

# FLORIDA BUILDING COMMISSION

## FACILITATOR'S SUMMARY REPORT OF THE FEBRUARY 6 - 7, 2006

### COMMISSION PLENARY SESSION

#### SUPPLEMENT TO THE FEBRUARY 6 - 7, 2005 MINUTES

*ORLANDO, FLORIDA*

Meeting Design & Facilitation By



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# FLORIDA BUILDING COMMISSION

## SUPPLEMENT TO THE FEBRUARY 6 - 7, 2006 MINUTES

### OVERVIEW OF COMMISSION'S KEY DECISIONS

#### MONDAY, FEBRUARY 6, 2005

##### **Agenda Review and Approval**

The Commission voted unanimously, 17 - 0 in favor, to approve the agenda as presented. Following are the key agenda items approved for consideration:

- To Consider Regular Procedural Issues: Approval of October 10 – 11, and December 6 – 7, 2005 Minutes and Facilitator's Summary Report.
- To Consider/Decide on Legal Issues and Petitions for Declaratory Statements.
- To Consider/Decide on Approval of Products and Product Approval Entities.
- To Receive General Public Comment.
- To Discuss Commissioner Issues and Identify Proposed Agenda Items.

##### **Review and Approval of the October 10 – 11, and December 6 – 7, 2005 Minutes and Facilitator's Summary Reports**

**Motion**—The Commission voted unanimously, 18 - 0 in favor to approve the October 10 – 11, and December 6 – 7, 2005 Minutes and Facilitator's Summary Reports as amended.

##### *Amendments to the Minutes:*

10/05 minutes: Product Approval numbers, replace XXXX with 4184R1 and 4197R1.

12/05 Minutes: Mike McCombs was present.

12/05 Minutes: Spalutto was misspelled.

12/05 Minutes: ARA Contract Number: 06-BC-28-12-00-22-008.

##### **Consideration of Applications for Product and Entity Approval**

Commissioner Carson presented the committee's recommendations for entities and Jeff Blair presented the committee's recommendations for product approvals. The results of product and entity applications are found in the Product Approval POC report included as an attachment to the minutes.

## **Legal Issues**

Jim Richmond recommended that the Commission not allow petitioners to withdraw declaratory statements once they have been placed on the TAC's agenda. Jim explained that once a question was asked, the Commission has an obligation to answer the question whether the petitioner wishes to withdraw it or not.

**Motion**—The Commission voted unanimously, 19 - 0 in favor, that once a declaratory statement has been agended for a TAC meeting, it may not be withdrawn.

## **Petitions For Declaratory Statements**

Following are the actions taken by the Commission on petitions for declaratory statements. Jim Richmond served as legal counsel for the Commission on Second Hearings and David Littlejohn served as counsel on First Hearings.

## **Supplemental Hearings**

### **DCA05-DEC-159 by Ron Lambert, Greystone of Florida, Inc.**

**Motion**—The Commission voted 19 – 0 in favor, to dismiss the petition, since there was no response from the petitioner regarding the Commission's previous deferral seeking clarification on the intent of the petition.

## **Second Hearings**

### **DCA05-DEC-173 by Thomas J. Baird, Attorney, Okeechobee County.**

**Motion**—The Commission voted 18 – 1 in favor, to approve their previous action on the petition.

**Motion**—The Commission voted 20 – 0 in favor, to reconsider their action on this petition.

**Motion**—The Commission voted 20 – 0 in favor, to defer action on the petition, and referred the petition back to the POC for review. The petitioner is requested to clarify language related to the intent of the petition.

### **DCA05-DEC-215 by Gary L. McDonald, AIA, Basham & Lucas Design Group, Inc.**

Petition was withdrawn by the petitioner.

### **DCA05-DEC-217 by Tina M Neace, Dependable Air Designs**

**Motion**—The Commission voted 19 – 0 in favor, to approve their previous action on the petition.

### **DCA05-DEC-220 by T. Eric Stafford, PE, T. Eric Stafford & Associates, LLC**

**Motion**—The Commission voted 19 – 0 in favor, to approve their previous action on the petition.

## **First Hearings**

### **DCA05-DEC-216 by John O'Connor, Marion County Building Official**

**Motion**—The Commission voted unanimously, 19 – 0 in favor, to approve the TAC/POC's recommendations on the petition as amended. Commissioner Greiner proposed an amendment related to the issue of authority,

### **DCA05-DEC-219 by Dr. Humayoun Farooq, PE, Al-Farooq Corporation**

The petition was deferred to the next meeting.

### **DCA05-DEC-235 by Joseph Herrmann, Production Manager, Arroyo Enterprises, Inc.**

**Motion**—The Commission voted unanimously, 19 – 0 in favor, to approve the TAC/POC's recommendations on the petition as presented.

### **DCA05-DEC-245 by Joseph Hetzel, P.E., DASMA**

**Motion**—The Commission voted unanimously, 19 – 0 in favor, to approve the TAC/POC's recommendations on the petition as presented.

### **DCA05-DEC-282 by Joseph Hetzel, P.E., DASMA**

**Motion**—The Commission voted unanimously, 19 – 0 in favor, to approve the TAC/POC's recommendations on the petition as amended by the Commission.

### **DCA05-DEC-283 by Joaquim Medeiros, P.E., Madsen, Kneppers & Associates, Inc.**

**Motion**— The Commission voted unanimously, 19 – 0 in favor, to approve the TAC/POC's recommendations on the petition as amended by the Commission.

