



STATE OF FLORIDA

# DEPARTMENT OF COMMUNITY AFFAIRS

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RICK SCOTT  
Governor

BILLY BUZZETT  
Secretary

## MEETING OF THE FLORIDA BUILDING COMMISSION

### PLENARY SESSION MINUTES DECEMBER 7, 2010

#### PENDING APPROVAL

The meeting of the Florida Building Commission was called to order by Chairman Raul Rodriguez at 8:37a.m., Tuesday, December 7, 2010, at the Crowne Plaza Oceanfront, Melbourne, Florida.

#### **COMMISSIONERS PRESENT:**

Raul L. Rodriguez, AIA, Chairman  
Richard S. Browdy, Vice-Chairman  
Jeffrey Gross  
Angel "Kiko" Franco  
Jeff Stone  
James E. Goodloe  
James R. Schock  
Herminio F. Gonzalez  
Robert G. Boyer  
Hamid R. Bahadori  
Drew M. Smith  
Christopher P. Schulte  
Mark C. Turner  
Randall J. Vann  
Scott Mollan  
Jonathon D. Hamrick  
Kenneth L. Gregory  
Joseph "Ed" Carson

Raphael R. Palacios  
Nicholas W. Nicholson  
Dale T. Greiner  
John J. Scherer  
John "Tim" Tolbert

#### **COMMISSIONERS ABSENT:**

Donald A. Dawkins

#### **OTHERS PRESENT:**

Rick Dixon, FBC Executive Director  
Ila Jones, DCA Prog. Administrator  
Jim Richmond, DCA Legal Advisor  
Jeff Blair, FCRC Consensus Solutions  
Mo Madani, Technical Svcs. Manager  
Leslie Anderson-Adams, Access  
Council Legal Counsel

## **WELCOME**

Chairman Rodriguez welcomed the Commission, staff and the public to Melbourne and the December 2010 plenary session of the Florida Building Commission. He stated the primary focus of the December meeting was to consider recommendations from the Commission's various committees, to decide on product approvals, declaratory statements and accessibility waivers, and to conduct a rule development workshop on TAC recommendations for modifications to the Florida Building Code for the 2010 Code Update process.

Chairman Rodriguez stated if anyone wished to address the Commission on any of the issues before the Commission they should sign-in on the appropriate sheet(s). He then stated, as always, the Commission would provide an opportunity for public comment on each of the Commission's substantive discussion topics. He further stated if one wants to comment on a specific substantive Commission agenda item, they should come to the speaker's table at the appropriate time so the Commission knows they wish to speak. He concluded by stating public input was welcome, and should be offered before there was a formal motion on the floor.

Chairman Rodriguez then conducted a roll-call of the Commission members.

## **REVIEW AND APPROVE AGENDA**

Mr. Blair conducted a review of the meeting agenda as presented in each Commissioner's files.

Commissioner Carson moved approval of the meeting agenda as amended. Commissioner Nicholson entered a second to the motion. Vote to approve the motion as amended was unanimous. Motion carried.

## **REVIEW AND APPROVE OCTOBER 13, 2010 COMMISSION MEETING MINUTES AND FACILITATOR'S REPORT AND NOVEMBER 15, 2010 TELECONFERENCE MEETING REPORT**

Chairman Rodriguez called for approval of the minutes and Facilitator's Report from the October 13, 2010 Commission meeting and the November 15, 2010 Teleconference meeting.

Commissioner Greiner moved approval of the minutes and the Facilitator's Report from the October 13, 2010 Commission meeting and the November 15, 2010 Teleconference meeting. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

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

Chairman Rodriguez stated there were no committee appointments. He then stated there were two committee members who have rotated off their committees: J.W. Longman, from the Accessibility Workgroup, and Doug Murdock, from the Roofing TAC.

Chairman Rodriguez next addressed the issue of continuing education credits for attendance at the Building Commission meetings. He stated there have been questions regarding receiving CEUs for attending and or participating at/on Commission and/or TAC/POC meetings. He then stated, for clarification, the individual licensing boards, located within the Department of Business and Professional Regulation, have adopted rules regarding continuing education credits for attending Florida Building Commission meetings and/or Technical Advisory Committee meetings. He further stated the number of hours and criteria for earning continuing education credit for attending FBC/TAC meetings are specific to each professional licensing board. He stated the maximum number of hours allowed and criteria required for each profession will be:

*Board Architecture and Interior Designers:*

4 hours of credit for attending Florida Building Commission meetings

*Building Code Administrator and Inspector Board:*

7 hours credit for attending TAC or Florida Building Commission meetings

*Construction Industry Licensing Board:*

4 hours must be a member of a Technical Advisory Committee

*Electrical Contractors Licensing Board:*

4 hours must be a member of a Technical Advisory Committee

*Board of Professional Engineers:*

4 hours – Pending

Chairman Rodriguez stated a request for continuing education credits for attending Florida Building Commission meetings was placed on the FBPE's December 1, 2010 agenda, and they voted to provide licensees with credits for attending TAC, workgroup and Commission meetings. He then stated rulemaking would be initiated in February of 2011 and once rule adoption was completed licensees will qualify for CE credits. He further stated Ila Jones had been working with the Board of Professional Engineers on the issue. He then stated that if participants have any questions or issues regarding the number and/or whether credits are available for their licensing category they should contact DBPR and/or their respective licensing board(s). He explained the DCA was developing a computer system to be available at the February 2011 meeting that will allow attendees of Technical Advisory Committees and Florida Building Commission meetings to access their license numbers, using a touch-screen monitor (kiosk), and sign in/out for FBC/TAC meetings. He stated the number of hours accrued for each license will be submitted to DBPR 90-days prior to the end of the license cycle.

Chairman Rodriguez then addressed the Commission Workplan Prioritization and Effectiveness Assessment Survey Exercise. He stated the Commission would conduct its annual workplan prioritization and effectiveness assessment exercises on-line until December 31, 2010 and review the results at the February meeting. He then stated Jeff Blair would provide the Commissioners with a reminder e-mail with the web-links (2) and the time frame for completing the exercises. He further stated the Commission's rankings would be one of the inputs for deciding workplan priorities.

Mr. Blair stated he had sent the links to the two exercises separately to the Commissioners weeks ago. He encouraged the Commissioners to take the time to complete both exercises before December 31, 2010 to allow time to compile the results and have them ready for review at the February 2011 meeting.

Chairman Rodriguez addressed the education requirement 9B-7.00. He stated at the October meeting the Commission voted to repeal the language related to the Building Code Core Education Requirement, contained in Rule 9B-70.001, Florida Administrative Code. He then stated in order to implement this action the Commission needed to vote to initiate rule development.

Commissioner Browdy moved approval to proceed with rule development on Rule 9B-70.001 for the purpose of repealing the Building Code core education requirement by conducting a rule development workshop at the February 2011 meeting. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Chairman Rodriguez then addressed the Accessibility Code changes education courses. He reported he had requested the DCA staff develop updated Accessibility Code education courses on changes to the FACBC. He then stated as the Accessibility Code Workgroup develops recommendations for the integration of the Draft 2010 FACBC with the ADA Standards for Accessible Design, it will be important for stakeholders to be educated on the changes.

### **REVIEW AND UPDATE OF COMMISSION WORKPLAN**

Mr. Dixon conducted a review of the updated Commission work plan. (See *Updated Commission Work plan December 7, 2010*).

Mr. Dixon directed the Commission to the changes and recommendations to Task #5. He stated this task was the most important and could result in significant changes or potential changes to the development plan for the 2010 Florida Building Code. He explained that during the November 2010 special session the Legislature overturned Governor Crist's veto of a bill changing Chapter 120 processes, which passed during the 2010 session. He continued by stating the impact of the bill was any agency rule change which would have an economic impact on small business would have to have a statement of regulatory impact and would have to go to the Legislature

for ratification. He stated staff does not yet know all the new requirements the law would entail, nor were they certain the Legislature knew. He then stated, in order to try to stay on task and meet the current code implementation target date of the end of 2011, staff proposed an alternate schedule for the glitch change process. He further stated Mr. Richmond would discuss the issue during the Legislative Update agenda item but there was some interest in perhaps exempting the Florida Building Code from that process. He then reviewed the proposed alternative as outlined in Task #5 of the workplan.

Mr. Dixon then directed the Commission to Task #8 Develop Integration of Florida Accessibility Law into the 2010 Standards for Accessible Design. He explained two more meetings had been added to the process to discuss the changes to Florida law necessary to conform language and references to the new federal standards.

Mr. Dixon stated the final task to be updated, the requirement of law for the Florida Building Commission to review the Building Code System every three years when the Building Code is updated, was discussed initially at the last Commission meeting. He then stated the Commission started the process in the fall then decided it had been 10 years since the Code had been in effect and the overall system should be reviewed to determine what had worked and what had not worked and what could be modified to improve the system moving forward. He stated a schedule was put together and was in the workplan for the Commissioners' review. He then stated the process would begin in March 2011 with a workshop requesting input from the public to identify the issues. Then a series of meetings would be held throughout the rest of the year to evaluate different parts of the building code system and develop recommendations by December of 2011 to be submitted to the 2012 Legislature.

Commissioner Carson moved approval of the updated workplan. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

### **CONSIDER ACCESSIBILITY WAIVER APPLICATIONS**

Chairman Rodriguez directed the Commission to Jack Humburg for consideration of the Accessibility Waiver Applications.

Mr. Humburg presented the waiver applications for consideration. Recommended approvals were presented in consent agenda format with conditional approvals, deferrals and denials being considered individually.

#### **Recommendation for Approval with No Conditions:**

#1 Passage Christian Academy

#4 Napoli Restaurant

#7 Golden Lion Café

#12 Babcock Realty Partners, LLP

#13 Cobb Theaters 12 at Countryside Mall

#15 Fivay High School

#16 Crews Lake Middle School

#17 Charles Rushe Middle School

Commissioner Gregory moved approval of the Council's recommendation for approval for items 1, 4, 7, 12, 13, 15, 16 and 17. Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

**Recommendation for Extensions of Final Orders**

#6 Pestana Hotel

Mr. Humburg explained the petitioner's request for waiver as it was described in each Commissioner's files. He stated the council unanimously recommended an extension of 6 months for the final order previously issued on January 14, 2010.

Commissioner Carson moved approval of the Council's recommendation. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

#11 Miami River Building

Mr. Humburg explained the petitioner's request for waiver as it was described in each Commissioner's files. He stated the council unanimously recommended an extension of 6 months for the final order previously issued on February 6, 2008.

Commissioner Carson moved approval of the Council's recommendation. Commissioner Palacios entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

**Recommendation for Approval with Conditions:**

#2 Gatorland Zipline

Mr. Humburg explained the petitioner's request for waiver as it was described in each Commissioner's files. He stated the council unanimously recommended approval

for all seven towers with the understanding a portion of them would be made accessible upon project completion. He further stated the applicant had requested 18 months to investigate and provide a report.

Commissioner Carson moved approval of the Council's recommendation. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

#### #8 Academy of Culinary Arts

Mr. Humburg explained the petitioner's request for waiver as it was described in each Commissioner's files. He stated the council unanimously recommended approval provided one additional wheelchair location is provided and the three locations are moved to the center of the hall.

Commissioner Nicholson moved approval of the Council's recommendation. Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

#### #9 Feather Sound Corporate Center II

Mr. Humburg explained the petitioner's request for waiver as it was described in each Commissioner's files. He stated the council unanimously recommended approval to the extent a waiver is required, since Section 11-4.17 permits the use of Figure 30(a) in alterations.

Commissioner Nicholson moved approval of the Council's recommendation. Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

#### #10 Brian and Linda Leneave

Mr. Humburg explained the petitioner's request for waiver as it was described in each Commissioner's files. He stated the council unanimously recommended approval provided all services available on the second floor are also provided on the accessible first floor level.

Commissioner Nicholson moved approval of the Council's recommendation. Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

#### #14 The Mansion

Mr. Humburg explained the petitioner's request for waiver as it was described in each Commissioner's files. He stated the council unanimously recommended approval

provided disproportionate cost is confirmed by staff and the Council Chairman via additional cost breakdowns.

Commissioner Nicholson moved approval of the Council's recommendation. Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

### **Recommended for Deferral**

#### **# 5 Miami Art Museum**

Mr. Humburg explained the petitioner's request for waiver as it was described in each Commissioner's files. He stated the council unanimously recommended deferral requesting the applicant provide additional information pertaining to seating locations.

Commissioner Nicholson moved approval of the Council's recommendation. Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

### **Recommended for Dismissal**

#### **#3 Bahay Kubo Philippine Heritage House**

Mr. Humburg explained the petitioner's request for waiver as it was described in each Commissioner's files. He stated the council unanimously concluded no new information was provided and recommended upholding the previous Commission action to dismiss.

Commissioner Nicholson moved approval of the Council's recommendation. Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

### **CONSIDER APPLICATIONS FOR PRODUCT AND ENTITY APPROVAL**

Chairman Rodriguez directed the Commission to Commissioner Carson for presentation of entity approvals.

Commissioner Carson stated the following 14 entities were recommended for approval by the POC:

TST 1910 Architectural Testing, Inc. - Texas

TST 3160 Timberco Inc dba TECO

TST 3782 American Test Lab of South Florida Inc.



TST 7393 Florida Testing, Engineering & Consulting, Inc.

QUA 1743 Underwriters Laboratories Inc.

QUA 1824 Keystone Certifications, Inc.

QUA 1963 Timber Products Inspection, Inc.

QUA 2401 Timberco Inc dba TECO

QUA 3726 Pyramid 1, Inc.

QUA 5922 R I Ogawa & Associates, Inc.

QUA 8593 National Inspection Association dba Quality Systems Management, Inc.

QUA 8970 Applied Testing and Geosciences

VAL 7396 Architectural Testing, Inc - Certification Services

VAL 7690 ICC Evaluation Service, Inc.

Commissioner Carson moved approval of the POC recommendation. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair stated there was a consent agenda for all those issues that were posted with the same result from all four compliance methods either for approval, conditional approval or deferral. These were the ones without comment or there was no change to the recommendation as proposed presented. He stated if no commissioner wished to pull any if the products for individual consideration he asked for a motion to approve the consent agenda for all four compliance methods for approval, conditional approval and deferral.

Commissioner Carson entered a motion to approve the consent agenda as amended for all four compliance methods for approvals, conditional approvals and deferrals. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

**Mr. Blair presented the following products for consideration individually:**

8809 Plylox Inc

Withdrawn by applicant. No action necessary.

11340-R1 Hurricane Fabric .com

Mr. Blair stated the product was recommended for approval.

Commissioner Carson moved approval of the POC recommendation.  
Commissioner Nicholson entered a second to the motion.

11506-R2 Simpson Strong-Tie Co.

Mr. Blair stated the product was recommended for deferral with the conditions the applicant remove from application products or show that product is not an alternate to the building code for products.1, .4 and .5. 2) and for products 1., .2 and .6 have either the evaluation entity verify the installation instructions or have the validator perform a technical validation.

Commissioner Carson moved approval of the POC recommendation.  
Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

13975 Simpson Strong-Tie Co..

Mr. Blair stated the product was recommended for conditional approval with the condition the Evaluation Entity must verify the installation instructions or have the validator perform a technical validation.

Commissioner Carson moved approval of the POC recommendation.  
Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

14185 Lafarge North America

Mr. Blair stated the product was withdrawn. No action necessary.

Commissioner Carson moved approval of the POC recommendation.  
Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

14159 Kawneer Company, Inc.

Mr. Blair stated the product was recommended for conditional approval with the condition the applicant must remove L.M.I. glazing options for .3. and for .1 and .2 modify glazing detail to provide safety glazing and structural sealant.

Commissioner Carson moved approval of the POC recommendation.  
Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

14224 Gulf Coast Supply and Mfg., Inc.

Mr. Blair stated the product was recommended for approval.

Commissioner Carson moved approval of the POC recommendation.  
Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

14240 Clark Hall Doors

Mr. Blair stated the product was recommended for conditional approval with the conditions the applicant must indicate "No" for use within HVHZ and provide test reports to verify performance.

14247 FRP Lite

Mr. Blair stated the product was recommended for conditional approval with the condition the applicant must provide corrected sheet 1 of Installation Instructions with the "post it" removed.

Commissioner Carson moved approval of the POC recommendation.  
Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

12371 Solar-Cool Corporation

Mr. Blair stated the product was recommended for deferral with the conditions the applicant must provide new testing in accordance with Sections 1509.7/1522.3 and provide installation instructions in accordance with new tested assembly.

Commissioner Carson moved approval of the POC recommendation.  
Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

14256 Windoor Incorporated

Mr. Blair stated the product was recommended for conditional approval with the condition the applicant must provide validation by an independent validator.

Commissioner Carson moved approval of the POC recommendation.  
Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

**CONSIDER APPLICATIONS FOR ACCREDITOR AND COURSE APPROVAL**

Accreditor Approvals

Commissioner Browdy stated there were no accreditor approvals or course approvals.

**CONSIDER LEGAL ISSUES AND PETITIONS FOR DECLARATORY STATEMENT: BINDING INTERPRETATIONS: REPORTS ONLY DECLARATORY STATEMENTS:**

**Binding Interpretations:**

None

**Declaratory Statements:**

**Second Hearings:**

**DCA10-DEC-175 by James Paula, Plans Examiner of St. Johns Building Department**

Dismissed

**DCA10-DEC-182 by Jeffrey C. Friant, P.E. and Jeff Bedard of Sunesta Products, LLC.**

Mr. Richmond explained the issues presented in the petition for declaratory statement and the committee's recommendations as they appeared in each Commissioner's files. Mr. Richmond stated the Commission lacks the authority to interpret or apply the provisions of the petitioner's owner manual and contractual provisions related to retracting in the event of a high storm event therefore the recommendation was denial for those particular items.

Commissioner Greiner moved approval of the committee recommendation. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

**First Hearings:**

**DCA10-DEC-209 by Michael Murray of Storm Watch, Inc.**

Mr. Richmond explained the issues presented in the petition for declaratory statement and the committee's recommendations as they appeared in each Commissioner's files.

Commissioner Greiner moved approval of the committee recommendation. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

**DCA10-DEC-216 by Geoff McLeod of MESA Modular Systems, Inc.**

Mr. Richmond explained the issues presented in the petition for declaratory statement and the committee's recommendations as they appeared in each Commissioner's files.

Commissioner Carson moved approval of the committee recommendation. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

**DCA10-DEC-217 by Dwight Wilkes – Consultant for AAMA**

Mr. Richmond explained the issues presented in the petition for declaratory statement and the committee's recommendations as they appeared in each Commissioner's files.

*Dwight Wilkes, AAMA*

Mr. Wilkes thanked the commissioners for their time. He also expressed appreciation for the Admin POC and the Structural TAC on its' approval of the declaratory statement.

Commissioner Carson moved approval of the committee recommendation. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

**DCA10-DEC-219 by David Karins, P.E. of Karins Engineering Group, Inc.**

Mr. Richmond explained the issues presented in the petition for declaratory statement and the committee's recommendations as they appeared in each Commissioner's files.

Commissioner Carson moved approval of the committee recommendation. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

**DCA10-DEC-220 by John H, Kampmann, Jr., P.E. of MEA Engineers, Inc.**  
**DCA10-DEC-221 by John H, Kampmann, Jr., P.E. of MEA Engineers, Inc.**  
**DCA10-DEC-222 by John H, Kampmann, Jr., P.E. of MEA Engineers, Inc.**  
**DCA10-DEC-224 by John H, Kampmann, Jr., P.E. of MEA Engineers, Inc.**  
**DCA10-DEC-225 by John H, Kampmann, Jr., P.E. of MEA Engineers, Inc.**

Mr. Richmond explained the issues presented in the petition for declaratory statement and the committee's recommendations as they appeared in each Commissioner's files.

Commissioner Carson moved approval of the committee recommendation. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

### **CONSIDER OTHER LEGAL ISSUES**

Mr. Richmond stated he wanted to provide the Commission with an overview of an additional step which had been added with regard to rule adoption in general. He continued by stating it had specific and significant impact on what the Commission does. He then stated in an organizational Legislative session, which convened as a special session, there were 5-7 bills which were the subject of an override of the Governor's veto from May and June. He further stated one, HB1565, imposes significant restrictions on the application of rules developed by agencies generally when those rules have an aggregate negative fiscal impact of greater than one million dollars over a span of five years. He stated he thought it was interesting the specific use of the term "negative fiscal impact" as it gives a strong argument to "net impact", in that there were elements both positive and negative impact, and cannot be argued. He then stated the Legislature specifically selected the term implement because a rule which has the affect absent legislative ratification cannot be implemented. He continued by stating adoption would be conceivable, but not just implementing. He further stated there was considerable doubt and he had discussed it with the Joint Administrative Procedures Committee representative, more of a conceptual discussion as opposed to any particular item.

Mr. Richmond then stated there had been a response to the committee on a couple of rules which did not reach the threshold specifically the newest, the Product Approval Rule, as well as Education and the Surcharge Rule. He explained the Surcharge Rule was simply an implementation of the Legislative mandate, basically how to transfer the money the Legislation imposes the fiscal impact on that particular rule. He stated he believed with the Building Code it would be very difficult to make an argument if it does not reach the threshold. He further stated based on the number of transactions over a five year span there would be a minimal fiscal impact on each permit essentially to reach a million dollars. He then stated the intent was to move forward in regard to submission for legislative ratification. He continued by stating he had spoken with Senator Bennett, who expressed interest in pursuing that on behalf of the Commission for this edition of the Code, and possibly seek an exemption from that provision for the Florida Building Code just in light of the fact there was already a fairly sizable process in place to ensure there was more than enough public input. He further stated when going through a code development process there was usually at least one legislative session and for anyone who had agreed to go for legislative directive to the Commission to alter and amend any particular item. He stated it was very difficult to determine, at present, if a substantive bill would be necessary to ratify the rule. He then

stated it could be just a motion and vote of both houses spread upon the journal of the Legislature would be sufficient to ratify a rule. He continued by stating the process was being determined at present but it would be a moving target. He stated staff anticipated working with the Senator and the industry, as well, both had offered a great deal of assistance and support.

Mr. Dixon stated he was at a different board meeting and there was discussion relative to hiring consultants to do statements of regulatory impact. He asked if staff would be responsible for hiring the consultants.

Mr. Richmond responded by stating it was a possibility. He then stated he believed it was something the Commission should entertain and some of its constituent groups were actively looking for a related item. He further stated it was something he believed the Commission could address in the code modification proposal form, which it already does to some extent. He stated if some type of focus on small business were added; i.e., how it impacts the small business, it attracts some of the statutory language, and the Commission, in good faith, could rely on the proposals unless there was a challenge or more print information was provided by someone else. He then stated he believed there were some ways to get around the actual impact on the Commission. He further stated he did not believe it would be realistic to do a full blown economic analysis of every code cycle unless it wants to spend an entire annual appropriation to do so.

