Florida Fire Code Advisory Council November 3, 2022 @ 8:00 AM FFMIA 74th Annual Conference – Hyatt Regency Sarasota 1000 Boulevard of the Arts Sarasota, FL 34236

THE CHAIR MAY MAKE SPECIFIC CHANGES IN THE AGENDA AFTER IT HAS BEEN MADE AVAILABLE FOR DISTRIBUTION, ONLY FOR "GOOD CAUSE" SHOWN.

- 1. Call to Order at 8:00 AM by John Gatlin, Fire Prevention, Bureau Chief
- 2. Roll Call of Members Ebony Small/DFS Staff

Members Present:

Chris Carlson - Chancellor of the State University System

Thomas Deckert - Representing the Building Officials Association of Florida

Paul Dyer - Representing the State Fire Marshal

Ian Kemp - Representing the Florida Fire Chief's Association

Randall Napoli - Representing the General Public

Matt Welhaf - Representing the Florida Professional Firefighters

Don Whitehead - Representing the Department of Education

Jeffrey Schnellman - Representing the Florida Home Builders Association

Non-Members Present:

John Gatlin - Representing the State Fire Marshal – Bureau of Fire Prevention

Morgan White - Representing the State Fire Marshal - Plans Review
 Elijah Flowers - Representing the State Fire Marshal - Plans Review

James Ross
 Representing the State Fire Marshal – Office of the General Counsel

3. Opening Remarks: DFS Staff

This is a Meeting of the Florida Fire Code Advisory Council being held in person and has been published in the Florida Administrative Register on Tuesday October 25, 2022.

This Meeting is being held in accordance with Florida Statutes, Chapter 633.204. The purpose of the Council is to advise and recommend to the State Fire Marshal Changes to the Uniform Fire Safety Standards adopted under Chapter 633.206, and the Florida Fire Prevention Code adopted under Chapter 633.206, Florida Statutes.

4. Approval of Minutes from Last Meeting
Minutes approved by Chair – Matt Welhaf

Agenda Items:

- Update on "FFPC 8th Edition Development Plan" (DFS staff presentation)
 - DFS Staff comment: Bureau Chief Gatlin -
 - Fire Marshal update: finalized the language so distribution is earlier than a few months before
 the time for it to go into effect.
 - Currently: there has not been much change, which is good. Development is still on target. At the
 beginning of 2023, there will be an official opening of the rules 69A-3 and 69A-60. With an
 anticipated closing date in June of 2023.
 - Public Question: When will you stop accepting proposals for code amendments?
 - DFS Staff Response— Bureau Chief Gatlin: Phase 1 & 2 of the structured public proposals have closed, and we will discuss today. As part of the rule development, there will be opportunities through the final rule hearing to provide public input. Proposals and/or proposed language changes are to be accepted up until the final rule hearing. Currently, there is not a date to provide for the final rule hearing.
- Review of Phase 1 Florida Specific Amendments (DFS staff Presentation)
 - DFS staff comment: Bureau Chief Gatlin -
 - We received 5 proposals during Phase One.
 - During Phase Two, there were no public proposals
 - Based on the review of the Division, none of the Phase One recommendations are being recommended to move into the code. This decision was based on evaluation of those proposals, their language, the impact that would have on the proposed code both legal and implementation wise.
 - Chair Matt Welhaf: Open to public comment on Phase One and Phase Two
 - P1-003 (NFPA1-2.2) received from Florida Automatic Fire Alarm Association
 - Problem: reference tradition that is found within NFPA
 - Proposal: Change the NFPA 1221 to the 2022 edition.
 - Public Comment: Tony Apfelbeck Ask that the council clearly indicate what are
 the specific technical or legal issues that have been identified as to why staff's
 recommendation is to reject
 - Public comment: Tommy Demopoulos Strongly encourage reconsideration due to the rule that we don't enforce but when permits are pulled, we are required to enforce.
 - DFS staff comment: Morgan White Proposal 3 was to add language to adopt the 2022 edition of NFPA 2012 25. The newer edition will create reference issues
 - DFS staff comment: Bureau Chief Gatlin The adoption of that brings specific
 reference to other documents. The challenge we found was in connecting all the dots
 to eliminate any potential conflict if we had a reference from a 22 document that
 does not exist within NFPA 1 or NFPA 101. For that reason, the proposal was not
 recommended. After hearing the comments, we will reevaluate the general request
 and bring back a detailed list of the challenges we foresee for the implementation and
 utilization of the newer document with the base code of the 21 edition.
 - P1-004 (NFPA1-11.10.2) received from Florida Automatic Fire Alarm Association