### **DCA05-DEC-284 by Andrew Croft, Fastnet International**

**Motion**—The Commission voted unanimously, 19 – 0 in favor, to approve the TAC/POC's recommendations on the petition as presented.

## **Commission Member Comment/Issues**

Chairman Rodriguez invited members of the Commission to address the Commission.

Commissioner Norkunas spoke to the Commission on hotel accessibility issues and presented examples of accessibility requirement violations that he had documented. Commissioner Norkunas recommended that additional efforts related to accessibility education should be implemented as well as greater enforcement at the local level.

Some recommendations for education initiatives include presentations to hotel operators and local government commissions on ADA requirements.

Commissioner Browdy suggested requiring education training requirements on the Accessibility Code for license renewals.

Commissioner Bassett suggested that in some jurisdictions code officials don't understand the ADA requirements, and education of building officials could help.

Commissioner D'Andrea noted that the Accessibility Code is not written in code format and this could present some interpretation problems for code officials used to code language. Another issue is that once a building is occupied, building officials have no enforcement authority, and perhaps accessibility requirements are needed for existing buildings as well as the authority for building officials to enforce the requirements.

### **Commission Member Agenda Items**

Chairman Rodriguez invited Commission members to propose issues for the Commission's next (February 2006) meeting. No Commission members offered any agenda items.

### **General Public Comment**

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

- Appreciation was expressed for the way the TAC code hearings were set-up by staff, with tables and power cord strips for members of the public. In addition, the updated CD's with all of the updated proposed code amendments was appreciated.
- The public expressed a preference for this same type of set-up for the Commission's consideration of proposed code amendments.

### **Recess**

**Motion**—The Commission voted unanimously, 19 - 0 in favor, to recess the plenary session until 8:30 AM on February 7, 2006. The session recessed at 5:25 PM.

## **TUESDAY, FEBRUARY 7, 2006**

### **Agenda Review and Approval**

The Commission voted unanimously, 20 - 0 in favor, to approve the agenda as presented.

Following are the key agenda items approved for consideration:

- To Consider/Decide on Chair's Discussion Issues/Recommendations.
- To Review and Update the Workplan.
- To Consider/Decide on Accessibility Waiver Applications.
- To Consider/Decide on Accessibility, Code Administration, Electrical, Energy, Fire, Mechanical, Plumbing, Special Occupancy, and Structural TAC's Reports/Recommendations.
- To Consider/Decide on Hurricane Research Advisory Committee Report/Recommendations.
- To Consider/Decide on Product Approval/Prototype Buildings/Manufactured Buildings Program, and Education Program Oversight Committees (POC's) Report/Rec's.
- To Decide on Wind Design Exposure Category C Definition Recommendations to the 2006 Legislature.
- To Hear an Update on the Panhandle Windborne Debris Region Study, and Discuss Recommendations to the 2006 Legislature.
- To Hear an Update on the Report to the 2006 Legislature.
- To Receive General Public Comment.
- To Review Committee Assignments and Issues for the Next Commission meeting—March 21 - 22, 2006 in Tampa.

## **CHAIR'S DISCUSSION ISSUES AND RECOMMENDATIONS**

### **Appointments to Accessibility Advisory Council**

Chairman Rodriguez reported that Secretary Cohen has made an additional appointment to the Council, with the appointment of William Riha. The Chair noted that with the appointments of Pam Dorwath and J.R. Harding, the Accessibility Advisory Council now has a full roster of members.

### **Coastal High Hazard Study Committee Process Update**

Chairman Rodriguez reported to the Commission, that in September of 2005 Governor Bush issued an executive order creating the Coastal High Hazard Study Committee. The Executive Order reads: "The Committee shall be a forum for the identification, discussion and recommendation of enhanced land planning strategies and development standards that are consistent with protected property rights and which establish clear standards for mitigation of life, safety, community infrastructure and property hazards. The Committee shall consider, evaluate and make recommendations concerning issues of importance to the protection of coastal resources".

The Chair reminded members that the Commission had a seat on the Committee, and that he served as the Commission's representative. The procedures allow that a senior staff person may participate in the Chair's position—or any State-level governmental committee member's—absence with full voting authority, and Rick Dixon served as the Commission's representative

when the Chair was unable to attend. Chairman Rodriguez reported that the Committee has concluded their recommendations, and there is one Building Code issue of interest to the Commission, related to growth management.

The Chair explained that when DCA reviews comp plan amendments they generally reject increases in density for CHHA construction. The proposal approved and recommended by the Committee would provide an option in the Code allowing increased density through performance based construction versus the current prescriptive criteria methodology. The language is as follows:

“To avoid costly redevelopment expenses new development within the CHHA could consider utilizing increased density mitigating options such as code code-plus construction. Enhanced building code options could be established to reduce risk to life and property by basing requirements on more severe storms (storms characterized by longer return intervals) than required by current policies (100 year storms). Such requirements would result in buildings built to withstand the hazards of stronger storm surges, more severe flooding and higher winds. Special consideration should also be given to the corrosive effects of the coastal environment on construction materials and to the enhanced effects of winds near open water on buildings, including greater wind forces and the risks related to wind-borne debris. Buildings within the CHHA are on the front line and take the strongest water and wind effects of hurricanes as they move onshore and continue across land. Higher standards will reduce damage costs and speed recovery while providing for more adequate shelter in the more frequent storms.”