### **CONSIDER COMMITTEE REPORTS AND RECOMMENDATIONS:**

#### **Accessibility Code Workgroup**

Mr. Blair presented the report of the Accessibility Code Workgroup.  
(See *Accessibility Code Workgroup Meeting Minutes December 6, 2010.*)

Commissioner Carson moved approval to accept the report. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

#### **Code Administration TAC**

Commissioner Gonzalez presented the report of the Code Administration TAC.  
(See *Code Administration TAC Teleconference Meeting Minutes November 15, 2010.*)

Commissioner Nicholson moved approval to accept the reports. Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Gonzalez presented the report of the Code Administration TAC.  
(See *Code Administration TAC Teleconference Meeting Minutes November 29, 2010.*)

Commissioner Nicholson moved approval to accept the reports. Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

### **Education POC**

Commissioner Browdy stated due to minimal activity the Education POC did not meet via teleconference therefore there was no written report for the record. He then stated staff did receive the requisite activity report from Building A Safer Florida, the Education administrator. He requested, as the POC chairman, the Commission approve that report and those rule authorized actions by the Education administrator which were included in the report.

#### *1<sup>st</sup> Action*

Commissioner Browdy requested the Commission's approval of course #309.2, *Advanced 23 Hour Course*.

Commissioner Nicholson moved approval of course #309.2. Commissioner Carson entered a second to the motion.

Commissioner Hamrick stated he would abstain from voting.

Vote to approve the motion was unanimous. (Hamrick abstaining.) Motion carried.

#### *2<sup>nd</sup> Action*

Commissioner Browdy stated the Commission recently adopted the ability for course providers to deal with technical glitches and minor changes to courses which do not influence the technical accuracy of those courses by self-affirmation. He requested the Commission's approval of course #413.1, *The Advanced Fair Housing Act, or The Seven Deadly Sins of the FHA*.

Commissioner Nicholson moved approval of course #413.1. Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Browdy stated there were only 13 inquiries from the public between September 24 and November 28, 2010, seven by phone and three by email. He then stated, in addition, as of November 10, 2010 there were 112 trained providers and 12 accreditors.

Commissioner Browdy moved approval to accept the report. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.



### **Electrical TAC**

Commissioner Turner presented the report of the Electrical TAC. (See *Electrical TAC Teleconference Meeting Minutes November 19, 2010.*)

Commissioner Carson moved approval to accept the report. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

### **Energy TAC**

Commissioner Greiner presented the report of the Energy TAC. (See *Energy TAC Meeting Minutes November 16, 2010.*)

Commissioner Nicholson moved approval to accept the report. Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

### **Fire TAC**

Commissioner Goodloe presented the report of the Fire TAC. (See *Fire TAC Meeting Minutes November 19, 2010.*)

Commissioner Carson moved approval to accept the report. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

### **Mechanical TAC**

Commissioner Palacios presented the report of the Mechanical TAC. (See *Mechanical TAC Webinar Meeting Minutes November 19, 2010 and Mechanical TAC Teleconference Meeting Minutes November 29, 2010.*)

Commissioner Nicholson moved approval to accept the report. Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

### **Plumbing TAC**

Commissioner Vann presented the report of the Plumbing TAC. (See *Plumbing TAC Teleconference Meeting Minutes November 15, 2010.*)

Commissioner Nicholson moved approval to accept the report. Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

## **Product Approval/Prototype Buildings/Manufactured Buildings POC**

Commissioner Carson presented the report of the Product Approval/Prototype Buildings/Manufactured Buildings POC. (See *Product Approval/Prototype Buildings/Manufactured Buildings POC Meeting Minutes December 6, 2010.*)

### *1<sup>st</sup> Action*

Commissioner Carson stated with regard to shutters used with the HVHZ to have a deflection larger than allowed by Section 1613.1.9. He then stated the POC recommended staff start revocation proceedings for those manufacturers who did not revise their product approval application for compliance with the requirement of Section 1613.1.9 with regard to deflection after they were requested to do so. He stated the product numbers subject to revocation were 12888, 13271, 13569, 13663, 9655, 10348, and 13227.

Commissioner Nicholson moved approval for staff to begin revocation proceedings for products 12888, 13271, 13569, 13663, 9655, 10348 and 13227. Commissioner Schulte entered a second to the motion.

Mr. Richmond offered clarification stating one of the cruxes of the issue was the use of the term shutters in the recommendation. He then stated the products were actually fabric storm panels hurricane mitigation techniques as classified by Miami-Dade County.

Mr. Madani stated the products were approved under the system and staff was trying to clean the system up.

Vote to approve the motion was unanimous. Motion carried.

### *2<sup>nd</sup> Action*

Commissioner Carson stated the second action was regarding the rule change of 9N-3. He then stated the Commission had been working on the rule for quite some time with regard to the certification mark and listing application methods. He further stated JAPC had reviewed the proposed new rule language and had requested some clarification. He continued by stating the POC had reviewed the language and requested the Commission's review and approval.

Mr. Richmond stated there needed to be an approval by the Commission to approve the publishing of the notice of a proposed change based on JAPC's comments. He then stated the change would track the language proposed. He further stated the

committee's concern was if someone reading the rule would know what the work load was to raise an issue with an administratively approved product.

Commissioner Stone moved approval of the modification as stated. Commissioner Schock entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Carson moved approval to accept the report. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

### **Roofing TAC**

Commissioner Schulte presented the report of the Roofing TAC. (See *Roofing TAC Teleconference Meeting Minutes November 19, 2010.*)

Commissioner Nicholson moved approval to accept the report. Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

### **Special Occupancy TAC**

Commissioner Hamrick presented the report of the Special Occupancy TAC. (See *Special Occupancy TAC Meeting Minutes November 15, 2010.*)

Commissioner Nicholson moved approval to accept the report. Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

### **Structural TAC**

Commissioner Schock presented the report of the Structural TAC. (See *Structural TAC Meeting Minutes November 17, 2010 and Structural TAC Teleconference Meeting Minutes November 29, 2010.*)

Commissioner Schock moved approval to accept the report. Commissioner Hamrick entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

## **CONSIDER ISSUES AND RECOMMENDATIONS TO 2011 LEGISLATURE**

Chairman Rodriguez stated the Commission would consider issues and recommendations for the adoption and Summary of Issues for Inclusion in the Commission's 2011 Report to the Florida Legislature. He continued by stating Mr. Blair would review the draft summary of issues and recommendations for inclusion in the Commission's 2011 report to the Legislature, which the commissioners received via

email prior to Thanksgiving. He then stated, with the Commission's support and approval, the Chairman would review and approve the final draft of the Report and Recommendations to the 2011 Legislature, ensure completeness and accuracy, and approve the report for submittal to the Legislature. He further stated a motion would be needed to approve the summary of issues and recommendations for inclusion in the report with the understanding the final report would be updated following the December Commission meeting and approved by the Chair prior to submittal to the 2011 Legislature. He then stated the package of recommendations to the Legislature includes recommendations from projects addressed by committees this year and already adopted by the Commission; and recommendations taken up by the Commission for the first time, if any.

Mr. Blair reviewed the issues and recommendations for the Commission. (See Draft Summary of Issues and Recommendations for Inclusion in the Commission's 2011 Report to the Legislature.)

Mr. Blair stated a motion was needed to recommend amendments to Part II, Chapter 553, Florida Statutes, essential to conforming the law to the references in the 2010 ADA Standards for Accessible Design and to ensuring the equivalency of requirements necessary to maintain federal certification of the Florida Accessibility Code, as required by current Florida law.

Commissioner Browdy moved approval of the motion as stated. Commissioner Schock entered a second to the motion.

Mr. Dixon stated, for clarification, there were two more meetings on the accessibility code issue and there would be recommendations coming back to the Commission regarding changes to the statute after those meetings. He then stated the list would be more specific than the conceptual item discussed by the Commission. He further stated the Commission would have the opportunity to review the recommendations before they were included into a report to the Legislature.

Vote to approve the motion was unanimous. Motion carried.

Mr. Blair stated the next motion needed was relative to the issue of septic tank sizing.

Commissioner Browdy stated in the actual report it refers to the appendix to look at the action by the committee. He then stated he believed the reports were probably read very quickly and much in an executive summary. He further stated if the Commission's recommendations stated here, in fact, that a recommendation be implemented and it does not state specifically what the recommendation was it would not have the impact it needed and could be dropped. He stated he would like to see the report enhanced to the extent it was clear to everyone. He continued stating the Commission considers the sizing of septic tanks to be critical as costs were so integral to the economy of the state of Florida and the continuation of the cost of construction.

Commissioner Browdy then stated he most recently had the experience of pulling a building permit in Broward County in the city of Coral Springs. He stated he brought this to the Commission's attention because as it approaches the coming year it has to do whatever it takes to not deter the ability to move construction forward and to stimulate the economy. He continued by stating his company in Jacksonville received a contract to do a 1,200 square foot addition to a single family home in the city of Coral Springs and to renovate an existing home as part of the contract. He explained it was a 5,000 square foot home and a 1,200 square foot addition to be done. He stated it was not St. John's County or Jacksonville so he got an education. He continued by stating after waiting a while a demolition permit was applied for. He stated the permit was denied because too much information was given. He explained not only was the demolition plan included, but also the plans for renovation. He stated the building official stated they did not want to see the renovation plans on a demolition plan. He further stated the process to get the demolition permit took approximately one month. He continued by stating the building permit for the renovation and the 1,200 square foot addition took another month after paying for expedited delivery of the plan and expedited plan review. He stated when the call came to inform them the permit was ready he sent his superintendent down to the building department in Coral Springs and use his credit card to pick up the permit. He then stated that part of the permit was \$52,294.00. He continued by stating as a builder he believed that was an egregious abuse of power. He stated the owner of the home in Coral Springs would not have continued the project if the interior of the home had not already been demolished. He then stated the figure did not represent all of the costs that will be incurred on this particular permit. He continued by stating as the Commission looks at its agenda for the future not only are code issues important to make sure code regulations which do not have a proven need and are not part of International Code Consensus process. He stated the Commission must also address issues related to permits and fees although it was not a direct responsibility of the Commission. He concluded by stating if this process continues in other jurisdictions based on what it costs to run their departments not what it costs are reasonable, there will be a serious issue in trying to stimulate the economy in the state of Florida in moving forward to a recovery.

Mr. Blair stated the Building Code System Assessment Ad Hoc committee will have its second meeting and an opportunity for public comment. He then stated it would be the perfect place for Commissioner Browdy to express his concerns.

Mr. Blair stated the issue from Commissioner Browdy was an important one. He then stated it was drafted by the Commission last year not just as a recommendation, but as part of the executive summary. He further stated Legislative authority was being requested for the Commission to implement the recommendations. He asked Commissioner Browdy if he still wanted to proceed with the recommendation which was to grant the Legislative authority.

Commissioner Browdy responded by stating absolutely.

Commissioner Browdy moved approval to grant Legislative authority to reevaluate the sizing of septic tanks in accordance with the recommendation of the Ad Hoc committee. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair stated the next motion needed was to recommend to the 2011 Legislature that it be directed to conduct a study in cooperation with other agencies, to determine the means by which the Florida Building Code and its system of development and enforcement can be used to coordinate public health, safety and welfare, property protection and conservation and sustainability policies for the built environment to improve the efficiency and effectiveness of their implementation and to provide recommendations to the 2012 Legislature.

Commissioner Stone asked what the cost estimate of the study was.

Mr. Dixon responded by stating an attempt was being made to conduct the study under the current contract with facilitation but there would be some additional costs for means outside the Commission estimated around \$10,000.00 for a yearlong project.

Commissioner Nicholson moved approval of the motion as stated. Commissioner Gregory entered a second to the motion.

Commissioner Carson asked if the study was budgeted or would it be in the next fiscal year

Mr. Blair responded stating yes the money had been reserved in the current budget.

Vote to approve the motion was unanimous. Motion carried.

Mr. Blair asked if there were other Legislative recommendations at this time.

Mr. Richmond stated a motion was needed to recommend to the 2011 Legislature the ratification of 2010 Florida Building Code and modifications adopted by the Commission to the 2010 Code pursuant to 553.73(8), the statutory glitch process, and/or exemption of the code development and adoption process from requirements for legislative ratifications.

Commissioner Greiner moved approval of the motion as stated. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Greiner stated his concern with the issue was it allows another end road to the Legislature to be making the code.

Mr. Richmond stated the Legislature has the same concern. He then stated he did not believe the Legislature wanted to be involved in the level it would be faced with, given the review of the entirety of the code. He further stated he did not believe it was intended. He stated, in fact, the whole idea of exemption he would not even bring it before the Commission independent of industry's support and Senator Bennett's support for that very reason. He continued by stating with the law being brand new there could be a good amount of resistance from the Legislature in exempting anything this year. He stated Senator Bennett can get a lot of things done, last year's bill cleared five committees, which was exceptional and if this is something he wants to pursue there is a better chance than average of getting it through.

Mr. Blair asked if there were additional recommendations that should be included in the legislative report. He also asked anyone from the public who had any legislative recommendations.

*Tom Johnston, President, International Hurricane Protection Association*

Mr. Johnston stated there had been a discussion of some problems in the industry between those who hold product approval space at the POC. He then stated he had introduced some potential legislation for consideration. He further stated it basically came from the IHPA pursuing advertising and sales somewhere between \$30-60 million worth of hurricane mitigation products which do not carry product approval and do not meet the standards as specified. He continued by stating they had been working with the attorney general and the information coming from them on the complaints that have been filed indicate the way the existing statute was written it was very difficult to prosecute for the type of activity. He stated the recommendation from the attorney general was to have the IHPA legislative initiative sent up to be adopted. He then stated Mr. Belcher could explain.

*Joe Belcher, Code Consultant, IHPA*

Mr. Belcher stated he drafted some language the Attorney General's Office approved. He then stated there were several cases before the Product Approval POC which included misuse of reports, misuse of information, and people coming before the POC asking for enforcement or some kind of action against those manufacturers, although there was nothing the Commission could do if the manufacturer did not have an approved product. He continued by stating it was an issue they ran into with some of the hurricane protection products which were bogus and the AG's office said there was nothing they could do about it. He stated he sent the language to the entire Product Approval POC, Mr. Madani, Mr. Blair, Mr. Richmond, Ms. Jones and maybe a few others. He then stated what they are trying to accomplish was a little direction if there is a violation of 842 or 842.5 in advertising, sales, installation, etc. there would also be a violation of Florida Statue 501, the Fraudulent Consumer Protection Act. He further stated it would give the AG the opportunity, if someone were to file a report, to enforce it.

Chairman Rodriguez asked Mr. Belcher if he was seeking the Commission's support of the language.

Mr. Belcher responded yes.

Mr. Blair stated if legal counsel did not feel it was quite right in the Commission's purview an option which had been done in the past would be to support the industry's initiative and report to the Legislature.

Commissioner Carson stated the issue had been brought to the POC and discussed a number of times. He then stated the problem seemed to be getting much worse. He further stated there was no authority to police the violations. He continued by stating the gentlemen came forward with their ideas. He stated the POC had discussed the issue at length and supports the initiative unanimously.

Chairman Rodriguez asked what motion would be correct to support the initiative.

Mr. Blair stated the motion needed was to support the industry's initiative in terms of seeking a legislative solution regarding the unauthorized use of documents submitted in support of product approval applications.

Mr. Belcher asked if that meant their initiative would be part of the Commission's Legislative package or do they still need a separate sponsor.

Mr. Richmond stated to date there was a report. He then stated there was no package for the Legislature or former bill moving forward nor has the Commission been seeking sponsors. He further stated in order to get approval for that type of activity a signature from the Governor's office would be required and the administration would not be in place until January 5, 2011.

Commissioner Nicholson stated he made the second for the motion. He then stated he attended the POC meeting and fraudulent use of someone else's product kept coming up. He continued by stating those individuals seek the Commission's help and there was nothing the Commission can do, therefore the POC supported the initiative proposed by Mr. Belcher and the industry.

*Doug Harvey, Executive Director, Building Officials Association of Florida*

Mr. Harvey stated during the discussions at the POC meeting on a permitted project being reviewed for building code compliance it did not appear to be a major issue. He then stated it appeared to be issues with regard to projects purchased from a "do-it-yourself" retail location and in many cases these projects were not falling under a building permit. He continued by stating it did not mean the work did not have to comply with the Florida Building Code because it would have to comply with the building code either way, according to the code. He asked the Commission to be careful putting language in which would further tie the hands of either the building official for alternate



methods or materials for reviewing engineering documentation associated with a project or that would limit what the building departments are permitted to approve.

Mr. Blair offered clarification stating the Commission's motion was basically to support the industry's initiative to deal with the problem.

Vote to approve the motion was unanimous. Motion carried.

Mr. Blair asked if there were additional recommendations that should be included in the legislative report.

Chairman Rodriguez stated a motion was needed to adopt the Summary of Issues and Recommendations for Inclusion in the Commission's 2011 Report and Recommendations to the Legislature, including recommendations adopted at the December 2010 meeting, and to charge the Chair with reviewing and approving the final report prior to submittal to the 2011 Legislature.

Commissioner Greiner moved approval of the motion as stated. Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

### **BUILDING CODE SYSTEM ASSESSMENT PUBLIC COMMENT OPPORTUNITY II**

Chairman Rodriguez stated at the October meeting the Commission voted to initiate a comprehensive assessment process to evaluate the Florida Building Code System with recommendations for enhancements to the system delivered to the 2012 Florida Legislature. He then stated the on-line survey currently being conducted is one aspect of the assessment process and soliciting feedback during Commission meetings is another. He continued by stating the Commission solicited feedback at the October meeting and as a part of the process will be seeking public input at each of the Commission meetings throughout the assessment project. He requested anyone from the public who would like to provide input to go to the speaker's table and provide their name, representation and comment. He stated the speaker should also provide their comments in writing so the Ad Hoc will have the benefit of their feedback for its assessment of the system.

Mr. Blair stated the Commission voted to initiate the project. He then stated Commissioner Browdy had brought up an issue which would also fit well into the scope of the project. He continued by stating at the last meeting the Commission requested the survey be sent back out by various associations including the FHBA, BOAF, and manufacturers in an attempt to get their input. He explained the first round of the survey was very one-sided and 30% of the respondents represented one stakeholder group. He stated he was happy to report the number of respondents numbered over 400 to date and there was a much better distribution of stakeholders' perspectives. He then stated the survey was still open for those still interested in participating. He further

stated as a reminder there would be opportunities for public comment at the Commission meeting regarding the issue. He also stated there was a blue form for public comment provided at the speakers' table. He explained if a comment were written it would be included in the Commission's report, the Facilitator's Report and also as it relates to project in discussion. He noted a written comment for the Ad Hoc review was helpful as it was written exactly as the speaker intended and therefore considered in a better manner. He asked if anyone wanted Building Code System Assessment Project; i.e., the review of the 5 foundations of the building code: the Commission, code development process, product approval, education, and local approval and enforcement.

No Public Comment

### **CONSIDERATION OF PROPOSED MODIFICATIONS FOR THE 2010 FLORIDA BUILDING CODE, RULE WORKSHOP SUPPORT MATERIALS**

Chairman Rodriguez stated, as Mr. Richmond reported during the November Teleconference meeting, due to Chapter 120 rule development provisions December's meeting would be a rule development workshop, instead of a rule adoption hearing. He then stated, in addition, due to the Legislature's Special Session adoption of new legislation which require all rules to be ratified by the Legislature, the Commission will conduct a rule hearing at the February 1, 2011 Commission meeting, and conduct an additional rule adoption hearing concurrent with the June 2011 rule adoption hearing to consider glitch amendments to the 2010 Code. He further stated on December 7 – 8, 2010 the Commission conducted a rule development workshop on Rule 9N-01, Florida Building Code, for the purpose of deciding on the TAC's recommendations regarding the proposed Code modifications to serve as the 2010 Edition of the Florida Building Code.

Mr. Richmond opened the rule development workshop.

Mr. Blair presented the Commission's code modification review process for the 2010 Code Update. (See *Facilitator's Report December 2010*.)

Commissioner Schulte asked for clarification on the comments made in the second round when the TAC changes its recommendation, the Commission's vote would be the opposition of the TAC's original vote. He stated if it would be passed originally by the TAC, the TAC changed its recommendation, if the Commission decides; it would result in a negative vote such as 0-4, etc.

Mr. Blair stated he understood what Commissioner Schulte was saying.

Commissioner Schulte further stated there was a standing motion to approve.

Mr. Blair stated the Commission would be voting in favor of the modification

and the comment being proposed on the modification and the TAC says yes it supports the comment the Commission would be voting affirmatively on those.

Commissioner Schulte stated he just wanted to make sure that the Commission's vote would be based on the second round of comments and not the original action of the TAC.

Mr. Blair responded yes. He offered an example: If a modification was on the consent agenda which received public comment, the TAC has a comment, the modification #111 was pulled off and the proposal was the modification including the public comment as the revised modification the TAC's comment was in support of the comment as it addressed its concern, the Commission then votes on the modification and the public comment attached to it.

Commissioner Schulte stated if the original TAC's decision was passed as modified, then a comment was received and the committee changed its mind, the Commission would vote positively on the comment not negatively on the original action of the TAC.

Mr. Madani stated for the comments Commissioner Schulte referred to, a list was prepared which can be found at the top of the charts that are on the system. He then stated in the Roofing TAC there were two modifications which mainly the TAC had favored the comments. He continued by stating if the Commission decided to go with the TAC recommendation before the comment, staff would like the Commission to take action of approve as amended and if in agreement with the comment the Commission action should be NAR (no affirmative recommendation). He advised the Commissioners to refer to the charts available to them during the process.

Mr. Blair stated in that case it would be all in favor say "1" – 0, all opposed to not approve it? He then stated there was a matrix for reference and the chairman would have that available during the process and know what has been agreed upon.

Commissioner Stone stated he was confused. He asked if the chart on the overhead screen which Mr. Madani referenced were the ones being recommended on the consent agenda.

Mr. Blair clarified the ones listed were the ones the TAC chairs were pulling from the consent agenda for individual consideration and would be discussed one by one.

Commissioner Stone stated he had a list of about 25-30 modifications he would like pulled, although he did not differentiate whether they were originally approved or had comments or not. He asked what process he needs to use to effectively get the modifications pulled from the consent agenda so they can be discussed.

Mr. Blair stated he would suggest Commissioner Stone handing him his list. He then stated he would verify from his list which ones had already been pulled and add the ones that need to be pulled.

Commissioner Schock stated he had a similar question to Commissioner Stone's. He then stated when the documents were sent out there were ones with a tracking chart for modifications with comments and one with no comments. He further stated he assumed the ones without comments were agenda 1 and the ones with comments were agenda 2. He continued by stating to the best of his ability he tried to pull the modifications according to those charts but there were some he could not find.

Mr. Blair stated any Commissioner who had items they would like pulled to give them to staff. He then stated when the time came staff would let the Commissioners know which agenda was being discussed.

