commissioner Bourré entered a motion to approve advanced accredited courses 1150.0, 1165.0, 1160.0, 1161.0, 1153.0, 1147.0, 1151.0, 1152.0, 1148.0, and 1144.0. Commissioner Batts seconded the motion. The motion was passed unanimously with a vote of 16 to 0.

Motion:

Commissioner Bourré entered a motion to conditionally approve advanced accredited course 1130.0 and 1131.0. Commissioner John seconded the motion. The motion was passed unanimously with a vote of 16 to 0.

Administratively Approved Updated Courses:

Commissioner Bourré stated the Education POC reviewed 2 administratively-approved courses 960.1 and 962.1.

Motion:

Commissioner Bourré entered a motion to approve administratively-approved courses 960.1 and 962.1. Commissioner John seconded the motion, The motion passed unanimously with a vote of 16 to 0.

Administratively-Approved Self-Affirmed (One-Change) Updated Courses:

Commissioner Bourré stated the Education POC reviewed 5 administratively-approved self-affirmed (one-change) updated courses.

Motion:

Commissioner Bourré entered a motion to approve administratively-approved self-affirmed (one-change) updated courses on the consent agenda, numbers 948.2, 629.3, and 1098.1.

Commissioner John seconded the motion. The motion passed unanimously with a vote of 16 to 0.

Motion:

Commissioner Bourré entered a motion to conditionally approve administratively-approved self-affirmed (one-change) updated courses on the consent agenda, numbers 853.1 and 854.1.

Commissioner John seconded the motion. The motion passed unanimously with a vote of 16 to 0.

Commissioner Compton stepped away from the meeting, making the quorum 15 members present.

Accessibility Waiver Applications:

- 1) **Orchidea Hotel and Restaurant -Waiver 640** 1350 Collins Avenue, Miami Beach 33139 - **ISSUE:** Vertical Accessibility to the second floors of buildings one and two, and all levels of building three.

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

Representative:

Larry Schneider, Accessibility Consultant, provided a comment.

Motion:

Commissioner Schiffer entered a motion to grant the waiver for vertical accessibility on the grounds of economic hardship. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 15 to 0.

- 2) **Elizabeth Bishop House Waiver 637-** 624 White Street, Key West 33040 - **ISSUE:** Vertical Accessibility to the first and second floors.

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

Motion:

Commissioner Schiffer entered a motion to grant the waiver for vertical accessibility on the grounds of the historical nature of the property. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 15 to 0.

Commissioner Compton returned to the meeting, making the quorum 16 members present.

3) Harding – Waiver 635 – 7418 Harding Ave, Miami Beach 33141 – ISSUE: Vertical Accessibility to the first and second floors.

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

Motion:

Commissioner Schiffer entered a motion to grant the waiver for vertical accessibility on the grounds of the historical nature of the property. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 16 to 0.

4) Beach Plaza 1401-1409-1411 Collins Avenue – Waiver 620 – Building at 1401, 1409, and 1411 Collins Avenue, Miami Beach 33156 – ISSUE: Vertical Accessibility to the basement, and the first, second, and third floors of guest rooms in building 1401.

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

Representative:

Carlos Diaz provided a comment.

Motion:

Commissioner Schiffer entered a motion to grant the waiver for vertical accessibility on the grounds of the historical nature of the property and technical infeasibility. Commissioner Schilling seconded the motion. The motion passed unanimously with a vote of 16 to 0.

Binding Interpretation #263:

Mr. Madani provided updates on the Binding Interpretation #263.

Legal Report:

Mr. Vogel briefly updated the Commission on outstanding legal matters relevant to the Commission and informed the Commission that it needed to initiate rulemaking in order to update the form for private providers.

Motion:

Commissioner Schilling entered a motion to initiate the rulemaking process for Rule 61G20-2.005, Florida Administrative Code, to update the private provider form, and to delegate authority to Thomas Campbell to sign rulemaking documents on behalf of the Commission. Commissioner Schiffer seconded the motion. The motion passed unanimously with a vote of 16 to 0.

Declaratory Statements:

A.) DS 2023-035 by George Merlin Associates, Inc.

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

Mr. Madani provided the staff answers to the petitioner's questions.

Motion:

Commissioner Compton entered a motion to approve the TACs' recommendations on the Petition to adopt staff's analysis for Q1a, Q1b, Q2, and Q3. Commissioner Marker seconded the motion. The motion passed unanimously with a vote of 16 to 0.

B.) DS 2023-037 by Jack Bulter of Bulter & Butler, LLC

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

BORA Presentation:

Charles Kramer, BORA, provided a response from BORA regarding the petition for declaratory statement.

Chairman:

Chairman Schock granted BORA's request to intervene with regards to the Petition.

Staff:

Mr. Vogel informed the Commission of petitioner's request to remove two questions.

BORA Presentation:

Charles Kramer, BORA, provided a comment.

Motion:

Commissioner Brown entered a motion to adopt the Code Administration TAC's recommendation and adopt staff's analysis to decline to answer the Petition on the grounds that the questions (Q1 – Q7) deal with subjects outside of the Commission's authority, address actions taken by other entities, and are not the proper subject for a declaratory statement from the petitioner, given the facts presented. Commissioner Marker seconded the motion. The motion passed unanimously with a vote of 16 to 0.

Committee Report:

Code Administration Technical Advisory Committee:

Commissioner Brown provided a brief summary of the Code Administration TAC's October 6, 2023, meeting.

Commissioner Brown entered a motion to accept the report from the October 6, 2023, meeting. Commissioner Tolbert seconded the motion. The motion passed unanimously with a vote of 16 to 0.

Education Program Oversight Committee:

Commissioner Bourré provided a brief summary of the Education POC's October 3, 2023, meeting.

Commissioner Bourré entered a motion to accept the report from the October 3, 2023, meeting. Commissioner John seconded the motion. The motion passed unanimously with a vote of 16 to 0.

Existing Building Inspection Workgroup:

Mr. Blair provided a brief summary of the Existing Building Inspection Workgroup's August 16, 2023, and September 15, 2023, meeting.

Chairman Schock entered a motion to accept the report from the August 16, 2023, and September 15, 2023, meeting. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 16 to 0.

Product Approval Program Oversight Committee:

Commissioner Hershberger provided a brief summary of the Product Approval POC's October 5, 2023 meeting.

Commissioner Hershberger entered a motion to accept the report from the October 5, 2023 meeting. Commissioner Compton seconded the motion. The motion passed unanimously with a vote of 16 to 0.

Special Occupancy Technical Advisory Committee:

Mr. Madani provided a brief summary of the Special Occupancy TAC's October 6, 2023 meeting.

Motion:

Commissioner Compton entered a motion to accept the report from the October 6, 2023, meeting. Commissioner Marrero seconded the motion. The motion passed unanimously with a vote of 16 to 0.

Structural Technical Advisory Committee:

Commissioner Compton provided a brief summary of the Structural TAC's October 6, 2023, meetings.

Motion:

Commissioner Compton entered a motion to accept the report from the October 6, 2023, meeting. Commissioner Brown seconded the motion. The motion passed unanimously with a vote of 16 to 0.

Commissioner Comment:

None.

Public Comment:

Larry Schneider, Accessibility Consultant, provided a comment.

Dottie Mazzarella, International Code Council, provided a comment.

Adjourn Commission Plenary Session:

Chairman Schock stated the next meeting will be December 12, 2023, and will be a virtual meeting, it will focus on the commission's regular procedural and substantive issues. Chairman Schock adjourned the meeting at 10:50 a.m.