Chairman Rodriguez informed members that there is no need for any action on the Commission’s part at this time, and noted that if the recommendations are adopted, the Commission will be charged with developing the performance based criteria.

### **Legislative Liaison Process**

Chairman Rodriguez indicated that one of the recommendations that the Commission approved from the Building Code System Assessment project was to consider a method/process for enhancing the Commission’s ability to represent their legislative interests. The Chair informed the Commission that he have discussed the issue with DCA staff and legal, and has decided to initiate a bi-weekly conference call during session. The conference calls will be noticed as a meeting of the Commission and members will get an update from staff on the status of the Commission’s legislative agenda as well as other issues of interest to the Commission. In addition, the Commission will be able to discuss and develop recommendations and provide ongoing guidance to staff as appropriate, throughout the Session. The Chair noted that the Commission may also decide to invite legislators and others to participate. The conference calls will be scheduled on Monday’s, thereby allowing for legislators to participate, and the Commission to weigh-in on issues coming up for consideration in the following weeks. The conference call dates for the 2006 session are as follows:  
March 13, April 3, April 17, and May 1, 2006.

## **Special Commission Projects for 2006**

Chairman Rodriguez noted that each year the Commission is tasked with a variety of Legislative assignments and in addition they have other issues that need to be developed in a consensus-based facilitated stakeholder process, and this year the trend continues. The Chair indicated that there are several issues that stakeholders have requested the Commission develop recommendations in a workgroup process. Many of these were identified as a result of the TAC's recent code amendment review process. The special projects are as follows:

### **1. Annual Interim Amendment and Triennial Code Update Process Assessment**

The Chair stated that he is tasking Jeff Bair, the Commission's facilitator, with conducting an assessment on the annual interim amendment and code update processes. The Facilitator will interview stakeholders, and report back his findings on the range of issues and options identified by the interviewees regarding the Commission's annual consideration of proposed amendments to the Code and the triennial code update process. The Chair noted that this year the Commission is requesting Statutory authority for an "expedited amendment" process in Chapter 553 for glitch and correlation (including errata) amendments. The process would allow the Commission to implement expedited amendments using only the standard Chapter 120 rule development procedures. The Chair indicated that if the Commission is granted this authority, the annual amendment process will have to be re-evaluated. In any case, building officials and industry have expressed concern about amending the Code shortly after a major code update process. The 2004 Edition of the Code became effective on October 1, 2006 and the Commission is now in the process of considering annual amendments to a Code that has only been in effect for several months. The Chair stated that in addition, stakeholders have requested that the Commission consider a review of the code amendment processes.

For these reasons, the Chair stated that he recommends that an assessment will provide the Commission with the full range of views and options.

#### ***Commission Actions:***

**Motion**—The Commission voted unanimously, 20 – 0 in favor, to charge the Facilitator with conducting an assessment project on the Commission's annual interim amendment process and the triennial code update process.

### **2. Code Correlation Committee**

The Chair announced he was appointing the Commission's building officials to serve as a "correlation committee" to assist staff in reviewing ICC materials from the glitch process and ensuring that all amendments and ICC materials are correlated within the Code. Staff will contact members by phone to seek their assistance as needed. The committee members are:

Nick D'Andrea, Jim Goodloe, Herminio Gonzalez, Dale Griener, Christ Sanidas, and George Wiggins.

### **3. Termite Workgroup**

Chairman Rodriguez noted that based on feedback from stakeholders and recommendations from the Structural TAC, he will appoint a Termite Workgroup comprised of stakeholders charged to consider proposals for enhancing the Code's termite provisions. Staff is working with stakeholders to identify members and the Chair will make the appointments as soon as possible.



#### **4. Windows Workgroup**

Chairman Rodriguez stated that he is appointing a Windows Workgroup to consider and develop recommendations on window labeling and water intrusion issues.

The members are:

Dale Griener, Jaime Gascon, Jim Schock, Roger Sanders, Chuck Anderson, Dave Olmstead, Dick Wilhelm, Robert Amoruso, Sigi Valentine, Jon Hill, Dwight Wilkes, C.W. McCumber, and Craig Parrino.

#### **5. Energy Code Transition Study Workgroup**

As a result of discussions on amendments proposed to the Energy TAC, the TAC has recommended that the proposed transition to the International Energy Conservation Code be evaluated and recommendations developed during the next code update process. In order to accomplish this, the Chair announced that he will be appointing an IECC Transition Study Workgroup. Staff is working with stakeholders to identify members and the Chair will make the appointments as soon as possible.

#### **6. Roofing TAC**

Chairman Rodriguez indicated that he is discussing with stakeholders whether to form a Roofing TAC or continue with a roofing subcommittee to the Structural TAC, when recommendations on needed on roofing issues.

### **2006 Annual Interim Amendment Consideration by the Commission**

Chairman Rodriguez stated that on behalf of the Commission, he would like to thank the TAC's for their valuable service in reviewing and developing recommendations on 645 amendments.

The Chair noted that at the January 2006 meeting he reminded the Commission and TAC chairs, that the primary purpose of the glitch code amendment process is to focus on identifying and correcting glitches to the 2004 Edition of the Florida Building Code and other issues that are of an immediate need. The 2004 Edition of the Code represents the first update of the Code and a transition from the Standard Building Code to the International Building Code as the "foundation code" for the Florida Building Code. As such, the 2004 Code has introduced a large number of changes which industry and code enforcement officials will need to learn and master. The Chair cautioned that the Commission should be cautious not to introduce a large number of additional changes during the 2006 annual interim amendment process. He noted that there are of course changes the Commission needs to make in order to fix glitches, update standards, and provide clarity or address an immediate problem like hurricane protection, but many of the requests for amendments are not critical. Again, the Chair stated he advocates that the Commission should not add non-critical additional code changes, while the industry and building officials are making an effort to get up to speed on the 2004 Code.