- Problem: 11.10.2 where required by the AHJ, two-way radio enhancement systems shall comply with NFPA 1225.
- Proposal: Change 11.10.2 to include NFPA 1225 as the reference document
- DFS staff comment: Morgan White Proposal 4 was basically identical to the 3rd proposal. The issue with this proposal comes back to the rule, rule 59A 36.025. The State Fire Marshal is listed as an advisor but not an enforcer.
- DFS staff comment: Bureau Chief Gatlin Based on the conversation with our legal department, the position found is that we do not have authority to adopt something within our code that already exist in a rule. Because at that point, the rule would supersede whatever is placed into the code and can potentially cause conflict
- DFS staff comment: James Ross As explained, it is outside of the purview of the
 council. It could create issues as it relates to standing on our ability to force some of
 that vision. This could take some legislative changes and may be outside of the scope
 of what this council is capable of. We can discuss that later or off scene.
- Update on High-rise Retrofit Code Language (DFS staff Presentation)
 - OFS staff comment: Bureau Chief Gatlin proposed language for the council to consider pertaining to NFPA 1.33. Within the base code language, there is a large specific amendment with a timeline for installation/retrofitting high-rise condominiums. The existing language has a timeline of January of 2024. The new base code language has moved that timeline to 2033. We are proposing to use that 2033 timeline with a phased approach. If you recall, in 2020, we conducted a call to compose a status report and found over 250 condominiums that had not complied. The information we have based on limited follow-ups is that number has not seen much change. The industry has expressed concerns regarding staffing to meet the 2024 deadline. With that in mind and the challenges, we proposed alternative language. For an outline, the phases would require that all non-compliant high-rise buildings would be required to have a complete ELSS no later than 2026. If they chose not to complete that phase, they would have to fully sprinkler their buildings no later than 2028. When completed, based on an ELSS evaluation they had would be categorized as "severe fire safety risk" (complete ELSS system installed by 2028). A "moderate fire safety risk" (allows until 2030 to have ELSS completed). A "minor fire safety risk" (allows until 2032 to have ELSS completed). Risk factors have been proposed with guided language
 - Council comment: Jefferey Schnellmann Items number 1 and 2 seem conflicting with the use of the word "shall" and "shall be required". Are they required or not?
 - DFS staff comment: Bureau Chief Gatlin the desire here is to require an ELSS to be completed by all non-compliant buildings so that an evaluation of that ELSS would put them within the phasing timeline. Number 2 is for those that chose not to or refuse, from a local enforcement standpoint it would automatically place that building in that "severe fire safety risk" category. They would have to fully sprinkle the building by that earlier date. We can look at combining the two.
 - Public comment: Tony Apfelbeck The language is concerning with the categories of "minor-severe". The language potentially violates the language that exist in 120 regarding invalid exercise of rulemaking authority
 - Council comment: Chair Matt Welhaf issue: how did DFS conclude the "severe-moderate" language? I believe it can be foreseen as problematic.
 - DFS staff comment: Bureau Chief Gatlin There is no specific language that we can point to
 that identifies these factors. The goal when drafting this language was to establish a primary

approach. The challenge with that is that these high-rise buildings will wait for the deadline and this cycle continues. This was an attempt to establish general language.

- Public comment: Tony Apfelbeck What is the deadline for providing alternate language?
- DFS staff comment: Bureau Chief Gatlin December 16th
- 5. Comments by Council
- 6. Comments by Public: General Discussion
- 7. Florida Fire Code Advisory Council Meeting and Florida Fire Prevention Code Rule Adoption Workshop:
 January 2023 Fire Rescue East
 Date & Location TBD

Adjournment: 9:24am

Name:		Date:	Date:	
	Chair			
Name:		Date:		

^{*}DSFM - Division of State Fire Marshal

^{*}A recording of this meeting is available upon Public record request