*Jack Glenn, President, Florida Homebuilders Association*

Mr. Glenn stated he was confused by Mr. Blair's comments. He then stated during the TAC meetings participants were told the comments the TAC made would be comments on comments, not actions. He further stated it sounds like, the way the agenda was structured; if there was a comment by the TAC it was tantamount to the TAC changing its recommendation. He stated his concern was that should have possibly triggered another public comment period. He continued by stating the participants were left with the understanding the comment was just a comment to the Commission, not an action.

Mr. Blair responded to Mr. Glenn stating his understanding was correct. He explained the TAC chairs would be pulling the modifications for individual consideration. He stated TAC comments would be heard by the Commission, the public would have the opportunity to speak on the comment and then the Commission would determine the direction it should go. He further stated the TAC recommendation remains as it was posted in July and August, which was how the two consent agendas were organized.

Mr. Harvey stated he had the same concern as Mr. Glenn and wanted to be sure the process was followed. He stated all of the emails and other information sent regarding the workshop had 11:00 a.m. as the start. He asked if the ground rules would be repeated after that time because he knew some stakeholders were still in route.

Chairman Rodriguez stated there was no anticipation of repeating the rules, but the hearing would not start until 11:00 a.m. He then stated if anyone had questions regarding the process staff would be happy to answer them. He further stated the purpose of the workshop was to ensure people had an opportunity to speak and know the rules of engagement were.

*Arlene Stewart, AZS Consulting, Inc.*

Ms. Stewart asked, relative to the comments on comments, if the affirmative second was necessary in order for the Commission to hear those comments.

Mr. Blair responded by stating the comments were just comments. He then the second was to approve the modification and the Commission would discuss it and modify it, based on what it determines as the right action, and either vote for or against it.

Ms. Stewart stated there would need to be specific action should the comment/modification come to the floor, off of the consent agenda.

Mr. Blair stated the Commission would vote for the modification, there was a second, there was no action, if it was to be amended, there would be a motion to amend the action.

Ms. Stewart asked if the amendment would be for the comment, whether it came from the TAC or from something previously submitted.

Mr. Blair stated yes if it changes the modification.

*Mike Krishner*

Mr. Krishner asked for clarification if the TAC chairs agreed to pull those items.

Mr. Blair responded stating the TAC chairs had agreed to pull the items the TAC had comments on that they want the Commission to consider.

Mr. Krishner asked at what event of the Florida Building Commission meeting did that agreement of all the TAC chairs take place.

Mr. Blair stated they met during the TAC meetings and after the comments were made, the TAC chairs offered as a courtesy to pull those items off for the Commission.

Chairman Rodriguez stated he believed the confusion was the TAC chairs did not meet. He explained each TAC chair discussed the items with their committee and decided some would be pulled off.

Mr. Krishner asked for clarification that the TAC chairs decided independently.

Mr. Blair stated that was correct.

**Break**

Mr. Blair stated anyone who would like a modification pulled from the consent should make the request and it would be pulled. He emphasized every one requested to be pulled would be pulled. He then stated once the four standing motions were in place and the process approved

Mr. Richmond stated he wanted to address some of the concerns mentioned before the break. He continued by stating he believed there had been some procedural concerns discussed at intervals throughout the process. He then stated the key feature was regardless of the process before the December Commission meeting everyone was going to get a full and fair opportunity to address the Commission on every aspect and every change they desire. He stated staff had already discussed the need for improvements for the next cycle. He then stated this was the third update on a triennial basis and it felt like a moving target with different requirements imposed every year. He further stated the thing to focus on would be the discussion before the Commission with the various comments from public, staff or commissioners and move forward with the decision which would best serve the state of Florida.

Chairman Rodriguez stated a motion was necessary for the approval of the adoption the Commission's Code modification review process for the 2010 Code Update as presented.

Commissioner Greiner moved approval of the motion as stated.

Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Chairman Rodriguez stated there were a series of motions necessary. He further stated he would walk the Commission through the motions, but explained a commissioner should make the motions.

*1<sup>st</sup> Motion*

Chairman Rodriguez stated a motion was necessary to approve the consent agenda(s) of the modifications that did not receive public comments as recommended by the Technical Advisory Committee's (TAC's), and amended by the FBC, based on the following findings:

- A. The amendment has a reasonable and substantial connection to the health, safety, and welfare of the general public
- B. The amendment does not degrade the effectiveness of the Code and either strengthens or improves the Code or provides for innovation or new technology by allowing equivalent or better products, methods, or systems of construction
- C. The Amendment does not discriminate against products, methods, or systems of construction of demonstrated capabilities

- D. The Amendment has the following fiscal impact:
1. The fiscal impact of enforcement imposed upon local government is as indicated by TAC review.
  2. The fiscal impact of compliance imposed upon property and building owners is as indicated by TAC review.
  3. The fiscal impact of compliance imposed upon industry is as indicated by TAC review.
  4. The fiscal impact of compliance imposed upon small business is as indicated by TAC review (no impact or as specified by the TAC).
- E. The Amendment's benefits noted with regard to fiscal impact and efficacy outweigh the costs imposed.
- F. The Amendment addresses a Florida-specific need.
- G. The Amendment does not diminish requirements related to wind resistance or prevention of water intrusion contained in the Code or its referenced standards and criteria.

Commissioner Greiner moved approval of the motion as stated.  
Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

*2<sup>nd</sup> Motion*

Chairman Rodriguez stated a motion was necessary to approve of the consent agenda(s) of the modifications that received public comment(s) as recommended by the Technical Advisory Committee's (TAC's), and amended by the FBC, based on the findings (A – G above).

Commissioner Greiner moved approval of the motion as stated.  
Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

*3<sup>rd</sup> Motion*

Chairman Rodriguez stated a motion was necessary to approve each amendment pulled from the consent agendas of TAC recommendations for individual consideration, based on the findings (A – G above).

Commissioner Greiner moved approval of the motion as stated.  
Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

*4<sup>th</sup> Motion*

Chairman Rodriguez stated a motion was necessary to approve staff's recommendations regarding correlation issues and integration of Florida Specific amendments for the 2010 Code Update.

Commissioner Greiner moved approval of the motion as stated. Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair stated in terms of organization staff requested individuals who have modifications requested to be removed from the consent agendas to first give the numbers. He then stated staff would organize the list of numbers to show which consent agenda the modifications belong on and which TAC. He further stated this will prevent duplication, backtracking, etc.

Commissioner Stone asked after the coordination was completed could the list be read for everyone to verify.

Mr. Blair responded yes.

Mr. Madani stated if the individuals know which tracking chart the modification would be pulled from please state that information as well when stating the modification number. He then stated it would help staff in the process.

### **Public**

Mr. Glenn stated from the Code Administration TAC, no comments, 3877.

*George ???, ?? Steel?*

**Mr. ???** stated from the Roofing TAC, with comments, 3814 R1, 3799 R1, and R4402.10.17.1

Mr. Blair stated he did not know the number R4402.10.17.1.

**Mr. ???** stated it was the residential number of the HVHZ

Mr. Blair stated R4402.10.17.1 was not a modification number.

**Mr. ???** stated it was the modification number.

Mr. Madani stated it was modification number 4402.

*Eric Stafford, Institute for Business Home Safety*

Mr. Stafford stated from the Roofing TAC, with comments 4217 and 4228.

*Jamie Gascon, Miami-Dade County*

Mr. Gascon stated from the Structural TAC, with comments 4246.



*Doug Oliver, Cook? Portable Warehouse*

Mr. Oliver stated the Fire TAC, with comments 3662.

*David Levin, Casey Key and Manasota Key Associations*

Mr. Levin stated from the Special Occupancy TAC, with comments 4203.

Ms. Stewart stated from the Energy TAC, with comments 4463.

*Deb Lawson, Florida Roof Deck Association*

Ms. Lawson stated the Roofing TAC, with comments 4437.

**Commission TACs**

Mr. Madani suggested for the TAC chairs Mr. Blair should read the list and if anyone wanted to add to it they could.

*Code Administration TAC*

Commissioner Gonzalez stated 3871.

Commissioner Schock stated with comments 3577 3615, and 4381; and with no comments 4383, 4380, 4387, 4390, 4388, and 3877.

*Electrical TAC*

Commissioner Turner stated 4391.

*Roofing TAC*

Commissioner Schulte stated 4437 and 3532

Commissioner Schock stated with comments 4217 and 4228

*Fire TAC*

Commissioner Goodloe stated 4087.

*Mecahnical TAC*

Commissioner Palacios stated 4036.

*Plumbing TAC*

Commissioner Vann stated 4339

Commissioner Gregory stated 4381.

Commissioner Schock stated 4391.

*Special Occupancy TAC*

Commissioner Hamrick stated 4156, 4238, 3473, 4172, 3924, 4287, 4186, 4375, 4266, 3476, 3519, 3902, 3520, and 3530.

Commissioner Gross stated 4439, 4375, 4186, 4293, and 4294.

*Energy TAC*

Commissioner Greiner stated 4077, 4072, 4320, 4080, 3892, and 4293.

Mr. Blair stated 4463 was requested by the public.

Commissioner Schock stated, with comments 4463, 3892, 4080, 3956, 3957 and 4322.

Commissioner Smith stated 4322.

*Structural TAC*

Commissioner Schock stated, with comments 3885 (A2), 3901(A1), 4036 (A1), 4468 (G1), 4146 (A3), 3873 (A2), 3667 (A3), 4448; 4204, 4205, 4206, 4207, 4208, 4209, 4214, 4215, 4218, 4219, 4220, 4222, 4223, 4224, 4225, 4226, 4227, 4230, 4231, 4065 (A5), 4285 (A1)(A2)(A3), 4198(A2)(G1), 4065 (A5), 4285 (A1)(A2)(A3), 4198(A2)(G1), 4194(G1), 4222(G1), 4229, 4448, 4033 (A1)(A3) with no comments 4177

Commissioner Stone stated 4204, 4205, 4246, 4307, 4309, 4327, 4329; 4457, and 4467.

Mr. Glenn (not audible – did not come to speaker's table)

Mr. Madani asked Mr. Glenn if he knew which agenda they were pulled from.

Mr. Glenn (not audible)

Mr. Madani stated it would be the second agenda.

Mr. Blair stated if there were comments it would be on the second agenda.

Commissioner Boyer stated Energy 3956, 3957, 4322, and 4463; Structural 4204

Commissioner Stone stated he did not need to pull 4457 and 4467 therefore they could be removed from the list.

### **Code Administration TAC**

#### *1<sup>st</sup> Consent Agenda – No Comments*

Commissioner Gregory entered a second to the motion.

Commissioner Schock asked for clarification that the votes were for the consent agenda, not the modifications that were pulled.

Mr. Blair stated that was correct.

Vote to approve the motion was unanimous. Motion carried.

#### *2<sup>nd</sup> Consent Agenda – With Comments*

Commissioner Gregory entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Browdy asked (not audible – microphone not turned on)

Mr. Madani explained there were two ways to review the modifications that have been pulled. He stated there was the tracking chart or the detailed report. He then demonstrated how to use either of those documents during the code modification process.

Commissioner Schock asked if it would be beneficial to vote on the consent agendas for all of the TACs and then break. He stated this would give staff time to prepare the modifications for consideration.

Mr. Blair stated that would work. He then reminded the Commission the only vote initially would be the consent agendas. He stated all modifications pulled from the consent agendas would be considered and voted on individually.

### **Electrical TAC**

#### *1<sup>st</sup> Consent Agenda – No Comments*

Commissioner Schock entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

#### *2<sup>nd</sup> Consent Agenda – With Comments*

Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

### **Energy TAC**

*1<sup>st</sup> Consent Agenda – No Comments*

Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

*2<sup>nd</sup> Consent Agenda – With Comments*

Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

### **Fire TAC**

*1<sup>st</sup> Consent Agenda – No Comments*

Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

*2<sup>nd</sup> Consent Agenda – With Comments*

Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

### **Mechanical TAC**

*1<sup>st</sup> Consent Agenda – No Comments*

Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

*2<sup>nd</sup> Consent Agenda – With Comments*

Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

### **Plumbing TAC**

*1<sup>st</sup> Consent Agenda – No Comments*

Commissioner Vann entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

*2<sup>nd</sup> Consent Agenda – With Comments*

Commissioner Vann entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

**Roofing TAC**

*1<sup>st</sup> Consent Agenda – No Comments*

Commissioner Schulte entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

*2<sup>nd</sup> Consent Agenda – With Comments*

Commissioner Schulte entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

**Special Occupancy TAC**

*1<sup>st</sup> Consent Agenda – No Comments*

Commissioner Hamrick entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

*2<sup>nd</sup> Consent Agenda – With Comments*

Commissioner Hamrick entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

**Structural TAC**

*1<sup>st</sup> Consent Agenda – No Comments*

Commissioner Goodloe entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

*2<sup>nd</sup> Consent Agenda – With Comments*

Commissioner Schock entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

**Agenda of Technical Amendments**

Mr. Madani stated the amendments were in the system and could be found at the end of the charts under the section titled Local Technical Amendments. He explained the TACS had pulled the amendments and took an action on those amendments.

*Alachua County*

Mr. Blair stated the TAC reviewed and determined there was no Florida specific need. The vote of the TAC was 0-10 in favor, no affirmative recommendation.

Commissioner Greiner moved approval of the amendment. Commissioner Schock entered a second for the purpose of negative roll call. Vote to approve the amendment resulted in 0 in favor, 23 opposed, no affirmative recommendation.

*Pasco County*

Mr. Blair stated the Structural TAC reviewed the amendment and determined there was no Florida specific need. The vote of the TAC was 0-11 in favor, no affirmative recommendation.

Commissioner Stone asked if all of the amendments for Pasco County were being considered or just the first one.

Mr. Blair responded stating all of the amendments were being considered at once.

Commissioner Greiner moved approval of the amendment. Commissioner Schock entered a second for the purpose of negative roll call. Vote to approve the amendment resulted in 0 in favor, 23 opposed, no affirmative recommendation.

*Miami- Dade County*

Mr. Blair stated the Structural TAC reviewed the amendment and determined there was no Florida specific need. The vote of the TAC was 2-9 in favor, no affirmative recommendation.

Mr. Gascon stated he was speaking in favor of the amendment to at least be included in the HVHZ. He then stated it had been a technical amendment dealt with since the inception of the Code. He continued by stating January 1, 2009 required a more restrictive flow-rate on private lavatories, from 1.0 gallons per minute at 60psi to 1.5 gallons per minute. He further stated in sink faucets from 1.0 gallons per minute to 1.5 gallons per minute. He stated Miami-Dade County had been following the amendment through the local process and asked the Commission to keep it in the HVHZ this cycle.

Mr. Glenn stated he opposed the incorporation of the amendment into the Florida Building Code. He then stated there had been no word from Broward County, who would also be impacted by the HVHZ provision. He continued by stating the local

jurisdiction can re-adopt the amendment and it has every right to adopt the amendment on a local basis. He further stated he did not believe it needed to be included in the Florida Building Code as there was no demonstrated Florida need as to why water flows differently in Dade County than anywhere else.

Commissioner Gregory asked, rhetorically, what plumbing and water flow have to do with the HVHZ.

Commissioner Gregory moved approval of the amendment. Commissioner Greiner entered a second for the purpose of negative roll call. Vote to approve the amendment resulted in 1 in favor, 23 opposed, no affirmative recommendation.

*Amendments Pulled for Individual Consideration*

**Code Administration TAC**

*1<sup>st</sup> Consent Agenda – No Comments*

3877

Mr. Blair stated the TAC's recommendation was NAR.

Mr. Glenn referenced documentation submitted regarding his comments/proposal and it was available for the Commission to view on the overhead projection as he explained his proposal. He stated in the past code cycle the ICC added 5 new sections to Chapter 4: live/work units, group R1, R2 and R3, hydrogen cut-off rooms, ambulatory health care facilities and storm shutters. He then stated the document prepared by staff for use in advance of the code modification workshop to integrate the ICC changes into the Florida Building Code indicated a wish to renumber those sections starting at 438. He stated when the process began in 2001 the state regulations were incorporated into the code starting at 419. He further stated his recommendation was to renumber those sections from 419-438 in increments of 20, for the sake of discussion, and allow the 419-438 sections to be reserved for future growth of the ICC Code. He stated this was similar to what staff had done in Chapter 16. He continued by stating in the original proposal for Chapter 16, because of the sections being added in, the HVHZ had to be reformatted to the extent it moves 412 up by a number of sections to leave the new ICC Chapter 16 provisions in logical order. He restated he was asking the Commission to do the same thing relative to Chapter 4. He stated in discussions with some of the state agencies concerns were expressed regarding moving 423 to 437. He requested a further modification, if the Commission was considering approving the amendment, that the existing sections be incremented by 20 points i.e. 423 would become 443, 425 would become 445, and so on. He further stated it would make the renumbering of the existing code sections relatively easy because of the increments of 20 units. He then stated reserve the new sections after the inclusion of the ICC sections for future growth of Chapter 4. He further stated it was going to have to be done some time as the ICC Code continues to be the base code and continues to expand and the Commission

would have to face the same issue over and over with renumbering the sections at the end of the lists. He concluded by stating he requested the Commission to bite the bullet now and renumber the sections at a higher number to allow for the growth of Chapter 4.

Mr. Madani stated the formatting issue with the Code is an issue that needs to be addressed in the future. He then stated, as Mr. Glenn mentioned, ICC expanded the code and as the code sections are expanded it takes over discussion which had been used by Special Occupancy or HVHZ. He continued by stating at present the problem was not that severe because the small sections have been manageable in the existing format. He then stated with Mr. Glenn's recommendation schools, hospitals, etc all have to be renumbered. He further stated people have become acclimated to those numbers and changing them at this point could create problems. He stated, in general, he did not believe the format was the problem the way staff uses it now because there was just a minor change to the section. He then stated he did agree with Mr. Glenn in the future the formatting of the entire code should be reviewed. He continued by stating as Florida grows and as the ICC grows the Code becomes very large and should be segmented in some way to be more manageable. He concluded by stating it would be less work for staff at this point if the formatting remains unchanged.

Mr. Blair stated a second and a vote against the motion was necessary if the Commission wanted to support the TAC's recommendation. He then stated if the Commission wanted to support Mr. Glenn's modification it would vote for the motion.

Commissioner Browdy entered a second to the motion.

Mr. Glenn stated, in rebuttal to Mr. Madani's remarks, he asked the Commission, if considering approving the amendment, to make the one change of incrementing the revision numbers by 20 to minimize the amount of work staff would have to do. He further stated he believed the issue would be a problem for years and since the Commission had already done the same in a proposal for Chapter 16 of the HVHZ why not get this one out of the way at the same time.

Commissioner Hamrick stated, as a representative of state agencies, he had a concern regarding the issue. He then stated not only does it create a burden for DCA staff it would be a burden to all other state agencies who have references to the Florida Building Code particularly the sections discussed. He continued by stating those agencies would have to change their rules and with the recent overturn of legislation relative to state agencies having to take their rule to state legislators for approval or acceptance it creates an additional burden where items were not coordinated because of building code and state rules.

Commissioner Schock asked if the second included Mr. Glenn's recommendation.

Mr. Blair stated it did not, as it would require an amendment to the proposal. He reiterated if the Commission wanted to vote in favor of the proposal it would first need to



propose an amendment to change the nomenclature by 20 and then go back to the amendment as modified.

Commissioner Schock moved approval to amend the modification by increasing the numbers by increments of 20. Commissioner Boyer entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair then stated the Commission would next vote on the modification as amended.

Vote to approve the modification as amended resulted in 14 in favor, 9 opposed. No affirmative recommendation.

4383

Mr. Blair stated the TAC's recommendation was NAR.

*Doug Harvey, Building Officials Association of Florida*

Mr., Harvey stated the Building Officials Association of Florida had filed a position statement relative to the code modification and status of the Florida Building Code. He then stated in an attempt to return to the base code as much as possible create a separate Florida supplement which should be easier to manage and get in line with adoption of the code within one year with the option of the base code. He continued by asking the representatives from BOAF and the partners from AIA, FES, FHPGMI to stand and be recognized by the Commission as the group who supported the idea and the process. He urged the Commission to proceed with the its' decision from last fall on the process. He thanked the BOAF membership for attending the meeting. He further stated he did not believe BOAF requested this modification be pulled.

Commissioner Schock stated he requested to have the modification pulled.

Commissioner Schock entered a second to the motion.

Vote to approve the modification resulted in 5 in favor, 18 opposed, no affirmative recommendation.

4380

Mr. Blair stated the TAC's recommendation was NAR.

*Tom Allen, Building Officials Association of Florida*

Mr. Allen stated the proponents stand on the previous comment.

Vote to approve the modification resulted in 5 in favor, 18 opposed, no affirmative recommendation.

4390

Mr. Blair stated the TAC's recommendation was NAR.

*Tom Allen, Building Officials Association of Florida*

Mr. Allen stated the proponents stand on the previous comment.

Vote to approve the modification resulted in 5 in favor, 18 opposed, no affirmative recommendation.

4387

Mr. Blair stated the TAC's recommendation was NAR.

*Tom Allen, Building Officials Association of Florida*

Mr. Allen stated the proponents stand on the previous comment.

Vote to approve the modification resulted in 5 in favor, 18 opposed, no affirmative recommendation.

4388

Mr. Blair stated the TAC's recommendation was NAR.

*Tom Allen, Building Officials Association of Florida*

Mr. Allen stated the proponents stand on the previous comment.

Vote to approve the modification resulted in 8 in favor, 15 opposed, no affirmative recommendation.

*2<sup>nd</sup> Consent Agenda - With Comments*

3871

Mr. Blair stated the TAC voted against the modification and supported the public comment. He then stated the TAC would ask the Commission to vote in favor of the modification with the comment made during the second comment period.

Mr. Madani stated he submitted the amendment for the modification. He then stated the amendment would allow the Commission to bring what the legislature

directed to include in the Florida Building Code in HB663. He continued by stating there were five different alternate languages submitted to bring those into the code as required by the legislature.

Mr. Glenn stated he had a concern with how Mr. Madani's expressed the recommendation. He then stated the TAC may have reserved its position in a comment on a comment but it was decided during the review of the process that comments on comments were no more than comments and not a reversal of position. He continued by stating the Commission should be voting on the TAC's actions with consideration of what the TAC did on a comment, but not be voting on the comment.

Mr. Blair stated the motion was to approve the modification and if the Commission wanted to incorporate the comment, a motion to amend the comment should be made.

Mr. Glenn stated that was not what was said when Mr. Blair called for the action. He then stated he wanted the commissioners to be clear they would be voting on the August TAC meeting results, not results from a November comment. unless the motion was amended.

Mr. Blair stated he had not called for the action. He further stated he was clarifying where the motion stood. He then stated the situation was the second was to the original TAC recommendation, which was not to support the modification then there was a comment which the TAC supported. He continued by stating the Commission could choose to amend the motion by adding the comment or not. He stated there was a comment to the TAC comment to a public comment. He then stated there was a second the action which was to approve the modification as it was drafted. He further stated if a commissioner wanted to remove the comment they could make a motion to do so.