The Chair noted that the TAC's were charged with addressing hurricane response issues given their importance to the State, and correcting glitches and updating standards during the glitch amendment cycle, and deferring other code amendments until the 2007 Code Update process, which is scheduled to begin later this year.

Now that the TAC's have completed their review of Code amendments, the Commission will be called upon to make a decision on the TAC's recommendations. The Commission will conduct a code hearing in the form of a rule development workshop at the May meeting.

The Chair explained that the Commission should only consider hurricane provisions, glitch and correlation issues, and updates to standards, and not approve code changes during this cycle. The Commission just implemented the 2004 Code, the first update and it has only been in effect since October 1, 2005. The Chair explained that the Commission needs to allow time for industry and building officials to train and enforce the code without burdening them with another round of code amendments. He reminded the Commission that the next update starts this summer and that is the appropriate time to consider code changes, and deciding not to consider amendments at this time in no way speaks against their technical merits.

Chairman Rodriguez reminded that Commission that they must also consider the law's requirements for the annual amendment process. Chapter 553 requires that the Commission can approve annual amendments upon a finding that the amendment:

1. Is needed in order to accommodate the specific needs of the State.
2. Has a reasonable and substantial connection to the health, safety, and welfare of the general public.
3. Strengthens or improves the Code or provides for innovation or new technology by allowing equivalent or better products, methods, or systems of construction.
4. Does not discriminate against products, methods, or systems of construction of demonstrated capabilities.
5. Does not degrade the effectiveness of the Code.

The Commission must also consider the fiscal impact to local government, industry, and property and building owners.

The Chair noted that in addition, the Commission needs to keep the FBC and FFPC in sync to the extent possible. If the Commission doesn't restrict the 2006 annual interim amendment process to glitches, the Commission will not be able to begin the 2007 update according to their current schedule, with an amendment submittal cutoff date of early next fall, and the Commission will fall another edition behind.

The Chair explained further, that the FFPC is based on the NFPA codes that are on a 3 year update cycle which produces new editions 1 year ahead of the I-Codes. The Commission must also try to keep the FBC up to date with changes to the I-Codes with as little lag time as possible. The law establishes a minimum lag time of 6 months, for the I-Codes to be available before the Commission can consider updating the FBC. The update process will take a minimum of 1 year to complete and an additional 6 months of lag to implement. The result being, that the best the Commission can do is to keep 2 years behind the I-Codes edition, and this puts Florida's codes 3 years behind the NFPA code editions. The net result of further slippage is that Florida will be significantly out of step with national safety standards, and manufacturers be out of step with product evaluation standards.

In order to start the 2007 update process as soon as possible, the Chair stated that the Commission needs to be disciplined and defer code changes to the update process and reserve the 2006 annual interim amendment process for glitches, standards updates, and hurricane provisions. The Chair clarified that the enhancements to the Residential Code related to high wind are considered glitches since adoption of the IRC created unintended consequences.

The Chair noted that in order to approve annual interim amendments the Commission must consider the requirements of law, and in addition he was asking for the Commission's support in the form of a motion, that the Commission will only consider correlation and standards updates, glitch, and hurricane related amendment. The Chair indicated that he will ask Jeff Blair as the moderator, to request that the Commission make a determination on these threshold issues prior to considering each amendment when the Commission considers them at the May meeting.

***Commission Actions:***

**Motion**—The Commission voted unanimously, 21 – 0 in favor, that the Commission will only consider amendments related to hurricane provisions, glitch, and standards updates and correlation issues, during the 2006 annual interim amendment process.

**Motion**—The Commission voted 10 – 9 in favor, to further restrict the definition of hurricane provisions to be defined as those reviewed and recommended for approval during the glitch cycle by the Hurricane Research Advisory Committee. This motion failed due to failure to achieve the 75% favorable vote threshold requirement for approval.

**Review and Update of Commission's Workplan and Meeting Schedule**

***Commission Actions:***

**Motion**—The Commission voted unanimously, 18 - 0 in favor, to approve the updated workplan and meeting schedule as presented, to reflect the Commission's priorities.  
*(Included as Attachment 2—Commission's Updated Workplan)*

**Consideration of Accessibility Waiver Applications**

The Commission reviewed and decided on the Waiver applications submitted for their consideration.

**Discussion of Wind Design Exposure Category C Definition**

Section 41 of SB 442 requires that the Florida Building Commission shall evaluate the definition of "exposure category C" as currently defined in section 553.71(10), Florida Statutes, and make recommendations for a new definition that more accurately depicts Florida-specific conditions prior to the 2006 Regular Session. Prior to the Commission's December meeting, DCA staff discussed the issue with affected interests and proposed a recommended strategy to enhance the current definition while preserving its feasibility for implementation. The Commission voted to refer the recommendation to the Structural TAC for their review. The Chair reported that Structural did not have a quorum at their meeting, and therefore did not have a chance to discuss the issue. The Chair noted that in any event, staff has discussed the issue with stakeholders and there is general agreement on a concept where Exposure B instead of C will serve as the default,

and Exposure C will be defined according to criteria and definitions developed in a stakeholder consensus process, and then the Commission would adopt the definition by Rule. On this basis, the Chair recommended that the Commission report to the Legislature that the Commission be granted authority to Define Exposure C in Rule, and the definition be removed from law. The Chair noted that this recommendation is consistent with the Commission's policy of recommending that Code should be developed by the Commission in a consensus process and not written into law.

***Commission Actions:***

**Motion**—The Commission voted unanimously, 18 – 0 in favor, to recommend to the Florida Legislature that the Definition of Exposure C be removed from law, thereby authorizing the Commission to adopt a new definition within the Code by rule.

**Update on Panhandle Windborne Debris Region Definition Requirements and Recommendations to the 2006 Legislature**

The 2005 Florida Legislature debated whether to revise the definition of the windborne debris region along the panhandle coast from Franklin County to the Alabama border and determined further study was warranted. It directed the Florida Building Commission to review the effects of Hurricane Ivan on damage caused by windborne debris and other data, and in conjunction with building officials from the impacted areas, to develop a recommendation for consideration by the 2006 Legislature.

On September 13, 2005 the Commission conducted the first workshop which was held at the Okaloosa County Airport, for the purpose of soliciting input from local building officials and other stakeholders in the Panhandle region of the State. At the conclusion of the workshop, there was consensus for the strategy of conducting a study on the treed environment effects and historical wind data effects, in order to provide additional data for consideration in developing recommendations to the Legislature.

It should be noted that although the building officials from the Florida Panhandle expressed support for the study, all but one agreed that changes were not warranted at this time to the definition of the windborne debris region of the Florida Panhandle region. The local building officials' comments ranged from most damage was related to surge and not windborne debris, to the Panhandle is a unique environment that ASCE 7 does not adequately reflect, to extra windborne debris protection should be voluntary and not mandatory, to mandatory protection will increase the cost of already unaffordable housing in the region.

Subsequent to the Panhandle workshop, at the October 2005 meeting, the Commission voted unanimously to request budgetary authority to contract with a consultant to conduct an engineering based risk assessment of hurricane windborne debris protection options for the Panhandle in order to analyze the risks, costs, and benefits of windborne debris protection for the region. The research will focus on factors unique to the Panhandle region including treed areas inland of the coast, and consider historical wind data effects. The requested funding authorization was approved, and the consultant scheduled to update the Commission at their February 2006 meeting.

At the February 2006 Commission meeting, the consultant reported that the goal of the study is to perform wind tunnel tests for houses located in treed environments characteristic of the Florida Panhandle, and to develop computer models for analysis of wind borne debris protection effects for representative Panhandle houses. The consultant is currently updating the wind-borne debris model in preparation for the wind tunnel tests designed to perform hurricane simulations of the representative houses located at various positions in the Panhandle, designed to evaluate building damage and loss with and without windborne debris protection. To date, wind tunnel tests have been conducted, hurricane data has been analyzed, and computer models modified.

At the conclusion of the Panhandle Study update, the Commission voted unanimously to recommend that the Legislature remove the Panhandle Windborne Debris Region definition from law, thereby authorizing the Commission to adopt a new definition within the Code by rule. The Commission is committed to working with stakeholders to develop consensus on a new definition to be developed and adopted by rule into the Code. To this end, the Commission has scheduled a second Panhandle region workshop for February 16, 2006, and will continue to work with stakeholders in a consensus based process once the Study is complete.

It should be noted that the Commission's decision to proceed with this strategy, is consistent with State policy of recognizing that Florida is a diverse State geographically and climatically, and risks are not uniform throughout the State. On this basis, the Florida Building Code and National Engineering Standards consider requirements specific to different regions of the State, when and where appropriate, such as, the High Velocity Hurricane Zone (HVHZ) provisions of the Code specific to Miami-Dade and Broward counties in Southeast Florida, and variations of design wind speeds relative to proximity to Florida's coasts. In addition, the Commission has always advised that Code should be developed by the Commission in a consensus process and not written into law.

***Commission Actions:***

**Motion**—The Commission voted unanimously, 19 – 0 in favor, to recommend to the Florida Legislature that the Panhandle Windborne Debris Definition be removed from law, thereby authorizing the Commission to adopt a new definition within the Code by rule.

**Update on Commission's Report to the 2006 Legislature**

Chairman Rodriguez reminded the Commission that at the December meeting the Commission authorized him to review the final draft of the full report to the Legislature, ensure accuracy, and forward the approved Report to the Legislature. The Chair stated that he had reviewed and approved the final Report, and that Jeff Blair would update the Report to reflect the Commission's recommendations relative to the Exposure Category C and Panhandle Windborne Debris Region definitions. The Report would then be printed and sent to the governor and Legislature. The Chair indicated that the Report is available at the Commission's and FCRC's webpages.

## **Committee Reports and Recommendations**

### **Accessibility TAC**

Commissioner Gross presented the Committee's report, which was accepted unanimously, 20 – 0 in favor. (*See Commission Minutes for Committee report*)

#### ***Commission Actions:***

**Motion**—The Commission voted unanimously, 19 – 0 in favor, that the Accessibility TAC should serve as the coordinating body to review recommendations related to improving hotel accessibility.

**Motion**—The Commission voted unanimously, 19 – 0 in favor, that Commissioner Norkunas will conduct a fifteen minute session on Sensitivity to Disability Issues at the March 2006 Commission meeting.