Commissioner Hamrick moved approval of the amendment to include the comment made from the 2<sup>nd</sup> TAC reading. Commissioner Gregory entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Hamrick moved approval to the modification as amended. Commissioner Gregory entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Belcher stated on that particular modification there were five separate alternate languages. He asked if they were all included in the last vote. He further stated if more than one comment will be included with a vote it should be made clear and also clear relative to where the comment was from.

Mr. Blair stated it was the one Mr. Madani had read.

Mr. Madani stated it was for comments A1-A5.

Mr. Blair stated the comment did include those five comments.

*Tom Allen, Building Officials Association of Florida*

Mr. Allen asked if the public would have an opportunity to speak when the committee has made a modification to the code change recommended by the TAC.

Mr. Blair responded stating he had asked for public comment and no one came forward.

Mr. Allen stated Mr. Blair asked for public comment up front when it was for the TACs action was and then there was a modification to the TAC's action.

Mr. Blair asked if there was a comment made shouldn't there be public comments on the actions and the comments or should there be two separate opportunities for public comments.

Mr. Allen stated if a modification was made the public should be allowed to speak. He then stated it did not mean they would speak on every comment. He further stated the opportunity was not given for the previous modification.

Mr. Blair asked Mr. Allen if he had wanted to speak on the previous modification.

Mr. Allen responded yes. He stated although the modifications proposed were attempting to bring in statutory language they deviate greatly from text and the area covered by the proposal. He further stated it was like adding on other code sections to the proposal. He continued by stating the proposal was dealing with elevators and then a number of different proposals were added which had nothing to do with the elevators or escalators being reviewed in the code modification.

Mr. Madani stated the section where the information was added was open for comments and anyone could provide comments in that section. He then stated nothing had been done outside the process. He further stated staff was trying to serve everyone by getting those into the code i.e. if they were not included into the code now they would have to wait until 2013 to get them into the code.

3577

Mr. Blair stated the TAC's recommendation was NAR.

*Dick Wilhelm, FMA, WDMA*

Mr. Wilhelm stated he proposed the modification from the Windows Walls Workgroup.

Mr. Blair asked if the modification was a consent item from the workgroup.

Mr. Wilhelm explained it was a consensus recommendation from the Window Wall Workgroup. He further stated everything else in the package passed except this modification.

*Dwight Wilkes, AHMA*

Mr. Wilkes stated he was a member of the Window Wall Workgroup and it was suggested the modification be added. He then stated he was in support of the modification.

Commissioner Schock stated he served on the Window Wall Workgroup and was in support of the modification. He continued by stating the issue was to get details on the drawings for the inspectors when in the field. He then stated the code did not give the details of how to flash windows and oftentimes in the Product Approval process that information was not required for the window approval. He concluded by stating it was sort of an architectural feature but he thought it was worthwhile to have the details on the drawings.

Mr. Blair asked Commissioner Schock if he were offering a second to the motion.

Commissioner Schock entered a second to the motion to approve the modification .Vote to approve the modification 22 in favor, 1 opposed. Motion carried. Approved as submitted.

3615

*Dwight Wilkes, AHMA*

Mr. Wilkes stated he believed this modification to be the companion of the building code and the other was from the residential code. He stated he was in support of the modification.

*Dick Wilhelm, FMA, WDMA*

Mr. Wilhelm stated support in favor of modification.

Commissioner Schock entered a second to the motion. Vote to approve the modification resulted in 23 in favor, 0 opposed. Motion carried.

4381

Mr. Blair stated it was a fuel/gas modification.

Mr. Harvey stated quite a bit of work had been done on the modification and in response to the comment that came from the TAC. He then stated Tom Allen was the

one who did the hard work on the modification. He further stated he hoped everyone was happy with the way those needs were fulfilled.

*Tom Allen, BOAF*

Mr. Allen stated basically what was put forth last year by the Commission for trying to move the Florida Code back in to a base code with a supplement. He then stated it was one of the first actions. He continued by stating he did a bid analysis on the Florida Fuel/Gas Code vs. the International Fuel/Gas Code. He further stated after the changes were taken out from the update there was a 6 page supplement of the changes. He stated there were a minor amount of changes. He then stated there was an introduction page which would go along with taking care of the administrative issues. He continued by stating it does offer direction to Chapter 1 of the Florida Building Code for administrative issues and reserves the rest of the administrative provisions. He stated there was a chart included which changes the references, anywhere in document references the International Code , the corresponding Florida edition until such time the Florida Building Code was converted to supplements. He concluded by stating he believed all of the questions which came forward from the Code Administration TAC and requested the Commission approve the modification as amended by the public comment.

Mr. Blair stated the TAC did not vote in favor of the modification. He further stated it came back with the comment and the TAC's vote was 5-2, no affirmative action.

*Joe Crum, City of Deland, Central Florida Chapter*

Mr. Crum stated he was in agreement with the modification. He then stated Mr. Allen had done a great job. He continued by stating it was a big step in the direction the Commission wanted to go, which was back to the base codes and there was nothing really Florida specific about anything in there, therefore he believed it was a good first step in getting the Commission where it wants to go.

Commissioner Greiner entered a second to the motion. He stated he believed this to be the best example of how to get back to the I Code. He continued by stating he believed some of the problems with the others had been just trying to get back to the I Code. He then stated the only for it to be done in Florida was to take the I Code and provide it as a modification showing there were no real Florida specifics involved. He further stated that has been done in the modification and he believed the Commission should approve it.

Commissioner Schock asked, in light of the action that was taken on the other codes, did he think it would be a problem having this one out there that would be the I Code from the standpoint of using the codes.

Mr. Allen responded by stating he did not believe it would be a problem. He stated he believed it would actually give a template to work from for the future. He then stated it was basically the first one in a series.

Mr. Madani offered clarification to the Commissioners relative to the outcomes of their vote on the modification. He stated if it was approved there would be a gas code which only has a supplement of a few pages and the international gas code could be obtained from the ICC, while the rest of the code was integrated. He then stated there was a possibility of confusion with having only part of the code integrated. He concluded by stating the entire code should be one system i.e. integrated or not.

Commissioner Hamrick stated the modification was one of several which were reviewed by two different TACs. He continued by stating the Code Administration's recommendation was being discussed, but the modification was also reviewed by the Plumbing TAC. He then stated his notes showed the Plumbing TAC did not support the comment by a 3-5 vote.

Commissioner Browdy stated he believed by previous action the Commission was heading towards the I Codes. He further stated at some point the Commission has to make a move and cross the threshold. He continued by stating he believed the work product which was done for integration in the gas code was the threshold event that occurred. He then stated if the Commission wanted to reaffirm the direction supporting the template of the gas code would be the way to do it. He concluded by stating he was in support of the amendment for the modification.

Commissioner Browdy moved approval of the amendment to the motion as stated. Commissioner Schock entered a second to the motion.

Commissioner Greiner stated it was important the Commission realize it voted previously to get back to the I Codes as quick as it could. He then stated it was probably the best template the Commission would see in the whole process. He continued by stating he knew BOAF did a lot of work in an attempt to get back there with a lot of the codes. He stated the modification was the best example of what the Commission was looking for and the place to make the transition.

Commissioner Carson stated he agreed with Commissioners Browdy and Greiner and believed it was the right step to take.

Commissioner Boyer stated he was also in agreement with the Commissioners and since it was the direction the Commission was trying to get to why not move forward.

Mr. Allen stated he did not introduce the Plumbing TAC comments because he thought those would be during the Plumbing TAC portion. He then stated the Plumbing TAC denied the modification in a straw poll because there were two other code proposals to put forth which were not included with this modification. He then stated he

could not include a code proposal in the supplement because it was not a code yet. He further stated BOAF was willing to work with the committee on the glitch to introduce those two small items because both of them were returned to base code language.

Vote to approve motion to approve the amendment to the modification was unanimous. Motion carried.

Vote to approve the modification was unanimous. Motion carried.

## **Electrical TAC**

### *2<sup>nd</sup> Consent Agenda – With Comments*

4391

Mr. Blair stated the TAC's recommendation was NAR.

*Doug Harvey, President , Building Officials Association of Florida*

Mr. Harvey stated the document was stated that the document was not in print, the document was not available, and the document should not be considered because of that. He then stated the document was in print and he had provided copies between the ICC and BOAF and copies to DCA for distribution. He stated he hoped everyone had received their copies but if anyone had not he would be happy to get one to them. He further stated he had several hard copies sitting in his office. In addition, as with all documents, the TAC brought up the fact it could not be adopted because it was already going through a code change. He clarified they had not asked for an adoption, but an appendix to be done from the first edition which was available in print. He stated he believed all documents go through a code process as ICC just completed the base codes and was now moving into the next code change. He then stated if the Commission followed that kind of thinking that would mean no modification could be adopted because a code change cycle was virtually ongoing. He further stated Florida spends more time in code change cycles than any other code. He continued by stating that was the response to those comments. He then stated there was no more he could add to it and would be happy to answer any questions.

*Jo Crum, City of Deland*

Mr. Crum stated this was a document in print and was available. He then stated as a local jurisdiction they would like to adopt something like this as an appendix that can be adopted. He explained it had already been reviewed by the code body and it was integrated with the codes therefore there were no conflicts with the code. He encouraged the Commission to the modification in as an appendix so the appendix could be adopted by local jurisdictions.

*Dwight Wilkes, AHMA*



Mr. Wilkes stated he was and had been a member of BOAF for years. He then stated he applauded what BOAF was trying to do with the modification. He further stated a green energy code was needed; however the code was a work in progress and had been for the last couple of years. He continued by stating the public could review it and the next round of comments must be submitted by January 3, 2011. He stated on the website and review the IGCC, the ICC states the code was due for publication in March 2012 along with the rest of the codes. He then stated he knew, having sat on some AHMA code cycle committee conference calls, there were a lot of issues with the edition that was available to the public because it was not finalized.

Mr. Richmond stated he agreed and was concerned regarding the modification's nature as a draft, not that it was not available in print. He then stated if the modification was adopted, by reference the Commission would have to go back to the exact original draft for as long as the code would be in effect. He further stated he did not anticipate the parent organization would maintain the public comment version anywhere beyond the adoption of the first official version in concert with the first edition of the model codes. He concluded by stating in the past the way the way the Commission had handled draft documents it should not be moved into the code at this point.

Commissioner Stone entered a second to the motion. He stated there was a big demand for green regulations in Florida, as elsewhere in the country. He further stated as he understood there were several jurisdictions who have adopted in their plans or LDR's a reference to a non-consensus standard for green building. He then stated he had not seen any local amendments because they were in the plans and he did not believe they realized they may be in conflict with the Florida Building Code by doing so. He stated a private property owner can engage in green building anytime they want but could a local government within the state of Florida enforce a green building standard that has not been approved by the August body. He then stated he did not believe it could. He continued by stating it was a draft and if the Commission approved it today it would be the draft referenced in the modification. He further stated when the glitch modification cycle came up it could be approved and updated otherwise the Commission would have to wait 3 years for the opportunity to get a green building standard. He stated he did not believe it could be obtained during the interim of years. He asked if it was not done now could the Commission state the need for green building and adopt it in the annual update cycle either next year or the year after.

Mr. Richmond stated there were differences between updating and annual amendments and the glitch cycle. He then stated conceivably if the Commission wanted to entertain it as an annual amendment it could but the Commission had been moving away from annual amendments in favor of the glitch cycle. He continued by stating under the current workplan and current paradigm it would probably not be adopted until 2013.

Commissioner Stone stated it should be noted although this was a draft it includes two referenced ANCI documents for green building. He continued by stating

one was developed originally by the National Association of Homebuilders for the green homes and the other was ASHRAE's 189.1. He further stated the documents were referenced and have to be included in the draft. He stated the way he looked at it although it was not ready for "prime time" if it was not adopted and updated in the future when the standard was approved there would be no opportunity to do so. He then stated he knew some jurisdictions were already using non-standard, non-consensus standard, or non-ANCI green building standards already and he believed it was a problem.

Commissioner Smith stated he agreed with Commissioner Stone. He then stated he believed it was a step in the right direction and something the Commission should at least consider adopting at this point. He further stated, as a representative of green building, if it was not adopted at present there would be nothing for an entire cycle.

Commissioner Carson asked if any TAC had reviewed the document entirely to date.

Mr. Blair stated the TACs did not have affirmative recommendation from their perspective as it was not ready therefore he was not sure if they had reviewed it or not.

Mr. Madani stated the document had been on the system for six months or so. He then stated he believed they had reviewed it but did not vote it favorably.

Commissioner Turner stated, as the chair of the Electrical TAC, the concern was it was not an approved standard and the TAC did not want to install an approved standard in the code.

Commissioner Hamrick stated the document had been reviewed by the Plumbing, Electrical, Fire, Mechanical, Code Administration, and Energy TACs. He then stated none of the TACs had supported it. He further stated the closest was the Mechanical TAC with a vote of 1-9 and the rest of the TACs voted unanimously to not support the change.

Commissioner Nicholson stated he agreed with legal counsel and the other comments. He then stated when it was before the TAC it was a draft document he had the opinion why should he review the document as a draft and it should not be voted on until it was final. He reiterated he agreed with the attorney and did not think it should be considered by the Commission at present. He further stated if all of the TACs were against it why the Commission would vote against its TACs.

Mr. Richmond stated if getting into the substance of the draft there was an additional concern with the actual substance of the standard as being in excess of what the Commission's jurisdiction was. He further stated it was something that really crossed the lines and has impeded the Commission's ability to adopt green building standards. He explained a lot of the issues were community design and zoning issues which were well beyond the Commission's jurisdiction. He stated the Commission

governs the construction of buildings not the placement in relation with one another or sidewalks or transportation systems. He then stated other things that clearly interrelate with green building concepts and to that extent there were substantive concerns with the standards as well.

Mr. Blair stated the rule was the public has the opportunity to speak if there was substantively different. He then stated once a motion was on the floor the discussion should be restricted to the Commission.

Mr. Crum stated he did understand the process. He then stated he did not believe, based on some of the comments, that some people did not understand this was not a draft. He explained it was a first edition of a standard. He then stated it kept going back to the draft and the problem was a draft could not be adopted as appendix. He further stated the document was not a draft, but a first edition in the code change process to go back to changes as any other code would.

Chairman Rodriguez asked when the document would be amended next, if any.

Mr. Crum stated it was currently in the next code change cycle, which would be 2012.

Chairman Rodriguez asked if the first edition was likely to stand until 2012.

Mr. Crum stated that was correct.

Commissioner Stone asked if the Commission, since it was in the middle of a code change cycle, could make a decision that they will consider it when the standard becomes a standard or when the code becomes a code simply stating it would probably be next year there would be that interim of consideration.

Mr. Crum stated it was a standard there was no waiting for it to become one.

Commissioner Stone asked if the Commission could make the decision at this point to consider this next year in annual update cycle.

Chairman Rodriguez responded stating Mr. Richmond had indicated the Commission was moving away from annual code cycle in favor of glitches. He stated the correct process would be if it was a standard and the Commission favored it there would be an amendment at present and then in 2012 if it changes, because it was a referenced document it was possible to amend.

Commissioner Stone stated he was looking for a compromise to resolving the issue.

Commissioner Schock stated he was not sure if it was a viable option or not but, it has been discussed with the ADA code a delayed implementation date, i.e. it was approved to take affect at a date in the future for it to go into effect.

Chairman Rodriguez asked why the Commission would do that and what the advantage would be in doing so.

Mr. Blair reminded the Commission there was also an issue with the content of the document.

Mr. Richmond stated all the Commission could approve was what currently existed.

Commissioner Gregory asked for clarification of the motion.

Mr. Blair stated the motion was for approval of the modification which included the appendix XX. He explained if the Commission wanted to vote in favor of the proponents the vote should be for the motion and if they were in favor of the TAC's recommendation the vote should be against the motion.

Vote to approve the modification resulted in 8 opposed, 15 in favor. No affirmative recommendation.

Vote to approve

## **Energy TAC**

*2<sup>nd</sup> Consent Agenda with Comments*

*4077*

Mr. Blair stated the TAC approved as modified. He then stated there was a comment submitted by the proponent and the TAC supported comment A2 unanimously.

*Jennifer Hatfield, Florida Swimming Pool & Spa Association*

Ms. Hatfield stated the FSPSA encouraged the Commission's support of the TAC's straw poll to adopt the amendment and the modification.

Commissioner Greiner entered a second to the motion.

Commissioner Greiner moved approval of the amendment, comment A2, to the modification. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Vote to approve the modification as amended was unanimous. Motion carried.

4322

Mr. Blair stated the modification was approved. He then stated a series of comments were submitted but the TAC's straw polls were not in favor of those comments.

*Joe Eysle, Tactical Energy Solutions, representing Florida Natural Gas Association*

Mr. Eysle stated they did not support part two of the modification which called for an internal modification of the Energy statutes as recognized by the energy code compliance software energy gauge. He then stated they opposed part two of the modification for several reasons. He continued by stating the first being although it states there was an internal modification it does not provide any specificity of how the internal modification will occur or the unattended consequences of reducing the contributory affects of water heaters have toward the state compliance. He further stated they believed the reduction of contributory effect of water heaters for performance based compliance would result in an additional burden for builders to make up that different with heating and cooling systems. He stated, additionally, they believe there may be a federal provision issue involved. He then stated perhaps the best way to clarify the concern would be through a petition of declaratory statement, which they would file in accordance with the filing rules. He continued by stating in the 1987 National Appliance Conservation Act there was a federal provision which essentially states federal procedures trump state procedures and in the federal procedure, more specifically Title 10 Energy, Appendix E, sub part B, 430 there were specific federal procedures which call for the daily water drop profile that should be used and the number was 64.3 where the study that was used has the rationale for the modification used 54.1. He stated those were the major reasons they posed the modification. He further stated if the modification was adopted into the Florida Building Code there would be a discrepancy between how the FBC and the Florida Public Service Commission apply methodologies to determining energy efficiency of water heaters. He then stated essentially one would demand side management under the management of PSC and the other for Energy Code compliance. He further stated they believed that discrepancy was a major issue. He stated the impact to water heaters based on the proposal was substantial and it was not just for gas. He then stated if the results of the study were never attached as part of the modification, thus never reviewed by the TAC, it would be evident across the board, excluding solar water heaters, that there was a substantial decrease in energy efficiency for the energy factor associated with the water heaters. He continued by stating, in rebuttal of public comment that cited Title 24 as precedent for moving forward with the proposal. He then stated there were some major differences between California's Title 24 and the modification, specifically in California Title 24 it describes how the internal modification will be conducted whereas the proposed modification only states an internal modification will be conducted.

Commissioner Stone asked, for clarification, if he was referring to comment G2.

Mr. Eysle stated his remarks were a summary of all of the comments made from G1-G8 and G9 was a rebuttal from their scientist.

*Rob Vieira, Florida Solar Energy Center*

Mr. Vieira stated the numbers were in the report, which was based on results from a yearlong study. He then stated those results had been available and the TACs had access to them and the proponents had read the report. He further stated the numbers were spelled out in the report in terms of the change. He stated the “draw profile” they used was a DOE profile on an ASHRAE profile and those were accepted for all profiles and more accepted for residences. He continued by stating the one used for testing the equipment was more of a steady state test still using those EF numbers, just giving it the best science can offer to provide a true accurate energy use of the device.

Mr. Blair stated it helps the Commission understand, in Mr. Vieira’s case, he was speaking in favor of the modification and none of the comments. He then asked if everyone could offer that information it would help the Commission understand where they were coming from when making its decision.

*Joe Belcher,*

Mr. Belcher stated after hearing Commissioner Stone’s question. He then stated there were two kinds of comments, G’s or A’s. He explained G comments were general which could be approved or disapproved and A comments would be modifications and when discussing alternate language there needs to be clarification on which comment number was being discussed to allow the Commission the ability to follow the proposals more easily.

*Jack Glenn, Florida Homebuilders Association*

Mr. Glenn stated he had a concern with incorporating a California standard into the code, a standard that they had neither control over nor how the standard was developed and written. He then stated Title 24 was not a federal standard but a state of California standard.

Mr. Vieira stated there was no mention of a California standard being incorporated into the code.

*Scott Wright, Chesapeake Utilities, State Certified Energy Rater*

Mr. Wright stated he was speaking as an energy rater. He then stated his concern was no matter what type of water heater a builder uses they will lose a minimum of 5% efficiency on meeting the energy code requirements. He further stated

an electric tank water heater, when doing the code compliance software would lose 5%, a gas tank will lose 12%, which he stated concerned him greatly. He stated he believed an unnecessary burden was being placed on the builders with the modification and asked the Commission to give it careful consideration.

*Doug Harvey, BOAF*

Mr. Harvey stated they would ask the Commission to overturn the action of the Energy TAC and deny the second part of the modification. He then stated the reduced energy factor was based on the FSEC study which appeared to be inappropriate at present. He further stated BOAF recommended using DOE test methods to determine the energy factor as to the values

Commissioner Greiner entered a second to the motion. He then stated he entered the second because the TAC looked at the modification carefully, listened to the comments and determined to approve as submitted was the appropriate action.

Commissioner Schulte asked what the votes were from the first and second TAC meetings.

Mr. Blair stated he did not have the results from the first meeting. He then stated the straw polls resulted in 0-11, 4-7, 4-7 and were largely against the comment.

Commissioner Hamrick stated the vote results from the first meeting was 11-0, against the modification.

Vote to approve the TAC's recommendation, to approve the modification as submitted, resulted in 20 in favor, 3 opposed. Motion carried.

4072

Mr. Blair stated the TAC approved the modification as submitted. He then stated there was a comment, A1, which the TAC supported.

*Jennifer Hatfield, Florida Swimming Pool & Spa Association*

Ms. Hatfield requested the Commission support the TAC's recommendation and also support comment A1.

Commissioner Greiner entered a second to the motion.

Commissioner Greiner moved approval of the comment A1. He then stated for the same reason as the last modification done for Ms. Hatfield the comment as to provide additional information for clarification. He further stated it as exactly what the TAC intended.

Commissioner Schulte entered a second to the motion.

Vote to approve the amendment, the comment A1 was unanimous. Motion carried.

Vote to approve the modification as modified, the addition of comment A1, was unanimous. Motion carried.

3956

Mr. Blair stated the TAC's recommendation was NAR. He further stated the TAC did not support comment A1 by a vote of 0-11.