**Motion**—The Commission voted unanimously, 19 – 0 in favor, for the TAC to develop recommendations related to pursuing legislative action related to allowing exceptions to total vertical accessibility for movie theaters stadiums, if they are able to meet the workshop criteria.

**Motion**—The Commission voted unanimously, 19 – 0 in favor, for the TAC to review the 30 degree viewing angle requirements and to recommend the highest acceptable angle for sight lines and report back recommendations to the Commission.

**Motion**—The Commission voted unanimously, 20 – 0 in favor, for the TAC to investigate building officials interpretations of the accessibility code, and to address with education initiatives.

**Motion**—The Commission voted unanimously, 20 – 0 in favor, for the TAC to coordinate and monitor Federal Court decisions related to accessibility issues and keep the Commission informed.

**Motion**—The Commission voted unanimously, 20 – 0 in favor, for the TAC to review and develop recommendations on the level of public input at the Accessibility Council meetings during deliberations on waiver applications.

### **Code Administration TAC**

Commissioner Wiggins presented the Committee's report, which was accepted unanimously, 20 – 0 in favor. (*See Commission Minutes for Committee report*)

### **Education POC**

Commissioner Browdy presented the Committee's report, which was accepted unanimously, 20 – 0 in favor. (*See Commission Minutes for Committee report*)

#### ***Commission Actions:***

**Motion**—The Commission voted unanimously, 20 – 0 in favor, that approved courses that change from classroom to an on-line format must be accredited by the Commission.

**Motion**—The Commission voted unanimously, 20 – 0 in favor, to approve William Dumbaugh as an accreditor.

**Motion**—The Commission voted unanimously, 20 – 0 in favor, to approve the internet based Building/Structural course.

**Motion**—The Commission voted unanimously, 20 – 0 in favor, to approve the internet based Mechanical/Energy course.

**Motion**—The Commission voted unanimously, 20 – 0 in favor, to approve the internet based Plumbing/Fuel Gas course.

**Motion**—The Commission voted unanimously, 20 – 0 in favor, to approve the consent agenda for approval of updated courses.

### **Electrical TAC**

Commissioner McCombs presented the Committee's report, which was accepted unanimously, 20 – 0 in favor. *(See Commission Minutes for Committee report)*

### **Energy TAC**

Commissioner Bassett presented the Committee's report, which was accepted unanimously, 20 – 0 in favor. *(See Commission Minutes for Committee report)*

### **Fire TAC**

Commissioner D'Andrea presented the Committee's report, which was accepted unanimously, 20 – 0 in favor. *(See Commission Minutes for Committee report)*

### **Mechanical TAC**

Commissioner Bassett presented the Committee's report, which was accepted unanimously, 20 – 0 in favor. *(See Commission Minutes for Committee report)*

### **Plumbing TAC**

Commissioner Greiner presented the Committee's report, which was accepted unanimously, 20 – 0 in favor. *(See Commission Minutes for Committee report)*

### **Structural TAC**

Commissioner Kim presented the Committee's report, which was accepted unanimously, 20 – 0 in favor. *(See Commission Minutes for Committee report)*

### **Special Occupancy TAC**

Commissioner Hamrick presented the Committee's report, which was accepted unanimously, 20 – 0 in favor. *(See Commission Minutes for Committee report)*

### **Hurricane Research Advisory Committee**

Jeff Blair presented the Committee's report, which was accepted unanimously, 20 – 0 in favor.  
(*See Commission Minutes for Committee report*)

#### **Commission Actions:**

**Motion**—The Commission voted unanimously, 20 – 0 in favor, to request that DCA seek additional legislative spending authority to provide financing for wall of wind facility at FIU, and conducting testing specific to building code development. The proposed funding amount is \$500,000.00 (300K for the facility and 200K for testing). The Commission will review specific budget and contract requirements once spending authority is granted, and has no obligation to spend the money.

#### **General Public Comment**

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

#### **Adjourn**

The Commission voted unanimously, 20 – 0 in favor, to adjourn the meeting at approximately 11:16 AM.

#### **Staff Assignments**

- Send Commissioners an overview of the procedure for how Commissioners may have items added to the agendas of TAC meetings.
- Mail a copy of the Report to the Legislature to Commissioners Browdy, Carson, and Sanidas.
- Send a notification to proponents of proposed code amendments that they should review their amendments for consistency with the 2006 I-Codes and re-submit them for the 2007 Code Update process as appropriate.



**ATTACHMENT 1**  
**MEETING EVALUATION RESULTS**

## ATTACHMENT 2

### COMMISSION'S UPDATED WORKPAN AND MEETING SCHEDULE

(Adopted Unanimously February 7, 2005)

#### MEETING DATES

##### 2005

January 24, 25 & 26	Cmsn	Orlando	Rosen Plaza Hotel
March 14,15 & 16	Cmsn	Miami	Radisson Mart Hotel
May 9, 10 & 11	Cmsn	Orlando	Rosen Centre Hotel
June 27, 28 & 29	Cmsn	St Petersburg	St. Petersburg Hilton
August 22, 23 & 24	Cmsn	Miami	Don Shula Hotel
October 10, 11 & 12	Cmsn	Orlando	Rosen Centre Hotel
December 5,6 & 7	Cmsn	Tampa	Embassy Suites

##### 2006

January 23, 24 & 25	TACs	Tampa	Embassy Suites
February 6 & 7	Cmsn	Orlando	
March 20,21 & 22	Cmsn	Tampa	Embassy Suites
May 1, 2 & 3	Cmsn		
July 10, 11 &12	Cmsn		
August 21-23	Cmsn	Miami	Don Shula
October 9, 10 & 11	Cmsn	Tampa	Embassy Suites
December 4, 5 & 6	TACs	Tampa	Embassy Suites
December 18 & 19	Cmsn	Orlando	

Note: Based on experience developing the 2004 FBC, TAC meetings are scheduled separately from the Commission meeting for January and December to review proposed Code amendments for the Glitch Cycle and 2007 FBC Update respectively. Commission meeting set for 2 weeks after those TAC meetings. Scheduling set to avoid a week long Commission meeting at those workplan task points and to avoid back to back week meetings.