*Eric Lacey, Chairman, Responsible Energy Codes Alliance*

Mr. Lacey stated he was not the one who requested the modification to be pulled. He then stated he submitted the proposal for the modification. He further stated if anyone had any questions relative to the proposal he would be happy to answer them. He explained the basic concept of the proposal was an alternative prescriptive option or alternative to the original proposed in the draft to allow a little more flexibility for builders. He stated, as the draft stood, if the builder wanted to build with the ducts outside the conditioned space he would automatically have to do that in the performance space. He then stated if the builder wanted to, for zoning reasons, use anything other than highly reflective tile on a roof they would immediately be forced into the performance path. He further stated several prescriptive options were considered and he believed the best was alternative language 4. He continued by stating the Energy TAC's recommendations were considered, revised the proposal and came up with a package which did the following: keeps the 20% glazing area cap on windows, put the solar heat gain coefficient down to .25, put a 3% cap on skylights (which was not in the original proposal), but allows them to go up to .30 if they remain consistent with the current draft, gives homebuilders two options 1) locate all duct handlers inside conditioned space or 2) meet a higher roof reflectance level and to inflate any ducts to outside conditioned space to an R6. He stated the concept allowed an option for builders who for some reason cannot meet the roof reflectance or ducts inside conditioned space requirements. He concluded by stating he believed the proposal was an energy saving equivalent option.

*Doug Harvey, BOAF*

Mr. Harvey encouraged the Commission to overturn the recommendation of the Energy TAC and approve the modification with the alternate 4 language, as proposed by Mr. Lacey. He stated Mr. Lacey was on the right track and BOAF endorsed his comments.

*Mike Fischer, Keller Company, representing the Roof Coating Manufacturers and Asphalt Roofing Manufacturers' Association*



Mr. Fischer stated the associations believed it was important for builders to have the option on Insulation where there were unvented attics to be able to work within the prescriptive table to look for alternatives, whether it was adding more insulation or leaving the reflective requirements in place. He stated they were in support of the proposal.

*Jack Glenn, President, Florida Homebuilders Association*

Mr. Glenn stated he was in support of overturning the TAC's no affirmative recommendation with a vote to approve the modification with alternate 4.

Commissioner Stone entered a second to the motion.

Commissioner Schulte asked if there was a straw poll on the amendment A4 to the modification from the TAC.

Mr. Blair stated the results of the straw poll were 0 in favor-11 against.

Vote to approve the amendment of A4 to the modification resulted in 8 in favor, 11 opposed. No affirmative recommendation.

Vote to approve the original modification resulted in 0 in favor, 19 opposed. No affirmative recommendation.

*3957*

Mr. Blair stated the TAC's recommendation was NAR.

*Eric Lacey, Chairman, Responsible Energy Codes Alliance*

Mr. Lacey stated the modification was not a companion to 3956. He then stated all the proposal does was lowers the allowable amount of solar heat gain in the windows to .25 rather than .30 as it was in the draft. He further stated it also carves out an exception for skylights at a .30 shgc. He stated as he understood it the Commission as trying to keep the code as consistent as possible with the IECC while moving toward the 20% improvement over the 2004 code. He continued by stating Q5SHG requirement was adopted in the 2012 IECC in the published edition for all of the climate zones which apply to Florida and it also includes the carve out for the skylight efficiency. He stated if there was a need to look ahead into the future for additional energy savings this was being adopted into the 2012 IECC and it would be adopted by states who were adopting that standard.

Mr. Blair stated the original vote was NAR on comment A3.

*Doug Harvey, BOAF*

Mr. Harvey urged the Commission to overturn the TAC's recommendation and adopt the modification with alternate 3 language for the reasons stated by Mr. Lacey.

*Dick Wilhelm, FMA, WDMA*

Mr. Wilhelm stated he was in support of the comments previously made.

Commissioner Stone entered a second to the motion.

Commissioner Stone moved approval of comment A3. Commissioner Nicholson entered a second to the motion.

Commissioner Greiner stated the TAC, along with the workgroup puts a lot of effort into the process. He then stated it concerned him when an attempt to write the code, especially from the Commission floor. He further stated the TAC's were listened to frequently because they listen to a lot of information, does a lot of review and puts a lot work into the items. He stated he would be against changing the TACs' recommendations.

Vote to approve the comment A2 resulted in 7 in favor, 13 opposed. No affirmative action.

Vote to approve the motion resulted in 2 in favor, 18 opposed. No affirmative recommendation.

4320

Mr. Blair stated the TAC did not support the original modification but did support comment G7 by a straw poll.

*Amanda Hickman, Intercode, Inc.*

Ms. Hickman stated she wanted to point out the ICC Technical Committee in Baltimore approved the deletion of the section. She then quoted from their reason statement: "The provision given in this section is artificial constraints on design flexibility, trade-offs are limited." She continued by stating by definition trade-offs are energy neutral and she believed that was why the TAC supported the modification comment A1.

*Eric Lacey, Chairman, Responsible Energy Codes Alliance*

Mr. Lacey stated he wanted to provide a little background information on what RECA does. He further stated RECA had urged the adoption of the IECC in all 50 states and to a certain extent RECA was also involved often at the National I Codes process to a certain extent. He then stated he wanted to correct something Ms.

Hickman had stated. He stated the committee had moved to delete the modification but the building officials overwhelmingly supported keeping the window caps in the 2012 IECC. He continued by stating the window caps were also in 2004, 2006, 2009, and 2012, every version since 2004. He stated every single state that has adopted the 2009 IECC had also adopted the fenestration maximums. He further stated they were very straight forward cap on the amount of tradeoffs that can be done on fenestration, not a very onerous cap, .50 was a very weighted average, i.e. windows need to .50 shgc or less which was not a lot of forward control but it was some. He stated it as to protect against completely trading away all of the solar gain on windows. He further stated solar gain was something that was important not just for energy use, but for peak energy use. He continued by referencing another comment Ms. Hickman made and stated relative to energy neutral. He then stated not all BTU's were created equally. He further stated heat energy costs a lot more to generate and transfer. He urged the Commission to keep it in the code. He stated the provision was already in the draft Florida Building Code as it was also in the 2009 IECC. He explained the proposal would remove it from the code. He further stated the Energy TAC's action as NAR and he encouraged the Commission to support that action, i.e. reject proposal 4320 to keep the window caps in the code.

*Jeff Banks?, Windows and Doors Manufacturers' Association*

Mr. Banks? stated he strongly echoed Mr. Lacey's comments. He then stated the association members who manufacture fenestration products feel very strongly relative to the importance of having the caps in place in the building code in order for the provisions and intent of the code to be effectively met. He further stated removing the caps would undermine the intent of the code and does not provide any type of artificial restraints and designs. He concluded by stating they were necessary and appropriate for the code and the association encouraged the Commission to uphold the TAC's original decision to not approve the modification.

*Mike Fischer, Keller Company*

Mr. Fischer stated unlimited trade-off caps was like going to the beach and putting SPF100 on half of your body and no sunscreen on the other half. He then stated when unlimited tradeoff was allowed where theoretically a single pane window product could be used when it was warm outside people will adjust their behavior and lower the thermostat to increase air conditioning to offset the comfort issues they are dealing with. He further stated that not only affects the energy consumption in that home but the peak demand. He stated he would strongly urge the Commission to maintain the language in the base code and reject the proposal.

*Arlene Stewart, AZS Consulting, Inc.*

Ms. Stewart stated even within the Florida Energy Code there was a precedent for performance caps on particular measures the Commission had decided were very important. She then stated, for example, nothing less than R-19 in knee walls because it

was really important. She continued by stating one of the requirements the Commission had legislatively was taking the weather into consideration and radiant heat was very important. She further stated she believed it would also have some impact later on with other proposals. She stated it was very important to keep the radiant heat out of the building outlook and the .5 cap does allow enough legal room for design application. She then stated she would encourage the Commission to support the August TAC recommendation of NAR.

*Tom Larson, Southern Alliance for Clean Energy*

Mr. Larson stated the provision had been in the I Code. He then stated he believed it should be kept in the Florida Building Code. He then stated as the Commission moves into the future to the next code iterations it needed to keep advancing and should not let this be a backward step.

*Tom Allen, speaking for himself*

Mr. Allen stated he supported the August TAC meeting decision.

Commissioner Greiner entered a second to the motion.

Commissioner Greiner stated comment G7 was necessary to create flexibility in the performance section of the code.

Commissioner Greiner moved approval of comment G7. Commissioner Schulte entered a second to the motion.

Commissioner Stone asked for clarification if the motion was for the modification.

Commissioner Greiner stated G7 and its comments were reviewed by the TAC and determined it would be beneficial.

Mr. Blair stated if the Commission wanted to vote in favor of G7 they would vote against the original modification.

Commissioner Stone asked if G7 would not approve the original modification.

Mr. Blair stated that was correct.

Commissioner Greiner stated G7 was required to create flexibility within the performance standard.

Chaleckistated G7 would reverse the TAC's position on the original modification. She further stated it was not an amendment, but more of a statement that the modification was wrong and that the Commission should support the original.

Mr. Madani stated the original modification was to remove 402.5. He then stated the TAC's recommendation was NAR and if the Commission voted in favor of the TAC's recommendation they would vote the modification down. He continued by stating if the Commission voted in favor of G7 it would be in support of approving the modification as submitted.

Commissioner Greiner stated Mr. Madani's comments were correct.

Mr. Blair stated the comment G7 was basically saying the TAC recommends the Commission go with the modification.

Commissioner Greiner stated with respect to the original vote the TAC felt they had voted incorrectly and needed to go back and change it. He then stated the motion would be to approve as submitted.

Mr. Blair stated the TAC's vote on G7 was 9 in favor and 2 opposed.

Commissioner Gregory asked if the Commission voted to support G7 did that mean Section 402.5 stayed in the code or came out.

Mr. Blair responded stating the section would be removed from the code.

Commissioner Gregory asked if this was the will of the TAC.

Mr. Blair responded yes.

Vote to approve the modification as submitted resulted in 17 in favor, 4 opposed. Motion carried.

*Dick Wilhelm, FMA, WDMA*

Mr. Wilhelm stated he was confused on the action on the previous mod. He asked if the caps were in or out of the code.

Chairman Rodriguez stated the caps were out.

Mr. Wilhelm asked regardless of the amount of public comment the modification was out.

Mr. Blair responded yes.

Mr. Wilhelm asked if there would be another opportunity avail itself again before June.

*Eric Lacey, Chairman, Responsible Energy Codes Alliance*

Mr. Lacey stated as he understood it the standing motion should've been the Energy TAC's decision from August.

Mr. Blair stated that was not correct. He then stated the first standing motion was to approve the consent agenda with the TAC's recommendation. He continued by stating all of those modifications pulled from the consent agendas had the second standing motion, which was to approve the modification. He further stated the Commission either supports the TAC's recommendation, which may or may not be in favor of the modification, or the motions are taken, then back to the modification as amended.

Mr. Lacey stated he asked because he understood the standing motion was going to be what the Energy TAC voted at the August meeting and to overcome the recommendation a 75% favorable vote would be required.

Mr. Blair stated what Mr. Lacey described was the standing motion for the consent agenda. He then stated all of the modifications pulled from the consent agenda which was motion number 3, approve each amendment pulled from the consent agenda of the TAC based on the findings. He further stated the rules of the Commission precluded them from voting against the modification. He continued by stating there could be no motion to deny, therefore there was a motion to approve. He stated the consent agendas recommendations, i.e. whatever the TAC recommended, for each modification were individually considered and the presumption was to approve the modification. He then explained when the Commission reviewed the modification and the TAC's recommendation was not in favor of the modification a negative roll call occurred. He concluded by explaining if the modification had not been pulled off the consent agenda the standing motion rule number on it would have applied.

Mr. Lacey asked for clarification that the act of pulling the modification from the consent agenda if a Commissioner wanted to discuss it further changed the presumption from 75% rule to a majority.

Mr. Richmond stated there was no presumption. He then stated the only thing the law required was any change to the code must be supported by 75%. He further stated if the Commission wanted to change the code it had to be supported by a 75% vote of the Commissioners.

4080

Mr. Blair stated the TAC's recommendation was NAR. He then stated there was a comment, G5, which the TAC supported.

*Eric Lacey, Chairman, Responsible Energy Codes Alliance*

Mr. Lacey stated the IECC basically has compliance options: 1) a prescriptive path, the simplest but most restrictive, 2) a total UA path, which allows some trading-up

of among component groups but not between equipment and envelope, and 3) performance path, which was more complex and complete, but also more complex in the builders than some builders like. He then stated the current draft of the Florida Building Code includes the total UA path, consistent with the IECC. He continued by stating the path was useful for builders and was use nationwide. He further stated it was the compliance option for the Department of Energy's ResCheck program was based on. He stated in some states builders use the path near 80-90%. He then stated it was very popular and leads to very good compliance rates because it was much easier for code officials to check a compliance report and was much easier for builders to understand because it was a simple program to use online. He continued by stating the proposal would delete the whole UA path, meaning the builders would be forced to choose either the restricted prescriptive path, which would require a certain roof reflectance level, all the duct inside conditioned space, etc or if there was any deviation then the complete performance path would be necessary. He stated he believed not every builder likes to go that far. He encouraged the Commission to keep the UA option in the code for the sake of either compliance and for the sake of energy efficiency. He then stated there was a comment submitted which referenced one house and what appeared to be a significantly large blazing area which showed some variety or variance in the energy efficiency level of the home was depending on what the efficiency level of the fenestration. He further stated the prescriptive, UA or performance paths will never be exactly the same because they use completely different baselines. He continued by stating the total UA does not allow going to far because it does not incorporate equipment trade-offs. He then urged the Commission to reject proposal 4080 and keep the total UA option in the code.

*Doug Harvey, BOAF*

Mr. Harvey stated BOAF supported the August TAC action and hoped the Commission would, as well.

*Jeff ???, door manufacturers*

Mr. ?? stated he supported the previous comments. He then stated an alternative had been proven and used nationwide without any problem. He continued by stating it seemed it would be reconsidered based on the public comment submitted, which was a very limited example, and the worst case scenario. He then stated he did not believe any additional information had been submitted which would justify the original TAC's action to disapprove the proposal and encouraged the Commission to support the action.

*Arlene Stewart, AZS Consulting*

Ms. Stewart stated she concurred with the previous comments.

*Paul Coats, American Wood Council*

Mr. Coats stated he agreed with the previous comments. He then stated the council had looked at the information very carefully and could not determine what mechanism there was which made it different in Florida than in other places.

*Jack Glenn, President, Florida Homebuilders Association*

Mr. Glenn stated, in keeping with the legislative mandate to look at the IECC as the base document for the Florida Energy Code, he did not see where there had ever been any submittal made to show there was a unique or specific condition which would warrant eliminating one option.

*Mike Fisher, Keller Company*

Mr. Fisher stated, in view of the action taken on the previous modification, he believed the UA option was needed more than ever. He then stated there were going to be a lot of issues trying to comply toward performing products and if the option were not available it would force the builder to a more difficult path. He further stated he believed it would make it harder to verify compliance with the code. He concluded by stating the code should be kept clean and streamlined with options available, therefore the modification should not be supported.

*Mike Nau, PGT Industries*

Mr. Nau stated the UA deals with the envelope of the building and even through energy gauge software it shows, even with studies FSEC has done, the numbers have been inconsistent when trading-off. He then stated the savings in heat could not be proven. He further stated in one of the studies FSEC did they could not obtain a prescriptive path through closing out the envelope. He stated the envelope was not the only item in Florida. He further stated energy efficiency could not be achieved through the envelope. He then stated there was no doubt in his mind people in other parts of the country use the UA method. He stated in Florida and energy efficient system could be made using the entire system. He further stated the entire system had to be looked at using the performance path or a really good prescriptive path because the UA method was not going to work.

*Tom Larson?, Southern Alliance for Clean Energy*

Mr. Larson asked the Commission to vote in opposition of the proposal. He further asked the Commission to reconsider the last modification because based on the public comment that decision was a bad idea.

*Rob Vieira, Florida Solar Energy Center*

Mr. Vieira stated, for informational purposes, in September 2009 the Energy Code Workgroup indicated the Energy Code should require compliance meet equivalent energy standard regardless of the compliance method. He then stated the UA



alternative, for whatever reason in Florida does not do so, as shown in the comments. He stated in August the vote of the TAC was 8-3 in favor of removing the UA method. He continued by stating at the October/November meeting the Energy TAC voted 9-2 in favor of removing the UA. He stated a lot of people were present to support the removal of the UA option because it would create a big loophole in the efficiency of the code. He asked the Commission to eliminate the UA method.

Ms. Stewart stated, in response to Mr. Vieira's comments, she was an energy efficiency consultant working with builders on applying the above and beyond code. She then stated it was not a matter of not having the ability to comply, but to comply with the performance.

*Michael Fischer, Keller Company, PolyIso Manufacturers Association*

Mr. Fischer stated if looking at insulation products, probably the most widely available, **????** permits and yet he was against the proposal to take it out. He then stated he was against the proposal. He continued by stating to say the proposal was for people who were trying slide less energy efficient products through the marketplace when he was testifying for alternatives because they are better for energy efficiency as a whole, despite the fact his clients would be better off if he did not take that position, was absurd. He further stated the Commission should not accept that as an argument.

Mr. Blair stated for clarification the TAC's recommendation was not to support the proposal. He then stated at the last TAC meeting the committee made a comment indicating comment G5 addressed its concerns.

Commissioner Stone asked if a second, for voting purposes, would be to approve the deletion.

Mr. Blair stated the second would be to approve the original modification as submitted, which would mean leaving the draft as is.

Commissioner Stone asked to vote against the modification would mean to vote against the deletion.

Mr. Blair stated a second would approve the modification as originally submitted, which was the deletion. He then stated if the Commission wanted to support the TAC's original recommendation the vote would be against the modification. He continued by stating if the Commission supported the TAC's comment the vote would be in favor of the modification.

Commissioner Stone entered a second to the motion. He stated he was one of the 3 against the proposal. He further stated the reason he was against the proposal was he had sat through long IECC code hearings in Palm Springs where all of the issues were addressed and the one thing that was repeated, although each of the

different methods would give a little different result, was that overall compliance would be improved by utilizing the total UA alternative.

Mr. Blair stated if the Commission approved modification 4280 it would be against the TACs recommendation.

Commissioner ? asked if he wanted to keep the UA method in the code which way would he vote.

Mr. Blair stated if the UA method was to stay in the code the Commission would vote against the original modification.

Mr. Blair clarified the motion stating it was to approve the modification 4080 as submitted, which would be against the TAC's original recommendation.

Commissioner Smith asked if it would be a negative roll call.

Mr. Blair stated if the Commission wanted to support the original TAC recommendation it would be through a negative roll call.

Commissioner Schulte asked if it would help to make a motion to accept comment G5 and then a vote to accept the amended modification.

Mr. Blair replied stating a motion to approve G5 would eliminate the method.

Commissioner Schulte stated he thought it would be a positive roll call if there was a motion on G5 and it was accepted and then on the modification as amended.

Mr. Blair stated the Commission's previous action on a different modification was a vote to approve the comment and then a vote to approve the modification as amended. He then stated the net result was to approve the original proposal, but it did not conform to the TAC's original modification as submitted by the proponent. He further stated the TAC said it did not support the modification originally but then the comment addressed the TAC's concern.

Commissioner Greiner moved approval to accept comment G5. Commissioner Schulte entered a second to the motion.

Commissioner Greiner stated the reason behind the loophole was because it was not equivalent.

Vote to approve the motion to approve comment G5 resulted in 16 in favor, 6 opposed. Motion failed.

Vote to approve the original modification resulted in 13 in favor, 9 opposed. No affirmative recommendation.

Mr. Madani asked since the modifications were pulled off the consent agenda, the Commission should go back to the original modification to decide whether to approve as submitted or as amended instead of going back to the TAC's recommendation. He stated the TAC's recommendation was not being confirmed or unconfirmed.

Mr. Blair stated once the modification was pulled from the consent agenda the vote was to approve the original modification. He then stated it was then either approved or amended based on comments.

3892

Mr. Blair stated the TAC's original recommendation was NAR. He then stated there was a series of comments submitted and the TAC supported the comments.

*Danny ??, FRACA, Air Conditioning Association*

Mr. ?? stated his company wrote the comments on the basis the proposed code language, as it stands, requires a mandatory duct test to leak-free standards for all new construction. He then stated the proposal goes beyond the IECC requirements, which have a mandatory duct test, but provides higher leakage rates allowable. He further stated the IECC requirements also allow two different methods of compliance with a duct test at the end of the job or at the rough stage which was more simple with all of the ducts exposed and readily accessible if there was a leak to be repaired. He continued by stating the modification 3892 takes out the mandatory duct test and puts it back in the code under the performance method. He then stated it was a voluntary method, one of the variables being traded off in the performance method. He further stated it was kept mandatory in the prescriptive method but voluntary in the performance method. He stated he believed in the next code cycle there would be more time to go the route of having every house duct tested and come up with a more reasonable leakage rate somewhere between the 3cfm per 100 square feet the code mandates to something in between the IECC 8cfm and energy star which is 6cfm.

*Arlene Stewart, AZS Consultants*

Ms. Stewart stated because the issue was sticky she wanted to give the Commission some overview of what was happening. She then stated there were two proposals on duct testing in August and the TAC action for both was NAR. She further stated the other was 4463 with A1 comment, which restores the IECC language. She continued by stating the interesting thing about this was the Code correlation work group kept the mandatory testing which was in IECC but picked up what had previously been a credit in Florida and made it mandatory. She then stated it was like going 0-120mph with no stop in between. She further stated in August the TAC upheld that because the questions on 4463 and 3892 on the test method and that was part of the issue. She stated it has been said a compromise was a provision no one was

completely happy with but no one was completely sad with and that was 4463. She then stated she brought it up because an affirmative vote on 3892 effectively nullifies any chance to consider 4463. She continued by stating in 4463 it affords the AFRAC industry a worst case option for duct testing while preserving the credit necessary. She further stated for consumers it ensures they can rely on a minimum duct leakage. She stated currently the duct leakage in the Energy Code for the performance, which is 90%, is varied in a calculation. She then stated if the 90% performance compliance was based on assuring whatever code compliance form turned in is actually built. She continued by stating if loopholes were being discussed this was a huge one because not only do you not know what the leakage should be, what the computer program calculates but you also do not have to test at all. She stated benefit was given if you do better than whatever the esoteric number was, but consumers were not ensured they get what was on the code compliance. She further stated it was entirely possible they had no idea how often the energy forms do not comply because those ducts were not tested. She continued by stating part of the reason testing was not mandatory to date was because there was a concern that not enough duct testers would be available and the cost. She stated, unfortunately with the slow down with housing starts, 130,000 this year compared to 200,000 the previous year. She further stated currently the capacity of raters to do duct testing was actually 2-3 times the capacity. She continued by stating in a poll conducted for the governor's office in July it was found on under 50 raters, over 150 at present, they were able to assure three bids per county for them. She concluded by stating she felt it would be extremely cost effective provision to ensure a minimum performance which they have not had the ability to test and comply with. She asked the Commission to support and authorize the August TAC action to NAR 3892 and approve comment 1 which restores the original IECC code language.

Commissioner Schock asked if there was a connection between 4463 and 3892.

Mr. Blair stated the two modifications were right next to each other. He then stated for 3892 the TAC's action was originally NAR then a comment was submitted which the Commission supported because they thought it addressed their original concerns. He continued by stating for 4463 there was NAR at the August meeting and there was a comment, G1, and other comments submitted on those but none of the comments changed the TAC's perspective.

*Jack Glenn, President, Florida Homebuilders Association*

Mr. Glenn stated he was going to ask if 3892 could be tabled until the discussion of 4463. He then stated if there was no inclination to table 3892 he was the proponent of A1 and if the Commission was in support of 3892, he would recommend it be approved amended with A1. He continued by stating the comment was based on the presentation given by Ms. Stewart.

Mr. Blair asked Mr. Glenn if he was in support of the amendment of comment A1 to the modification 3892.

Mr. Glenn stated he would rather see modification 4463 be considered first but if it was not he would ask 3892 be supported with the modification of comment A1.

Commissioner Greiner moved approval to table modification 3892. Commissioner Stone entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

#### 4463

Mr. Blair stated the TAC's original recommendation was NAR at the August meeting and there was a comment, A1, which the TAC did not support.

Mr. Glenn stated he was asking the Commission to support 4463 with comment A1.

Ms. Stewart stated the IECC language was really important because it includes a rough end test method. She then stated she believed part of the problem with the other issues being discussed was if the test method was stopped that requires the test at the end of construction there was no way to get back in to fix the ducts. She further stated she believed it was important that be incorporated. She stated the language had been bandied about the national labs and national arenas for 6 years before it was adopted and it was developed by a national laboratory as consensus language.

Mr. ??? stated when the TAC looked at the proposal one of the initial concerns was the cost in doing some of the duct testing should have a payback in energy savings for the life of the building. He further stated there was a difference between testing from 3% leakage rates to 8% from IECC. He then stated whether it was a cost effective method of saving energy he did not know since there was no study. He then stated the Legislature had mandated all of the payback measures be reviewed. He recommended it be kept in the performance method because it would keep the flexibility. He stated to have it mandatory to a high level of leakage would place the cost burden on the building industry which was not justified by any analysis he had ever seen.

Chairman Rodriguez asked if Mr. ? was in favor of the modification.

Mr. ? stated he was in favor of modification 3892 to keep the method voluntary.

Mr. Blair offered for clarification Mr. ? was speaking against 4463.

Walter Stackwoods, Conservation Plus

Mr. Stackwoods stated he was a Florida class one energy rater. He further stated he had done a number of duct tests on his part in his Citrus County. He then stated most of the air conditioning contractors he worked with had never had their ducts tested before. He continued by stating 90% of them passed but 10% failed miserably and the results were from professionals. He stated ducts were leaking and air returns

unsealed in the attics sucking hot air and insulation into the intake. He stated if it were not for the duct test the homeowners paid for, the problems would not have been known and there was a lot of lost energy there.

*Joe Belcher*

Mr. Belcher stated he was in support of modification 4463 with comment A1.

Commissioner Nicholson entered a second to the motion.

Commissioner Nicholson moved approval to add comment A1. Commissioner Stone entered a second to the motion.

Commissioner Schulte asked for the results of the vote at the TAC on the original modification.

Commissioner Greiner stated the results were 4-7.

Vote to approve comment A1 resulted in 11 in favor, 12 opposed. Motion failed.

Vote to approve the original modification resulted in 1 in favor, 22 opposed. No affirmative recommendation.

3892

Commissioner Stone moved approval to remove modification 3892 from the table. Commissioner Nicholson entered a second. Vote to approve the motion was unanimous. Motion carried.

Ms. Stewart reminded the Commission at present there was no testing path for Florida and there should be for consumer protection.

Mr. Glenn stated he believed 4463 was a better modification but if the Commission did not consider 3892 there would be no testing path at all and there is a requirement that allows for credit within the code for testing but no standard by which to test.

*Danny???*

Mr. ??? stated he wanted to make the point the proposal referred to new construction, which the building officials were responsible to inspect and they do. He then stated he was a class one rater and had inspected and tested hundreds of homes. He continued by stating the new construction average leakage rate was between 2-9%. He further stated they were not getting any real benefit because the horror stories referred to were existing homes which was a different situation. He then stated he was in favor of modification 3892.

Ms. Stewart stated Friday she had done a duct test in an above code house. She then stated the inspector had been there 30 minutes before she arrived and gave the house a CO. She further stated she was not able to depressurize the supply ducts because they were still leaky. She stated it was great south Florida may have great ducts but by no means was it statewide.

Commissioner Gonzalez stated he was trying to understand the benefit of the modification. He then stated if he understood correctly the Commission was crediting the code but if it did not approve something the credit would not be accessible. He asked if that were correct.

Commissioner Greiner stated the workgroup and the TAC determined there should be duct testing but instead of making it across the board what this does was indicate duct testing was required with the exception if the requirements of 405 of the performance method then the testing was not required.

Mr. Blair asked if the TAC supported the comments.

Commissioner Greiner stated the TAC supported comments G1 through G9.

Commissioner Greiner moved approval of comment G1 through G2.  
Commissioner Carson entered a second to the motion.

Mr. Blair stated the motion to approve comments G1 through G2 provides for the provision.

Commissioner Browdy asked if he wanted to vote against the modification and against the comments how should he vote.

Mr. Blair responded stating he should vote against the comments and then against the original modification.

Vote to approve the motion to add comments G1 through G2 resulted in 16 in favor, 6 opposed. Motion failed.

Vote to approve the original modification resulted in 16 in favor, 6 opposed. No affirmative recommendation.

Mr. Glenn stated some of the audience was getting very confused. He then stated when general comments were approved or general comments are approved as modified, when the comment contains no instruction or no code language, for those who have to explain what the next code will do is extremely difficult. He further stated he was not sure approving something based on a general comment accomplishes anything.

Mr. Blair stated the general comment supported the original modification.

Chaleckistated she was not sure but thought there was an error in the last modification. She then stated the code modification would have provided an exception that there did not have to do duct test if the performance method was used. She further stated the Commission just voted the modification NAR.

Mr. Madani stated that was the TAC recommendation.

Mr. Blair stated the Commission voted exactly the same way the TAC did.

Chaleckistated the Commission did not vote the same way.

Mr. Blair stated the Commission NAR on the modification and that was all that was done. He then stated the TAC voted NAR on the modification and the Commission voted NAR on the comment.

Chaleckiasked about the comment.

Mr. Blair stated the comment was just in support of the original modification. He then stated the Commission was aware of the purpose of the comment but it was still voted down based on public comment.

Chaleckiasked if the Commission wanted everyone to test, which was the bottom line and they did not want the exception.

Commissioner Palacios stated the comment was voted on but did not receive a 75% vote.

4293

Mr. Blair stated the TAC's recommendation was NAR. He then stated there was one comment A1 which the TAC supported.

No public comment.

Commissioner Greiner entered a second to the motion.

Commissioner Greiner moved approval of comment A1 to the modification. Commissioner Stone entered a second. Vote to approve the motion was unanimous. Motion carried.

Vote to approve the motion as amended was unanimous. Motion carried.

**Roofing TAC**



Mr. Blair stated the proponent asked for 3814, 3799 and 4402 to be pulled because of time constraints for the attorney. He then stated there was no 4402 and instead should be 3800. Mr. Blair stated a motion to reconsider the consent agenda of the Roofing TAC was necessary for the purpose pulling 3800 from the agenda.

Commissioner Stone moved approval to reconsider the consent agenda to pull 3800 from the agenda. Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Stone moved approval of the consent agenda as revised. Commissioner Gregory entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

### 3814

Mr. Blair stated the TAC recommendation was to approve the modification as modified. He then stated there was a comment that was submitted but not supported by the TAC. He further stated all three of the proponent's modifications have the same background.

*George Cruz Castillo, Florida Paint and Coating Assoc, Somay Products, Inc,  
American Coating Association  
Garth Parker, President, Somay Products, Inc.  
George Knapp, Vice President, Chief Financial Officer, Somay Products, Inc.  
Bill Murph, Marketing Consultant, Somay Products, Inc.  
American Coating Association*

Mr. Castillo asked the Commission to reject the proposed modifications. He stated he was not familiar with the code modification process but his understanding was if the Commission rejected a modification it would go back to the original proposed modifications, which he requested the Commission reject those as well. He continued by stating they were asking the Commission to take a vote that indicates it would not be doing anything at present. He then stated the three reasons they requested the rejections were: 1) There was no data or studies to support the rule, 2) There would be a huge financial impact on the industry, in particular Somay who expects to lose over one million dollars in sales per year, as a result of the new law which overturned an appeal from Governor Crist in which if there was an impact of one million dollars over a five year period or \$200,000.00 year the rule had to go the legislature for approval. He stated those pending proposals were expected to have an impact of over one million dollars per year, 3) The proposed rule is a restraint on trade which was unlawful in the state of Florida. He continued by stating during the Roofing TAC meeting in August 2010 there was no study brought forward to support the proposition that the existing status quo, which has due process, checks and balances, and an appeal process, which was the product approval process currently in place, was somehow inferior to awarding one segment of the industry unbridled discretion to who can and cannot participate in the marketplace, which was what the rule does. He stated currently to

obtain product approval statewide and in the HVHZ in Miami-Dade County. He further stated in Miami-Dade County they tested for quality and performance and it was his understanding Miami-Dade County was the gold standard in product approval. He explained they choose the independent laboratory products are sent to. He stated Somay had been manufacturing its roof coating which directly competes with similar roof coating manufactured by GAF and CertainTeed, two of the single largest shingle manufacturers in the industry. He then stated Miami-Dade County sent it out for performance and quality, if a manufacturer disagreed with its decision they could appeal that decision to the closest board or to the circuit courts. He further stated at the DCA if a product was not approved, because it was an agency action, it could be appealed to the division of administrative hearings. He stated those systems have due process, checks and balances, and an appeal process. He then stated the proposition with the language proposed was either replace the system or supplement the system and somehow was inferior to providing unbridled discretion to the industry. He further stated the application of elastomeric maintenance coating systems over existing asphalt shingles shall be in accordance with the shingle manufacturers approved installation instructions. He continued by stating there was no criteria for product approval, nothing that prevents the criteria from being changed month to month, there was nothing that prevents discrimination in the approval process and there was no appeal process. He further stated if the gold standard of approval was obtained from Miami-Dade and the same product was then submitted to GAF or CertainTeed to get their of recommendation. He stated if those manufacturers would not write the letter there would be nowhere else to go. He then stated somehow this system needed to be overlaid on top of the existing system He stated there was no study or data, simply discussion at the last TAC meeting. He further stated with the assistance of Mr. Dixon and Mr. Madani he was able to locate the TAC online and then listened to the meeting online. He continued by stating someone asked what the purpose of the rule was. He stated the answer the TAC gave them was the purpose of the rule was for county officials and roofers to know they need to get shingle manufacturer approval. He then someone else asked how would they know that. He further stated the TAC's answer was they could give a letter or get written communication from the shingle manufacturer. He stated five of the largest shingle manufacturers Atlas, GAF, CertainTeed, Owens? Corning and Tamco are all members of Florida Roofing and Sheet Metal Association, which originally proposed a statewide ban on the product. He then stated if CertainTeed wanted to give an approval but GAF did not there would be patchwork all over the place, again because there were no criteria. He further stated there was no reason for allowing the rule to go forward. He asked what could the industry do when given this power, he stated they could ban the product outright, limit it to the sale of their own products or the unofficial "pay to play". He then stated on March 31, 2010 the Florida Roofing and Sheet Metal Association proposed a statewide ban on roof coating in the state of Florida, which was R3814. He continued by stating if the industry had that language they could say no one in the state of Florida could place coating on shingles and there was nothing that could be done about it because it was in the code, the law of the land. He stated interestingly enough 7 days before the ban was proposed by the Florida Roofing and Sheet Metal Association Mark Zenal proposed the following language "*No elastomeric and/or maintenance coating system shall be applied over*

*existing asphalt shingles unless specifically approved by a shingle manufacturer.”* He then stated currently in the HVZ there was a ban on roof coating on shingles which into effect in 2004. He further stated there was no science behind it because the roof coatings from Somay actually extend the life of the products. He explained they have been scientifically proven to have breathability, survivability and environmental benefits. He stated GAF and CertainTeed both produce the same products in competition with Somay, which explained why the language appeared indicating the ban would be reversed in Miami-Dade County after 6 years so long as CertainTeed and GAF and the others give permission to use their product. He then stated what bothered him was if the rule was covered up it was a substantive change, the reversal of an existing ban. He referenced the rationale on pages 8 and 14 where it states “*add a specific code reference to place an existing HVHZ requirement in the correct code section*”. He stated the change in the HVHZ section was procedural, innocuous, benign, basically not really a significant change. He further stated the change was a reversal, a substantive change of the existing code regarding a ban which had been in place for 6 years.

Chairman Rodriguez apologized for interrupting. He then stated Mr. Castillo was arguing the merits of issues, such as rule challenges, the Commission did not normally deal with. He further stated the Commission usually dealt in the areas of the design and construction of buildings. He continued by stating if Mr. Castillo would be very clear, as he was in the beginning of his remarks when he requested a status quo on the construction and design merits it would be great. He requested Mr. Castillo stick with the facts because he had been speaking for 25 minutes and there was a lot more to cover.

Mr. Castillo stated the reason he brought it up was because there was no study which was relied on in August 2010 in order to support the proposition the existing status quo that provides checks and balances, due processes and appeals needs a system to overlap it. He then stated if he gets the gold stamp of approval from Miami-Dade County and then walked over to GAF, who had says “sorry you cannot put it on the roofs” and it could not be appealed to anyone.

Chairman Rodriguez stated Mr. Castillo had made that point.

Mr. Castillo stated they were asking the Commission to reject the language and to also reject original modification so the status quo remains in place and none of the changes occur.

*Mike Silvers, FRSA*

Mr. Silvers stated he was also the chairman of the codes committee for the FRSA. He further stated he was the chairman during the time the issue was brought forward. He then stated the proposal was included as a modification to the Florida Building Code based on the request of members who had not seen elastomeric coating over asphalt shingles cause degradation of the asphalt shingles well before their warranty had expired and it did not comply with the requirements of the manufacturer’s

warranty. He continued by stating no manufacturers were present during the meeting, strictly roofing contractors. He stated originally it was to eliminate any coatings on shingles because of the problems they had seen. He then stated after further review and some discussions at the Roofing TAC it was decided to mold the two suggested modifications, one from FRSA and one from the Department of Code Compliance with Miami-Dade. He continued by stating the same changes made in both and the language was made the same allowing shingle manufacturers to have coatings which could be put on asphalt shingles. He stated there were a couple of manufacturers who also made white coatings similar to Somay but those coatings were not made specifically for asphalt shingles nor were they recommended by the manufacturers for use on asphalt shingles. He then stated the test referred to does not take into account the long-term exposure to those coatings on existing asphalt shingles. He continued by stating it was applying the coating to brand new shingles for a test sample. He further stated the Commission should keep in mind that it was not the wind resistance, but what the coating does over a long period of time to the shingles. He then stated the manufacturers would be opposed the comments made and strongly support the changes and modifications as accepted by the TAC.

*Jamie Gascon, Miami Dade County*

Mr. Gascon stated he was in support of the TAC's recommendations which were heard extensively during the course of the August meetings. He then stated he wanted to add one point which was products such as this one have the same Miami-Dade County approval. He further stated the fact they were evaluated for the material characteristics and their performance meant typically an extensive list of limitations were included in the notices of acceptance provided which would need to be complied with in order to show code compliance. He stated those would be provisions now being added into the code as to where these products.

*Tony Del Papa, Lanko & Harris*

Mr. Del Papa stated he managed Lanko & Harris, a manufacturer of roof coatings, which were distributed throughout the state of Florida. He then stated if there were limitations with some of the roof coatings for the application for asphalt shingles why would the Commission allow GAF to be applied on shingles. He continued by stating that would provide an unfair competition and he did not feel it was the right thing to do, as there should be a level playing field for all manufacturers. He stated if GAF was allowed to have their white elastomeric roof coatings applied, which was Miami-Dade approved, he did not understand why their products were not also approved or the other manufacturers, for that matter. He asked the Commission to consider that point.

*Jim DiPietro, Broward County Board of Rules and Appeals*

Mr. DiPietro stated the board was in support of the committee's recommendation.

Mr. Castillo stated if there were studies done by the FRSA they should be brought forward and relied on at the Roofing TAC for the base of the rule. He stated there was no such documentation then.

Mr. Blair offered clarification if the Commission wanted to support the TAC's recommendation after the second there should be a motion to approve the amended language. He then stated if that vote were accepted there would be an additional vote to approve the original modification as amended. He continued by stating if the Commission did not support the TAC's recommendation it would vote in favor of the amendment but vote against the original modification.

Commissioner Schulte stated this was brought to the TAC and there was a lot of discussion regarding the issue. He then stated FRSA made their presentation. He further stated he thought it should be known the FRSA was not the only representation on the TAC level. He continued by stating, as with all TACs, there was a cross-section of all disciplines at the TACs, allowing for equal voice across. He stated it should be known the vote was 0-6 regarding the comment, i.e. no support. He then stated the manufacturers had the right to decide what products were used and their assemblies based on their warranties. He continued by stating sometimes he was not happy about having to use any particular mastic because of the price of the particular product but if the end user wanted that warranty that was what had to be done. He stated there was a lot of discussion regarding failures. He further stated there were a lot of jack-leggers who will run and tell Ms. Jones they were putting a coating on which would be the best thing she had ever had for the next 20 years and Ms. Jones was left with nothing. He then stated this was the decision the TAC made. He stated there were additional modifications which used this language in the Residential, as well, and as the FRSA said it was a melding of the two. He continued by stating they wanted the consumer to be able to have the ability to extend the life of the roof but under the auspice of the manufacturers approval of a product they know will work and if something went wrong there was a name behind it.

Commissioner Schock expressed concern there had not been any accelerated testing from a testing lab in support of the information. He stated, regarding the warranty, he did not believe it was a building code issue, but a separate side and had nothing to do with the approval of the modification.

Commissioner Tolbert stated he believed a more appropriate place for the gentlemen's comment would be in the existing building code where there would no warranty issue on existing shingles.

Commissioner Scherer stated his comments mirrored Commissioner Schock's comments relative to what type of testing had been done to support the degradation of the asphalt shingles. He further stated if some of the statements made during the TAC meetings were being relied on relative to the issue there should be some type of back-up that could be relied on and if there was not could that be accepted.

Commissioner Nicholson stated he agreed with Commissioner Schulte. He then stated if there was going to be an application over in existing products he believed the manufacturers should be offer assurance that it was applicable to go on the product. He further stated that should not be done unless there was the previous manufacturers guarantee it would not degrade the product. He stated he was in agreement with Commissioner Schulte and the Commission should vote in favor of the modification.

Commissioner Schulte moved approval of the amended language as recommended by the TAC. Commissioner Nicholson entered a second to the motion. Vote to approve the motion resulted in 18 in favor, 5 opposed. Motion carried.

Commissioner Schulte moved approval of the modification as amended. Commissioner Nicholson entered a second to the motion. Vote to approve the motion resulted in 18 in favor, 5 opposed. Motion passed.

3799

Mr. Blair stated the modification was the same case as modification 3814. He asked if anyone had additional comments to make.

Commissioner Schulte entered a second.

Mr. Castillo stated he would stand on his previous comments.

Commissioner Schulte moved approval of the amended language as recommended by the TAC. Commissioner Nicholson entered a second to the motion.

Commissioner Schock stated he would stand on previous comments.

Vote to approve the motion resulted in 18 in favor, 5 opposed. Motion passed.

Commissioner Nicholson moved approval of the modification as amended. Commissioner Schulte entered a second to the motion. Vote to approve the motion resulted in 18 in favor, 5 opposed. Motion carried.

3800

Mr. Blair stated the modification was the same case as modifications 3814 and 3799. He asked if anyone had additional comments to make.

Mr. Castillo stated he would stand on previous comments.

Commissioner Nicholson entered a second to the motion.

Commissioner Nicholson moved approval of the amended language as recommended by the TAC. Commissioner Schulte entered a second to the motion.

Commissioner Schock stated he would stand on previous comments.

Vote to approve the motion resulted in 18 in favor, 5 opposed. Motion carried.

Commissioner Nicholson moved approval of the modification as amended. Commissioner Schulte entered a second to the motion. Vote to approve the motion resulted in 18 in favor, 5 opposed. Motion carried.

Commissioner Gonzalez stated for the record Mark Zenal Was not one of his employees.

Mr. Blair stated having completed the three modifications as requested, the Commission would return to the remainder of the chart of amendments as planned.

Commissioner Gregory asked if he could correct a mistake he made in the previous vote for modification 3877.

Mr. Blair asked which TAC the modification was from.

Commissioner Gregory stated the modification was from the Code Administration TAC. He explained the modification was relative to the numbering issues, i.e. adding 20 points to each one of those sections. He further stated the modification was approved but then he realized he had voted against Mr. Glenn when his intention was to vote with.

Mr. Blair asked for clarification on modification 3877 the vote was 14-9 and he was one of the 9 opposed.

Commissioner Gregory moved approval for reconsideration of 3877

Mr. Blair stated it would change the result to 15-8, no change in the result, but it was Commissioner Gregory's choice to have the modification reconsidered.

Commissioner Gregory stated if it were not going to change the outcome of the vote there was no need to reconsider it.

## **Fire TAC**

*Consent Agenda w/Comments*

*4087*

Mr. Blair stated the TAC voted to approve as submitted. He then stated there were comments submitted and the TAC supported comment A1.

*Joe Belcher,*

Mr. Belcher stated the issue would not even be discussed if the base code had not been changed to require sprinklers in all residential construction. He then stated the base code, as read, townhouse separation was one hour, and says nothing about sprinklers because elsewhere everything had to be sprinkled. He continued by stating Mr. Collins submitted a change which would allow 2 one-hour walls or 1 two-hour wall with the exception if there were an approved sprinkler system the wall could be reduced to one hour. He then stated initially the TAC recommended NAR on Mr. Collins' change. He then stated he believed when Commissioner Schock brought the issue back up for reconsideration. He stated if that had been done there would have been a one hour separation with no sprinklers. He continued by stating he had done some modifications trying to implement what he believed to be the statutory definitions, but a definition which applies to everyone, where defining townhouse means there will be two separate, independent exterior walls or a single 2 hour wall. He then stated the question was forwarded to Mr. Richmond as to possessing Architectural Law 481 which applied to everyone. He stated Mr. Richmond's response stated it could be restricted to architects. He further stated he was not arguing whether it was interpreted that way or not nor was he there to dispute Mr. Richmond's statement. He continued by stating he did not believe the Legislature intended if an architect designed a house there would be a single two hour wall or two one hour walls, but if an engineer designed a house there would be a one hour wall, which he considers to be substandard sprinkler although it was in the code. He concluded by stating he had submitted a change to the modification which would bring the language of 481 into the code.