##### 2007

February 5, 6 & 7	Cmsn
March 26, 27 & 28	Cmsn
May 7, 8 & 9	Cmsn
June 25,26 & 27	Cmsn
August 20, 21 & 22	Cmsn
October 8, 9 & 10	Cmsn
December 3, 4 & 5	Cmsn

**FLORIDA BUILDING COMMISSION 200 WORKPLAN**  
**(A. – H. Ranked by Commission Survey; 1 - Other Tasks)**

**2005 Tasks Carried Forward:**

<b>A.</b>	<b>Amend Product Approval Rule 9B-72, 2004</b>	
	Rule effective	1/01/06
	Updated website implementing the revised rule replaces previous site	2/10/06
	<b>Note: Applications will not be accepted between January 1 and February 13</b>	
<b>1.</b>	<b>Hurricane Damage Investigations</b>	
	<b>2004 Hurricanes</b>	
	<b>2005 Hurricanes</b>	
	Staff report to HRAC on damages of Hurricane Dennis	8/22/05
	Reports to HRAC by Miami-Dade, Broward and Palm Beach Counties on damages of Hurricane Wilma	12/7/05
	Identification of research needs	
<b>3.</b>	<b>Recommendations for Report to 2006 Legislature</b>	
	Consider preliminary recommendations to Legislature	10/12/05
	Approve recommendations to Legislature	12/07/05
	Report transmitted to Legislature	2/08/06
<b>6.</b>	<b>2004 FBC Glitch Amendments/2006 Annual Interim Amendments:</b>	
	Amendment submittal cutoff	12/1/05
	Post on website (45 days minimum)	12/2/05
	TAC's consider proposals to develop recommendations	1/23-26/06
		1/30-31/06
		2/1/06
	Appoint Correlation Committee to Assist Staff	2/07/06
	Post TAC recommendations on website (45 days min)	2/15/06
	Commission considers in rule development workshop	5/9-10/06
	Rule adoption hearing and filing with DOS authorized	7/11-12/06
	Rule filed	8/1/06
	Effective date of glitch amendments (min 3 mo after adoption)	11/1/06*

**\* Glitch amendments could be implemented by August 1, 2006 if Rule 9B-3.050(9) is amended to waive the 3 month delay between filing the amendments with the Secretary of State and the amendments becoming effective.**

- 10. Florida Building Code System Review and Triennial Report to the Legislature**
- |  |                      |
|--|----------------------|
| Florida Conflict Resolution Consortium On-line Survey              | Aug & Sept 2005      |
| On-line Survey due date  | Sept. 9, 2005        |
| Present preliminary survey results to Commission                   | October 2005         |
| Convene Workgroup  | Aug 2005             |
| Public input hearing   | Aug 2005             |
| Workgroup meetings   | 10/11/05<br>11/16/05 |
| Workgroup's recommendations to the Commission                      | 12/07/05             |
| Commission recommendations to Legislature (first triennial report) | See Task 3           |
- 11. Revise Rule 9B-3.004 to Allow Alternates for Committee Members**
- |                           |      |
|---------------------------|------|
| Rule development workshop | 3/06 |
| Rule adoption hearing     | 5/06 |
| Rule effective            | 8/06 |
- 12. 2007 Update to the Florida Building Code**
- |  |            |
|--|------------|
| Design of Update Process   | Aug-Dec 05 |
| Recommendation to Legislature in Commission Report on Triennial Building Code System Review (See Task 3) | Feb 06     |
| 2006 International Codes published and available to the public   | 2/1/06     |
| 2006 International Codes with currently adopted Florida amendments available to public <b>on website</b> | 5/1/06     |
| Joint Fire TAC/Fire Code Advisory Council review of I Codes changes to FFPC conducted                    | 4/06-7/06  |
| Proposed amendments to the 2006 I Codes with Florida amendments due date                                 | 8/1/06     |
| Proposed amendments posted to the Web by (45 day min before TAC review)                                  | 8/15/06    |
| Commission selects 2006 I Codes as foundation for 2007 FBC   | 8/23/06    |
- (Note: 2006 I Codes must be available to public for 6 months prior to selection)*
- |   |            |
|---|------------|
| TACs review proposed Florida amendments, current Florida amendments and current Local amendments and make recommendations | 12/4-6/06  |
| TAC recommendations posted to web (45 day min before Commission review)   | 12/20/06   |
| Commission considers TAC recommendations on proposed amendments via a Rule Development Workshop                           | 2/6-7/07   |
| Rule Adoption Hearing   | 3/27&28/07 |
| File Rule adopting the 2007 FBC   | 5/1/07     |
| Printed Codes available to the public   | 7/1/07     |
| Code implemented  | ?          |

*(Note: SB 442 requires Code documents to be made available to the public 6 months before implementation. To save time final publishing of documents must begin at least when the rule is filed and before the official rule challenge period expires. Initiation of publishing to begin prior to filing of the rule. Experience with development of the 2004 FBC was the publishing of codebooks took more than six months. The time frame allotted in this plan is three months which is roughly consistent with the time required for the ICC to develop its on code books after final adoption.)*

**14. Panhandle Hurricane Ivan Study**

Workshop in Panhandle to review studies	9/13/05
Commission approved consensus recommendation from workshop to conduct Panhandle windborne debris study	10/12/05
Hire contractor to conduct Panhandle windborne debris study Phase I (study initiation data development for models)	10/05
Obtain budget amendment	11/05
Initiate Phase II (modify models and conduct simulations)	12/05
Commission receives preliminary report from researchers	2/07/06
Public hearing and decide recommendation to Legislature at Commission meeting	2/07/06
Meeting with Panhandle Building Officials	2/16/06
Recommendation to the Legislature (Addenda to Annual Report)	2/24/06
Contractor report on Panhandle study at Commission meeting	3/22/06
Initiate amendment of Code during 2007 Update (see Task 12)	

**15. Exposure Category C Study**

Assign to Hurricane Research Advisory Committee	8/24/05
Committee considers at meeting	12/07/05
Recommendations to Commission	12/07/05
Commission decides to have Structural TAC review	12/07/06
Structural TAC reports to Commission	2/07/06
Public hearing and Commission decides on recommendation to Legislature	2/07/06
Recommendation to the Legislature (Addenda to Annual Report)	2/24/06
Initiate amendment of Code during 2007 Update (see Task 12)	

**19. Standards for Hospice Facilities**

Standards development by ACHA	Jul-Nov 2005
Proposed Code Amendments considered in glitch amendment process	(See Task 6)

## **NEW 2006 TASKS:**

- 1. Establish Legislative Liaison Process**  
Chairman establishes process for 2006 Legislative session 2/07/06  
Telephone calls throughout session
  
- 2. Develop and Implement an Accelerated Revocation Process for Noncompliant Product and Entity Approvals**  
POC take public comment and begin discussion 3/06
  
- 3. Review and Address Code Administration Needs of Local Governments and Measures to Improve Uniform and Effective Enforcement of the Code**
  
- 4. Develop Validation Criteria for Methods of Demonstrating Compliance with Code**  
Meeting 3/06
  
- 5. Develop Window Labeling and Default Installation Criteria**
  
- 6. Evaluate Termite Protection Requirements**  
Appoint Workgroup 3/06
  
- 7. Evaluate Code Update, Amendment, Interpretation and Coordination with FFPC and with Model Base Codes Editions**  
Annual Interim Amendment Assessment 4/06  
Appoint Workgroup
  
- 8. Assess Transition to IECC as Base for Florida Energy Code**  
Appoint Workgroup 3/06

## 2005 Legislature Directed Tasks

### Florida Building Code Amendments:

#### Expedited Code Amendment

- Shall by November 1, 2005, adopt the ICC provisions for ventless attic spaces. [Section 33 SB 442]
- Shall by November 1, 2005, recognize all alarms complying with UL 2017 for the pool alarm option compliance with swimming pool safety requirements of chapter 515 , F.S. [Section 32 SB 442]
- Shall consider how to address water intrusion and roof-covering-attachment weaknesses. [Section 34 SB 442]
- Shall **review** Modifications 569 and 570 adopted October 14, 2003 to IBC and repeal, modify or leave the same but 569 and 570 cannot go into effect until the review (leave the same) or rulemaking (modify or repeal) are completed. [Section 48 SB 442]

#### 2004 FBC Glitch Amendments (2006 Annual Amendment to 2004 FBC)

- Shall amend the 2004 FBC to allow use of the area under mezzanines to be included in the calculation of total floor area when determining the maximum allowable mezzanine area in sprinklered S2 occupancies of Type III construction. Retroactive to the adoption of the 2001 FBC. [Section 44 SB 442]
- Shall modify Table 1014.1 of 2004 FBC maximum occupancy loads for R occupancies. [Section 46 SB 442]
- Shall amend section 1014.1.2 of 2004 FBC to exempt R1 and R2 occupancies from required distance between exits under certain conditions. [Section 46 SB 442]

#### 2007 Florida Building Code Update

- Eliminate the “interior pressure design” option for buildings in the wind-borne debris regions consistent with the IBC and IRC.

### Special Studies:

- Together with building officials from the area, review Hurricane Ivan damage and other data for the region from Franklin County to the Alabama border and issue a report of findings and recommendations to the Governor and 2006 Legislature. [Section 39 SB 442]
- Evaluate the definition of exposure category C and make recommendations to the Governor and 2006 Legislature. [Section 41 SB 442]
- Study the recommendation that the State be served by a single validation entity for state product approval. [Section 45 SB 442]

## **Other Tasks:**

- Develop a form by rule that is posted on a construction site and identifies all private providers that will be conducting inspections and their contact information. [Section 11 SB 442/ 553.791(4)(c)]
- Develop a form by rule for use on the Building Code Information System for petitioning for review of local building official decisions. [Section 9 SB 442/ s.553.775(3)(c)2.]
- Add design and construction related facility licensing requirements for Hospice Facilities. [HB 189]