Mr. Blair asked for clarification for what Mr. Belcher was supporting.

Mr. Belcher stated he was speaking in favor of the TAC's comment to support comment A1. He further stated he was speaking against the TAC's recommendation and would like to have it modified.

Mr. Blair stated the TAC's recommendation was approve as submitted but there was a comment that revised it.

Mr. Belcher stated he supported the TAC's comment A1, which modified the TAC's original recommendation. He then stated this was in two places in statute. He continued by stating in Florida statute the Legislature prohibited the Commission and local jurisdictions from adopting the provision or applying that kind of provision. He stated this was the back/side door acceptance of what was done in the base codes in his opinion. He then stated in addition to the fire rating in what the current statute holds for structural independence on either side of the single two-hour wall, the base code provides an exception to that. He then stated again he did not understand the basis against the intent of the Legislature. He further stated he did not believe the Legislature intended different criteria and standards for fire separation depending on who designs then building. He concluded by encouraging the Commission to support the TAC's comment on the comment which would be A1.



*Doug Harvey, BOAF*

Mr. Harvey stated this was an unintended consequence or ramification of some of the trade-offs made in the international Residential Code when the fire sprinklers became a mandatory item. He then stated they agreed and endorsed Mr. Belcher's comments.

*Tom Allen, City of Mount Dora*

Mr. Allen stated he was on the floor, the I Code level, when the issues were brought forward. He then stated Mr. Belcher was following exactly what the code should say if the Commission was not allowed to mandate sprinklers. He further stated the whole premise of the change in the base code was because mandatory sprinklers had been put into all residential occupancies. He stated since that was not allowed, there was a need to revert back to the two hour separation. He urged the Commission to support a modified A1 comment.

Mr. Richmond stated what was contained in law is a definition and it is preceded by the explicit words "*as used in this part the following terms have the following meaning*" and then townhouse is defined and townhouse and townhouse is used in that part. He then stated regardless of what was done with the code requirements, and this may be a very sound code requirement, it was most likely not commanded by a definition within Chapter 481.

Commissioner Schock entered a second to the motion.

Commissioner Schock moved approval to consider comment A1. Commissioner Nicholson entered a second to the motion.

Commissioner Goodloe stated the original modification simply comports with A1 other than giving the option of if there was an automatic sprinkler system when there can be a reduction from the two hours to the one hour. He then stated the obvious intent of the ICC was all building were required to be equipped with sprinklers and reduced to one hour. He further stated the initial modification restores that and makes it an option. He then stated where his confusion was in A1 the option was gone and the sprinkler system was considered to be substandard.

Commissioner Schock stated he was not sure if it was technically a violation of the law but he believed it creates a situation where it could be construed as going beyond what the intent of the law was to not allow the requirement of sprinklers to be added into the code. He further stated he did not want the perception to go forward. He stated he was in support of Mr. Belcher's comments.

Commissioner Browdy stated he understood the requirement for the two hour wall but there was nothing to preclude a developer of townhouses putting a residential

sprinkler system in a townhouse structure notwithstanding the requirements of the building code. He then stated in the event he does because of the change to the modification and he wants to put the sprinkler system in could he then build the one hour wall in lieu of having a two hour rated wall if the building was sprinkled and if the modification precluded that.

Commissioner Schock responded stating it would preclude that and requires it to be a two hour wall. He stated it would still be a voluntary thing for a builder to put in a sprinkler system for some other purpose such as insurance. He further stated it would not matter if it was allowed there would just be no benefit of the one hour reduction.

*Jack Glenn, President, Florida Homebuilders Association*

Mr. Glenn offered additional clarification stating Mr. Collin's proposal referenced 2904 of the International Residential Code or the Florida Building Code Residential. He stated it was not a NFPA fire sprinkler system. He further stated if a trade-off was allowed he suggested taking his modification or his original proposal and changing the 2904 reference and changing it to NFPA 13D, which is an NFPA sprinkler system, whereas the 2904 sprinkler system regulation by ICC and may or may not be consistent with what NFPA requires and what the state fire marshal would allow a licensed sprinkler contractor to install. He asked Commissioner Goodloe if he would allow a sprinkler contractor to install a system which was not compliant with 13.

Commissioner Goodloe responded he would not.

Mr. Glenn stated if the one hour trade off was to be allowed then the 2904 reference needed to be changed to NFPA 13D.

Mr. Belcher stated referencing Commissioner Browdy's question regarding precluding the one hour wall. He then stated the basic requirement was for two walls that meet the exterior wall requirement of Section 302. He continued by stating basically two independent one hour walls running the property line together. He further stated the two hour wall was an exception to that, allowing the use of a single wall. He stated it was not precluded because if the builder wanted to use two one hour walls they could. He then stated some people had said they had not seen that done, although it was pretty common in the panhandle. He further stated, as Mr. Glenn had stated, the sprinkler system was not a NFPA 13D system and the fire marshal would not allow it to be installed.

Commissioner Tolbert stated he wanted to remind the Commission when there were three stories and three units attached there is a sprinkler requirement.

Vote to approve comment A1 was unanimous. Motion carried.

Commissioner Nicholson moved approval of the modification as amended. Commissioner Schock entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

3662

Mr. Blair stated the TAC's recommendation was NAR. He then stated there was a comment submitted and the TAC did not speak in favor of the comment.

*Doug Oliver, Cook Portable Warehouse?*

Mr. Oliver stated he was in favor of the modification proposed for several reasons, some of which have already been listed. He then stated he thought the 400 foot was pulled from legislation when they granted the exception to said manufacturers from licensing requirements. He continued by stating, along with recognizing it plays a critical part in the business and the number of sales that stand up to that size point. He further stated he did not want or expect commercial buildings to be included in that, only residential, loan and storage shed as dictated in the comments in G3. He stated over 30% of their sales relied on the 200-400sq ft, therefore it was very important for them to try to get the exception or exemption approved through the committee as they have done with product approval and windborne debris from which storage sheds had already been exempted.

Mr. Blair stated if the Commission wanted to support the TAC recommendation the vote should be against the modification. He further stated if the Commission wanted to vote against the modification it would vote for the modification. He then stated comments were submitted and although the TAC did not support the comments the Commission could include any it chose.

Commissioner Schock entered a second to the motion.

Commissioner Schock stated for clarification the main objection the TAC had was the size of the building. He further stated they may have been more menial with a smaller size building but 400 sq ft was a 20 x 20 structure.

Commissioner Goodloe stated he echoed Commissioner Schock's comments. He then stated in his younger years when he fought fires a two car garage was a good size building. He continued by stating when there was a fire in that size building the firefighters suited out to enter the building because they could not just "surround and drown" the fire and the space was hard to get out of when suited out. He further stated, as Commissioner Schock had, the main objection was the size.

Commissioner Browdy stated he was struggling with the specificity of shed. He asked was he to assume there was no sheds any other place but the state of Florida.

Commissioner Greiner stated he echoed both Commissioner Schock and Commissioner Goodloe's comments. He further stated he believed the main issue was the size of the building i.e. 400 sq ft was way too big. He then stated the TAC certainly could have agreed on something smaller and it sent that message, although it did not look like the message was received.

Mr. Richmond stated he believed the size issue was discussed with Mr. Crowley, who had other engagements and was not present. He further stated Mr. Crowley believed he could not get the votes at the Commission based on the discussions. He then stated he had discussed it with his industry and could live with a substantially smaller one but it would be subject to the Commission's discretion. He continued by stating the number Mr. Crowley had indicated was 288 sq ft, which was based on the amount of building that could be put on a flatbed truck in accordance with DOT regulations. He stated Mr. Crowley did not get into much detail because he believed it was a lost cause.

Commissioner Tolbert asked for clarification on what the Commission was voting on.

Mr. Blair stated if the Commission wanted to support the TAC's recommendation the vote would be against the modification. He further stated if the Commission was in support of the proponent's language it would vote in favor of the modification. He then stated the TAC's formal recommendation was to not support the modification. He clarified the current motion was to approve the modification as the proponent recommended it.

Vote to approve the motion resulted in 1 in favor, 22 opposed. No affirmative recommendation.

### **Mechanical TAC**

#### *Consent Agenda -with Comments*

4036

Mr. Blair stated TAC approved the modification and was also in favor of comment A1 by a vote of 10-0.

No public comment

Commissioner Gregory entered a second to the motion.

Commissioner Nicholson moved approval of comment A1. Commissioner Schock entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Greiner moved approval of the modification as amended. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Schulte asked if the standard was in Chapter 35. He stated it looked like they were adding it.

Mr. Madani responded yes.

## **Plumbing TAC**

### *Consent Agenda – with Comments*

4339

Mr. Blair stated the TAC approved the modification as modified. He then stated the TAC was in support of comment G1.

### *Jennifer Hatfield, Florida Pool & Spa Association*

Ms. Hatfield stated she would like to suggest the Commission consider a modification to A2. She further stated the issue the Plumbing TAC had was the A2 comment. She continued by stating the Plumbing TAC and the Swimming Pool subcommittee had concerns with the language in 613.1 which was why they were against the amendment. She then stated she would like to suggest the Commission take the original 613.1 but add in the exception language under 613 because the additional guidance was needed. She further stated the original language in 613 was very open-ended and vague but by adding the exceptions back to the original language in 613.1 Plumbing TAC's concerns would be addressed.

Mr. Blair asked if she was asking the Commission to approve comment A2 and then the original proposal.

Ms. Hatfield stated it would be a combination of the two because it was a modification to comment A2.

Mr. Blair asked for clarification if Ms. Hatfield was asking for an amendment to A2 and then to amend the modification with an amended A2.

Ms. Hatfield responded that was correct.

Mr. Blair asked what her amendment was to A2.

Ms. Hatfield stated the amendment to A2 would be to go back to the original language that was stricken.

Mr. Madani stated staff had requested the additional language be provided. He then stated the amendment was needed because there was nothing to work with. He further stated if the modification was tabled and then the language brought to the TAC for consideration.

Ms. Hatfield stated she would be happy to do as Mr. Madani requested but wanted him to see the language was available on the overhead. She stated take 613 through the red and put the stricken language ck in 613.1. She stated the stricken part was what she requested to be back in and take out the rest.

Mr. Madani stated if she could do that it would be appreciated. He further stated keeping up with 850 modifications at the close of the meeting. He then stated it would be good to have this at the TAC if possible.

Commissioner Gregory stated the language was there. He then stated the main problem with the Plumbing TAC was in the modified language 613.1 deals only with the suction side of the circulation system. He continued by stating the TDA to the system was controlled by both the pressure and the suction side. He stated the original language found in 613.1 was the correct language. He stated, as Ms. Hatfield indicated, under the exceptions they wanted to point it out because they did not want people to comply with this to simply going to refinish the pool.

Mr. Blair stated if that were the case and they were willing, the proper solution would be to table it and bring it back in the morning.

Ms. Hatfield stated she could bring back to the Commission in a few minutes if that was what they would like.

Commissioner Greiner moved approval to table modification 4339.

4391

Mr. Blair stated this was the same appendix issue previously voted on from Doug Harvey.

Mr. Harvey stated he was standing on previous testimony.

Commissioner Stone entered a second to the motion.

Mr. Blair stated if the Commission wanted to support the TAC's recommendation the vote would be against the motion.

Commissioner Schulte asked if the modification was already considered during the Electrical TAC section.

Mr. Blair stated yes. He further stated the previous action was not supported.

Vote to approve the motion resulted in 2 in favor, 21 opposed. No affirmative recommendation.

4381

Mr. Blair stated the TAC had recommended NAR and they did not support any of the substantive comments.

*Tom Allen, BOAF*

Mr. Allen stated the same proposal was brought before the Commission earlier and was then modified based on public comment. He continued by stating the issues the Plumbing TAC had was two code changes put through which were basically returning to the base code, which was in the spirit of what was trying to be done entirely.

Mr. Blair asked for clarification Mr. Allen was requesting the Commission approve A1 to the modification.

Mr. Allen stated yes, the same action the Commission took previously.

Commissioner Schock entered a second to the motion.

Commissioner Greiner moved approval of a previous action on the same code change which had to do with the gas. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Greiner moved approval of modification as amended. Commissioner Nicholson entered a second to the motion.

Mr. Madani stated he believed the Commission did not understand if A1 was approved there were a lot of modifications under the Plumbing TAC with A1. He then stated when A1 was approved there was kind of a conflict?? with the other modifications. He then stated this was mainly what they? were trying to do was come up with a supplement to the International Plumbing Code. He further stated the supplement being submitted does not have everything the Plumbing TAC worked on. He then stated it was different than the Gas Code

Mr. Blair asked Mr. Madani what he was recommending to the Commission.

Mr. Madani stated he was saying if the Commission wanted to do a supplement for the Code it needed to establish a policy to do so and then it can be done. He further stated approving an A1 comment which does not have everything it would leave a gap. He then stated if the Commission mainly wanted to go with a supplement staff will do

that but when A1 was approved and it does not have everything and modifications were already approved modifications separate it will confuse the matter.

Mr. Allen stated, as he had mentioned previously, the two issues from the Plumbing Code were changes that were made during this modification cycle therefore he could not have them as part of the supplement because they were not code changes yet.

Commissioner Greiner stated the issues would be handled by BOAF and the glitch cycle.

Mr. Allen responded yes. He stated both of the modifications were returning to the base code language, which was in the spirit of everything they were trying to do and they would be happy to handle it in the glitch cycle.

Mr. Madani stated something like this cannot be handled in the glitch, it was not a conflict. He further stated the modification did not have everything the Plumbing TAC worked on. He continued by stating if Mr. Allen could assure him the modification has everything he would go with that. He stated if the modification was approved as an alternate then everything approved under the Plumbing TAC was an alternate.

Mr. Blair asked if they would have to go back and redo all of the Plumbing TAC actions, all of the consent agendas of all of those modifications.

Mr. Madani stated he did not know. He then stated **????** tells him this was the supplement to the Plumbing TAC. He continued by stating a lot of modifications have been approved under the Plumbing TAC review that were not here? He stated he was not sure what was being approved at this point

Commissioner Stone stated the same issue comes up in code hearings all of the time. He then stated a general rule was if there was a specific code change overriding a general code change then it was up to staff to try and put those together the best they can. He continued by stating that was what the glitch cycle was all about and when there was a general code change such as adopting the Fuel Gas Code and other specific code changes had already been incorporated into the general changes being reviewed. He further stated whether it was ICC or NFPA it was done all the time.

Mr. Richmond stated that may be standard for the model code organizations but they were not subject to the restraints the Commission has a state agency. He then stated he believed Mr. Madani had stated what the preferable alternative would be to get the same end. He further stated the process needed to be completed and then if the Commission wanted to decide as a matter of means of publishing the code with an International Plumbing Code and a Florida Specific Supplement it could make that decision. He continued by stating with no substantive changes to the code all that would be done would be relocating the language for the means of publication. He stated he did not believe modification could be approved A) in anticipation of the staff



going in and adding the stuff back or B) the glitch process because although it was called the glitch process here was a specific statutory list of things which could be entertained through that process and if it did not fall within the list it should not be approved.

Commissioner Stone asked what happened if there was a conflict between the modification and other code changes previously approved.

Mr. Richmond stated the last one approved would apply.

Mr. Blair stated if the Commission did not want to approve the modification, although it approved the amendment, it could vote against the modification which would make it irrelevant. He then stated he did not know if this was the time to be making the policy shift or not and based on that was there a different way organize how things get done.

Commissioner Stone stated earlier the modification was adopted earlier and then some specific changes were made to the Plumbing Code.

Mr. Blair stated a different code, Fuel Gas Code, was adopted earlier. He then stated it was a little different because the Fuel Gas Code could kind of stand on alone. He further stated he was not saying this one could or could not it was just different.

Mr. Harvey stated this was the Fuel Gas Code.

Commissioner Greiner stated it was the Fuel Gas Code within the Plumbing Section.

Mr. Allen stated this was for the Fuel Gas Code only. He then stated they listened very intently at the TAC meeting and received direction from the TAC. He further stated they took direction from the TAC who did not like the idea of creating a supplement. He continued by stating they were directed to go back under the public comment period and create and submit a strikethrough underline which would show the differences for returning to us.

Mr. Blair stated this should not affect the Plumbing Code.

Mr. Allen stated the modification had no impact on the Plumbing Code.

Commissioner Greiner stated the fact there was no impact on the Plumbing Code was the reason the motion was made and the reason it was indicated that it was the same thing done when the Fuel Gas Code within the Code Administration.

Mr. Madani stated it was the same issue as with the Fuel Gas Code. He then stated he believed the Commission needed to establish a policy that it wanted the the Fuel Gas Code and the Plumbing Code as supplements it could be done, as Mr. Richmond stated, but A1 could not be approved because it would be an alternate to

everything the Commission had done under the Public Gas Code. He concluded by stating it needed to be handled as a policy and not as an increment by approving A1 then leaving everything else hanging there. He stated it had to be done the right way.

Mr. Allen stated he believed policy was established last fall when the body voted to, over the next two code cycles; return Florida to the base code and create a simple supplement. He then stated he believed the policy was initiated at that time. He further stated BOAF had worked very hard to try to follow the direction given by the Commission. He continued by stating they were trying to help out and assist in the process. He stated in order to accomplish that he believed the first step was taken and a tremendous amount of work had gone into the proposal and a template had been created which could be followed for the next set of code changes coming up. He stated there would be time to work on it, review it and perfect it. He then stated a base code that only provides for there to be only 5-6 pages that were different than the base code as a separate supplement was a good start. He continued by stating there was very little go wrong and it gives the Commission a good direction to follow for the future. He then stated BOAF was already in the proves of working on the other codes to create the supplements in order to probably bring the servers to their knees next time around by providing the commissioners with strike-through underline versions. He further stated if that was what the Commission truly wanted; BOAF would provide it to them.

Mr. Dixon stated the Commission did not direct that the code go to the base codes with a supplement. He then stated there was intent to try to eliminate Florida specific requirements that were no longer necessary and to clean up the code and there was a contract to work on that. He continued by stating the last time the Commission considered the issue it determined that it was logical to keep the integrated code approach. He stated there was a process planned starting next year to review the code system and the whole issue can be revisited. He further stated that the middle of a code amendment cycle was not the right time to make a change. He stated historically the Fuel Gas Code before the ICC was a referenced standard developed by the AGA. He then stated there was an agreement between ICC and AGA to create a document that was currently an ICC branded code. He further stated there was some precedent for that particular code to be treated in a similar manner as the NEC was.

Mr. Glenn stated on the issue of other code changes that Fuel Gas provisions within the Plumbing Code. He then stated he was the proponent of all but one of those. He further stated all of those restore the base code language i.e. there would be no impact for those changes. He continued by stating they could be approved or not approved because it had the effect of restoring the base code language in and of itself. He then stated the other single change that affected the Fuel Gas Code was submitted by Robert Trombauer?, which dealt with the Florida Gas Code. He stated he did not see any reason why an affirmative action by the Commission would not have been included in the Fuel Gas Code supplement.

Commissioner Stone moved approval of the modification as amended. Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

4339

Commissioner Carson moved approval to remove 4339 from table.

Ms. Hatfield stated the issue the Plumbing TAC had was the A2 comment. She continued by stating the Plumbing TAC and the Swimming Pool subcommittee had concerns with the language in 613.1 which was why they were against the amendment. She then stated she would like to suggest the Commission take the original 613.1 but add in the exception language under 613 because the additional guidance was needed. She further stated the original language in 613 was very open-ended and vague but by adding the exceptions back to the original language in 613.1 Plumbing TAC's concerns would be addressed.

Ms. Hatfield stated she had the Commission modify comment A2 by going back to the original language in R613.1 but adding in the exceptions from the general section of 613. She then stated the issue the Plumbing TAC had was the concern of limiting it to the suction side of the pool circulation system. She continued by stating the issue was removed. She stated she would suggest the Commission support the amendment as modified.

Mr. Allen stated he was a member of the Swimming Pool Committee. He further stated the amendment would address the issues it had with the modification.

Commissioner Greiner entered a second to the motion.

Commissioner Greiner moved approval of comment A2 as amended. Commissioner Nicholson entered a second to the motion.

Commissioner Greiner stated the reason behind the amendment was very important. He then stated as the Commission looked back on APSP7 it was very important to apply the exceptions to get away from the general aspect of APSP7.

Vote to approve the amendment to comment A2 was unanimous. Motion carried.

Commissioner Schulte moved approval of the modification as amended. Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

## **Roofing TAC**

*Consent Agenda – With Comments*

Commissioner Schock requested modifications 4217 and 4228 be tabled. He state both of the modifications had to do with ASCE7 correlation, which would be considered during the Structural TAC in depth. He then stated the modifications would be more appropriate at that time.

Commissioner Boyer entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

*4437*

Mr. Blair stated the TAC approved the modification as modified. He then stated comments G1-G8 were submitted.

Mr. Madani stated for the modification there was no affirmative recommendation. He then stated they were in support of the comments but went against their previous action.

Mr. Blair stated the TAC originally approved the modification as modified. He asked what their comments did.

Mr. Madani stated the TAC wanted to change their previous action to no affirmative recommendation. He then stated their previous action was to approve as amended. He further stated 8 comments were received but were not in support of the amendment. He continued by stating the TAC agreed with the comments and wanted to change their previous action to no affirmative recommendation.

*Katherine Cleary, Cleary Inspection Services*

Ms. Cleary stated she was the proponent of the original modification which did receive a yes vote at the August meeting. She then stated TAS 126 covers the procedures for non-destructive testing in the presence of moisture and subsequent destructive testing to confirm moisture content. She continued by stating the proposed code was meant for lightweight insulating concrete and to determine the suitability of lightweight insulating concrete deck. She stated it was mainly referring to the re-roof, recover parts of the Roofing Code. She then stated their concerns were two-fold 1) the lightweight insulating concrete may not afford sufficient withdrawal resistance to anchor a new roof system. She further stated if it were to fail there was the option to mechanically attach through the lightweight insulating concrete and straight to the deck which brings up the performance of wet lightweight insulating concrete which may undermine the performance of the new roofing system causing blisters. She continued by stating alternatively in the lightweight insulating concrete over a sealed deck the trapped moisture may accelerate the deterioration of the sealed deck due to corrosion. She stated the issue with sufficient withdrawal resistance afforded by the lightweight insulating concrete which may be addressed through fastener withdrawal tests. She

then stated the Florida Building Code presently constitutes fastener withdrawal tests were mandatory for fastening systems only in the HVHZ. She further stated the rest of the state does not require that type of test. She stated, as everyone was aware, moisture surveys can be pretty widely undertaken in the reroof recovery part of the roofing division. She then stated outside the HVHZ zone a lot of engineers, architects, and consultants do look at the moisture survey to see how much water was being held for lightweight insulating concrete and what could be done about it. She further stated moisture content may be a useful tool to gauge the suitability of lightweight insulating concrete. She continued by stating they were also aware of the contention of the different lightweight insulating concrete. She stated it was hard to set one standard that would let everyone know there were many insulating boards out there in the industry and the standard had been set at 8%. She then stated given the issues they strongly believe that lightweight insulating concrete moisture content should be an important part of the Florida Building Code especially determining the suitability of the reroof process. She continued by stating her rationale for was excessive moisture over a sealed deck will accelerate the corrosion of sealed deck. She stated the commissioners have a page which had photographs on it. She continued by stating on page one there were two photographs she took during an inspection of a sealed deck which show a board sample. She further stated the content was 38.69%. She then stated the lightweight insulating concrete had been on the deck for years and had gone bad due to corrosion. She stated the moisture survey did indicate which area. She continued by stating the next photograph taken was of a vent-a-deck which had 28.80% moisture by weight content. She then stated the roof moisture survey was done in Broward County and it was of the few bad areas in the roof deck. She further stated the fastener test did turn out alright yet it did pinpoint the moisture. She stated the building owner of the roof was a commercial building owner and he wanted to take care of his roof. She stated finding the wet moisture helped with the re-roof process and more importantly made the decision to re-roof. She continued by stating in the next picture of a deck that failed the TAS105. She stated the Commission could see in the photographs there was corrosion. She further stated the lightweight had to be torn off and replaced with sealed deck. She stated the point she was trying to make was moisture trapped in the system if it stays will cause corrosion.

Chairman Rodriguez asked Ms. Cleary if she did her presentation before the TAC

Ms. Cleary stated she did give a presentation at the Roofing TAC.

Chairman Rodriguez stated the format at the Commission was for speakers to inform the Commission if they were in support or not of the amendment or modification. He then stated if she could compress her comments. He explained there was a Roofing TAC chair on the Commission and his testimony was relied on. He continued by stating the Commission wanted her to be clear on what she was there for and why.

Ms. Cleary stated she still supports her original approved modification which was approved to strike lightweight insulating concrete from the code. She then stated she

was still trying to get the modification supported by showing more data to support there should be a moisture by weight content for lightweight insulating concrete.

Chairman Rodriguez stated the reason was what was needed, not the presentation.

Ms. Cleary stated what she was trying to set a benchmark for lightweight insulating concrete. She then stated what she was trying to say was at 25%, let there be something to guide the general public.

*Deborah Lawson, Florida Roof Deck Association*

Ms. Lawson stated the Florida Roof Deck Association represents manufacturers, applicators, and associated industries who work in the lightweight concrete industry. She then stated all who have worked with concrete know that water was an important aspect in any type of concrete.

Chairman Rodriguez asked Ms. Lawson if she was in support for the modification or against.

Ms. Lawson stated the association filed comments G1-G7 in the second comment period and the TAC supported those comments. She then stated if the Commission voted affirmatively with the TAC affirmative action on their comments it would have the affect of doing away with the proposed modification. She stated the main reason was they wanted to keep the code relating to LWIC understandable and easy to read. She further stated they believed putting a moisture content reference in there would make things very confusing.

*Dana Dodge, President of Florida Roof Deck Association, Board Director of the National Roof Deck Association*

Ms. Dodge stated he had been an applicator of lightweight insulating concrete, in the business for 40 years and the issue often comes up. He then stated lightweight insulating concrete was always getting the bad rap for poor roofing practices. He further stated if a roof leaks it does not matter is underneath it is going to stay wet long enough that whatever it was up against things could happen. He then stated it just so happens that lightweight insulating concrete was the only concrete that was poured wet, goes in wet and can dry itself out and get wet as many times as it needs and maintain the characteristics of the lightweight concrete. He further stated there were three different types of lightweight insulating concrete from two different families which they belong to. He then stated painting the whole lightweight insulating concrete industry with one brush was detrimental to the industry and if misleading information was given to owners of buildings the financial impact for those owners could be devastating.

Mr. Blair asked if Mr. Dodge was against the modification.

Mr. Dodge stated he was against the modification.

*John Seatoncliff, Cellular Concrete, LLC.*

Mr. Seatoncliff stated he was against the modification. He then stated there were reasons he was against the modification that have not been brought forward. He stated the modification calls for LWC, which was lightweight concrete and significantly different than lightweight insulating concrete. He continued by stating if lightweight concrete were addressed it was getting into a much higher strength concrete that involves structural engineer. He then stated many times lightweight concrete was put down for the diaphragm sheer value along with supporting the structure. He then stated the chemistry of Portland Cement when it gets wet is a hygroscopic material and chemically absorbs the moisture in the material. He continued by stating when there was moisture present and it not only evacuates naturally through the roof system and also becomes absorbed into cement matrix itself. He concluded by stating those were the basic points and he did not support the modification.

Mr. Blair stated the original recommendation from the TAC was to approve the modification but afterward decided to change their recommendation based on public comment.

Commissioner Nicholson entered a second to the motion.

Commissioner Schulte stated there was much discussion at the TAC level regarding this issue. He then stated he would like to keep it simple. He continued by stating he understood Ms. Cleary was trying to make sure the steel deck was suitable at the time of roof replacement i.e. that is was structurally sound. He stated the issue would be better off at a code change whereby at re-roof the substrate was inspected by an engineer, someone licensed to do the inspection. He then stated what the modification was saying was wet lightweight was bad lightweight was not true. He continued by stating it would be a large cost to a lot of homeowners if a bunch of wet lightweight had to be torn off because which became wet due to a roof leak. He then stated once the roof leak was repaired there were some systems whereby after the roof was repaired some top side ? and the deck would dry out. He further stated wet lightweight does not mean bad lightweight. He then stated the code has nail hole tests of TAS105 that makes sure the deck was suitable for re-roofing. He stated, in his opinion, the code was fine as it is. He further stated after FRSA's involvement at the second round the TAC decided and agreed and changed their decision on the modification.

Mr. Blair asked Commissioner Schulte if he was in support of the modification.

Commissioner Schulte stated he would be voting in favor of comments G1-G8.

Mr. Blair asked if the Commission voted the modification down would it get rid of the whole proposal.

Commissioner Schulte responded that was correct.

Commissioner Schock stated he was in agreement with Commissioner Schulte. He then stated he believed oftentimes code requirements were mixed. He believed this issue was more of a design professional issue. He then stated he was in favor of calling a negative roll call for this modification.

Vote to approve the motion resulted in 0 in favor, 22 opposed, no affirmative recommendation.

3532

Mr. Blair stated the TAC recommendation was NAR. He then stated the TAC supported comment A1 by an 8-0 vote.

*Jamie Gascon, Miami Dade County*

Mr. Gascon stated he was speaking in favor of the last position the TAC took in support of comment A1.

Commissioner Stone entered a second to the motion.

Commissioner Schock moved approval of A1. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Gregory moved approval of the modification as amended. Commissioner Nicholson entered a second to the motion. Vote to approve the modification as amended was unanimous. Motion carried.

### **Special Occupancy TAC**

*Consent Agenda – Without Comments*

4294

Mr. Blair stated the TAC approved as modified and there were no comments.

*Skip Gregory, Health Facility Consulting, representing the Agency for Health Code Administration*

Mr. Gregory stated there were two modifications, 4293 and 4294, which take care of hospitals and nursing homes and site locations for flood prevention during hurricanes. He continued by stating when these sections were redone they were trying to coordinate the rest of the code. He then stated unfortunately another standard was placed in there which the way it was currently written would not site additions to existing



hospitals and nursing homes at a level that was intended by the Legislature for protection of healthcare facilities. He further stated all they wanted to do was add the language, whichever requires the higher elevation which would set the elevation at either a category 3, which was already in legislation, or the local flood prevention categories. He concluded by stating the way it was written weakened the code and they were trying to language back to what it was before.

Mr. Blair asked Mr. Gregory for clarification if he did not want the Commission to adopt the modification as is.

Mr. Gregory stated they wanted to amend the modification with the language of whichever was higher elevation because it was currently an either or.

Mr. Blair asked Mr. Gregory if he wanted to have the Commission approve his amendment, approve the TAC's amendment and then the overall proposal as doubly amended.

Mr. Gregory responded yes.

Commissioner Greiner entered a second to the motion.

Commissioner Schock moved approval of A1 and the TAC's amendment. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Schock asked if the references were right.

Mr. Gregory stated the references were correct as they are shown in the code as the sections exist.

Mr. Madani stated the modification was approved as amended by the TAC with an R1 comment, i.e. there was no A1. He then stated whatever was submitted with 4294 was an amendment to the R1.

Mr. Blair stated the way he read it was the Commission was voting in favor of the TAC's amendment plus the additional language added based on Mr. Gregory's comments.

Mr. Madani stated the amended language was not labeled R1 or A1 because it just occurred.

Mr. Blair asked if the TAC amended the original modification.

Commissioner Schock asked if the language was correct that was on the screen.

Commissioner Gross responded to Commissioner Schock's question explaining the language he was looking at was to 4293 which was a companion modification.

Commissioner Schock asked if he was looking at the next modification.

Commissioner Gross asked if the Commission could consider 4293 next.

4293

Mr. Blair asked if 4293 was on the consent agenda without comments.

Mr. Gregory stated the previous modification 4294 was for nursing homes and 4293 was for hospitals. He further stated they were identical in language and both were approved at the first consent agenda.

Commissioner Hamrick stated 4293 did have a comment from the first readings and there was a modification made at the TAC meeting.

Commissioner Greiner stated the motion could state staff was to correlate 4293 with the language 4294.

Mr. Madani stated 4293 was in the Energy section.

Mr. Blair asked if 4439 was the companion modification they were looking for because it was already pulled from the consent agenda.

Commissioner Hamrick stated he was the proponent of modification 4439. He further stated he had pulled the modification from the consent agenda so he could withdraw it.

Commissioner Hamrick stated the modification that was a companion to 4294 was 4292.

Mr. Blair asked if 4292 was approved without comments.

Mr. Gregory stated he had stated 4293 in error. He then stated the two modifications he was referring to were 4294, pertaining to nursing homes, and 4292, which pertained to hospitals.

Mr. Madani stated 4292 was approved as modified. He further stated the modification did not receive any public comment.

Chairman Rodriguez stated Commissioner Greiner had the idea that the motion should state that should staff correlate 4292 with the language as 4294.

Mr. Blair stated a motion to reconsider the consent agenda was needed with the purpose of pulling 4292.

Commissioner Greiner moved approval to reconsider the consent agenda.

Commissioner Hamrick asked if 4377 could be pulled from the consent agenda, as well.

Mr. Blair stated a motion was needed to approve the revised motion of removing 4292 and 4377 from the consent agenda.

Commissioner Nicholson moved approval of the motion as stated. Commissioner Carson entered a second to the motion. Motion carried.

*4292*

Mr. Blair stated a motion was needed for approval of the TAC's modification and the comment.

Commissioner Greiner moved approval of the motion as stated. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Nicholson moved approval of the modification as amended. Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Hamrick asked if the Commission would consider 4439.

*4439*

Commissioner Hamrick withdrew the modification in favor of another modification that was previously approved.

*Consent Agenda – With Comments*

*4377*

Mr. Blair stated

*4156*

*Skip Gregory, Health Facility Consulting, representing the Agency for Health Code Administration*

Mr. Gregory stated the agencies' healthcare administration supports modification 3156 in name thin stated amendment with the A5 comment.

Commissioner Gross moved approval of the addition of comment A5. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

4238

Mr. Blair stated the TAC recommendation was to approve as modified.

Commissioner Hamrick stated he supported A3 which was nothing more than a technical change to the modification, which was simply changing an "and" to an "or" so the products being used would not have to comply with three different standards that all manufacturers would not be able to supply. He further stated the modification had to do with enhanced hurricane protection in schools and the products used for them.

Commissioner Hamrick entered a second to the motion.

Commissioner Hamrick moved approval of the comment A3. Commissioner Greiner entered a second. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair stated a motion was needed to approve the modification and the TAC's recommendation.

Mr. Bill Snyder stated he supported the modification because it did not

Commissioner Hamrick moved approval of the motion as stated, comment A3 and the TACs recommendation. Commissioner Stone entered a second. Vote to approve the motion was 20-0. Motion carried.

3473

Mr. Blair stated the TAC's recommendation was to approve as modified. He then stated there was support on the comment A6.

*Doug Melvin, DBPR*

Mr. Melvin stated he was asking for support of the straw poll for ACE3473A6 in Section 3010. He then stated the proposal removes ambiguity and duplication of code items.

*Bill Snyder, Elevator Technical Advisory Council, Vice President of National Association of Elevator Safety Authorities and ASMEA17 Code Committee*

Mr. Snyder stated he supported the modification because it preserves the integrity of the level of safety in the various codes.

*John Minor, Miami-Dade County*

Mr. Minor stated he was in support of the comments from Mr. Melvin and Mr. Snyder

Commissioner Nicholson entered a second to the motion. Vote to approve the TAC's recommendation and comment A6 was unanimous. Motion carried.

Commissioner Nicholson moved approval of the modification as amended. Commissioner Schulte entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

4172

Mr. Blair stated the TAC recommended approval as submitted. He then stated there was a comment A1 which was supported by the TAC.

*Skip Gregory, Health Facility Consulting, representing the Agency for Health Code Administration*

Mr. Gregory stated he was support of comment A1.

Commissioner Gregory entered a second to the motion.

Commissioner Gregory moved approval of comment A1. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Stone moved approval of the modification as amended. Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

3924

Mr. Blair stated the TAC recommendation was to approve as submitted. He then stated there was TAC support for comment A3.

*Skip Gregory, Health Facility Consulting, representing the Agency for Health Code Administration*

Mr. Gregory stated he supported A3.

Commissioner Nicholson entered a second to the motion.

Commissioner Carson moved approval of comment A3. Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Nicholson moved approval of the modification as amended. Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

4377

Mr. Blair stated the TAC recommended approve as submitted. He then stated there was no TAC support for the comments submitted.

*Bill Snyder, Elevator Technical Advisory Council, Vice President of National Association of Elevator Safety Authorities and ASMEA17 Code Committee*

Mr. Snyder stated he adamantly opposed the modification due to the level of degradation it would provide to elevator safety in the state. He continued by stating the IBC currently has occupation and evacuation elevator section in it and a fire service access section in it. He then stated one of the critical components was that a sump pump be provided in the sump of elevators that are provided with firefighter service. He continued by stating the purpose of that based on the Emergency Operation Subcommittee of A17.1 was to maintain the operation capability of the elevator for as long as possible to safely evacuate disabled, elderly or injured people from the building. He further stated moving the sump pump requirement degrades that to the point someone will lose their life. He stated ASME recently sponsored a major symposium in Orlando to bring all of the parties together to understand the importance and why the code wrote a specific requirement on it stating that. He then stated the modification, justification, and the text kind of buries the real reason there. He continued by stating in the state of Florida having a sump pump in some elevators was probably a very good thing because it would prevent a lot of damage to elevators. He concluded by stating if the Commission adopted the proposed modification and the requirement of sump pumps in elevators firefighter service was eliminated the intent of the safety code would be significantly undermined, and ultimately cause the loss of a life.

*John Minor, Miami-Dade County*

Mr. Minor stated the proposed modification only applied to new construction and does not apply to existing buildings therefore the cost factor could not be a factor. He then stated in Miami-Dade County the proposed modification had been enforced for a year and a half and have had very little problems in the review process when plans go through. He further stated the modification would make the code uniform. He stated there were problems with water in elevator pits? He then stated there was finally a uniform code and it should be stuck to.

*Doug Melvin, DBPR*

Mr. Melvin stated the DBPR did not support the proposed modification. He then stated he agreed with Mr. Snyder's comments.

Commissioner Carson entered a second to the motion.

Commissioner Hamrick stated the Special Occupancy TAC debated the issue with a lot of discussion. He then stated he stood on the outcome was and that was to support the amendment.

Vote to approve the modification resulted in 5 in favor, 16 opposed. No affirmative recommendation.

4203

Mr. Blair stated the TAC recommended approve as submitted. He then stated there were comments but they did not receive support from the TAC.

*David Levin, Casey Key Association, Manasota Key Association*

Mr. Levin stated the association was made up of about 500 "mom and pop" homeowners who would be adversely affected by the modification being proposed. He continued by stating the proposed language that modifies the exception as underlying phrase in the exemption substantially modifies what the legislative intent and the plain language of the statutory provision that the Commission was required to adopt, pursuant to section 16.105.3 Florida Statutes. He stated the proposed modification applied solely to structures that were located seaward of an adopted coastal construction control line. He continued by stating he had clients whose homes were located beyond the coastal construction control line, but were FEMA compliant. He stated the FEMA Substantial Improvement Requirement, the 50% Rule, would not apply to the modification, maintenance, or repair of existing structures pursuant to state statute. He then stated the modification would limit activities that were seaward of the coastal construction control line that were not contemplated by the Florida Legislature. He stated clearly the Commission has the authority to adopt rules to implement the state coastal control lines statutes, but those rules and authority do not include modifying the exemption the Legislature has provided. He further stated the modification was billed as correcting a formatting error. He stated he submitted to the Commission a formatting error does not include a substantial limitation of the black and white letter of the statute which was what the amendment proposed.

Mr. Glenn stated the Building Commission in the last four years has deliberated 2 declaratory statements regarding the issue. He continued by stating there was lengthy discussion in the TAC regarding what the language in the code meant. He then stated in his mind he understood there to be some confusion involved when formatting the code. He further stated he submitted the change in an effort to clarify the reformatting

of the section to be what he believed the code required in the declaratory statement. He made the presentation to the Special Occupancy TAC and they agreed it corrected the formatting area. He asked the Commission to support the TAC recommendation.

*Doug Harvey, BOAF*

Mr. Harvey stated BOAF agreed with Mr. Glenn's assessment and supported the TAC's recommendation.

Mr. Levin stated to the extent the highlighted bottom paragraph was a reformatting of what was contained in the paragraph regarding swimming pools; he stated they had no objection to that because it was clearly just reformatting. He then stated, however, he would challenge the proponent of the modification to show anywhere in Chapter 161.053 which was the sole statutory provision as it relates to coastal construction control line permitting. He further stated it was beyond reason to suggest inserting the concept "substantial improvement" where none exist.

Mr. Richmond stated the issue had been before the TAC a few time and even once at the Commission. He then stated it always comes down to modification, maintenance and repair and what those entail. He continued by stating the question had always been raised in the context of essentially eliminating the existing building and building something substantially larger on the same foundation. He stated it was the belief of the Commission it was not something consistent with the terms, modification, maintenance or repair as used in the building code. He then stated the juxtapose against some additional language within the code that talks to reconstruction as being different than those three things. He continued by stating the difficulty had been the historical interpretation of DEP. He stated a former TAC member, Gene Chalecki from DEP, spoke to the Commission on a few occasions and basically came to the conclusion that the activities identified were within and consistent with DEP's interpretation. He then stated it had been argued before the Commission it needed to stay with DEP's interpretation until and unless engaging in further rulemaking, which was essentially what the Commission was currently doing. He stated the Commission was engaged in rulemaking to bring this language moved into the code, pursuant to legislative direction, into a state of consistency with other language in the code and reflective of the Commission's systemic approach.

Mr. Blair asked if the Commission was currently within its ability??

Mr. Richmond stated ultimately that would be left up to the Commission to decide. He then stated he believed the argument could be made. He further stated the rule would go back to the Legislature to decide whether it was an invalid exercise in delegated legislative authority and the chips will fall where they may.

Commissioner Browdy asked whether a proposed change in language effectively create a limitation on construction seaward of the CCL.



Mr. Richmond responded he believed it effectively does.

Commissioner Browdy asked if Mr. Levin's

Mr. Richmond stated he believed it did because what it does was overrides the DEP interpretation and application of some language that predated its inclusion in the Florida Building Code.

Commissioner Browdy stated it apparently affected the homeowners who wanted to rebuild on their own foundation seaward of the CCL.

Commissioner Greiner entered a second to the motion.

Commissioner Nicholson stated substantial improvement had been discussed numerous times to stop this kind of stuff and he did not know why it would change direction at this point. He further stated the Commission had put a lot of effort into preventing people from haphazardly build, violate the codes and cost the insurance industry millions of dollars on buildings that should not have been built.

Mr. Blair clarified Commissioner Nicholson was in favor of the modification.

Commissioner Nicholson stated he was in favor of the modification.

Mr. Glenn stated he was the proponent of the modification as an individual it was not the position of the Florida Homebuilders Association. He asked the record to show he submitted the modification in an effort to correct some formatting and eliminate some confusion but it was done as an individual

Vote to approve the motion resulted in 19 in favor, 2 opposed. Motion carried.

4287

Mr. Blair stated the TAC recommendation was NAR. He then stated there were comments G1 and G2 which the TAC supported.

*Skip Gregory, Health Facility Consulting, representing the Agency for Health Code Administration*

Mr. Gregory stated support of the TAC's recommendation and the comment G2.

Commissioner Nicholson entered a second to the motion.

Commissioner Greiner moved approval of comments G1 and G2.

Commissioner Schock asked what the TAC's recommendation was for G1 and G2.

Mr. Blair responded stating the TAC was in support of the comments.

Commissioner Schulte stated he saw a G1 listed but did not see a G1 comment. He asked if he missed something.

Mr. Gregory stated G1 was just to add those two sections back into 4186. He then stated it was more of a directional comment.

Vote to approve the comments G1 and G2 was unanimous. Motion carried.

Commissioner Greiner moved approval of the modification as amended. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

4186

Mr. Blair stated the TAC did not support the modification originally. He then stated the TAC supported comment A2.

*Skip Gregory, Health Facility Consulting, representing the Agency for Health Code Administration*

Mr. Gregory stated comment A2 was the revision and the TAC did support A2. He then stated as they were putting on the final comments together there was one additional modification that needed to make to 4186. He explained it was to simply delete one paragraph and add a previously adopted modification (4289) back into the modification 4186 then they would support A2.

Mr. Blair stated the motion for A2 would be as amended.

Mr. Glenn asked why 4289 had to be put back in the code at this point if it were already an approved modification.

Mr. Gregory stated 4186 had a paragraph which was not that paragraph. He then stated the other paragraph would be deleted and the language in 4289 inserted.

Mr. Glenn stated he understood what was being asked. He then stated there was no reason to amend the modification were approved earlier in the morning.

Mr. Gregory stated he would just delete the one paragraph, 419.317, which was the one 4289 was going to replace.

Commissioner Nicholson entered a second to the motion.

Commissioner Schock moved approval of A2 with the additional amendment. Commissioner Stone entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Carson moved approval of the modification as amended. Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

4375

Mr. Blair stated the TAC recommendation was NAR. He then stated there was TAC support for Comment A3.

*Skip Gregory, Health Facility Consulting, representing the Agency for Health Code Administration*

Mr. Gregory stated they were in support of the comment A3. He then stated there were two paragraphs which needed to be modified by deleting paragraph 421.361 and 421.312.1.

Commissioner Nicholson entered a second to the motion.

Commissioner Nicholson moved approval of A3 as amended. Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Schock moved approval of the modification as amended. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

**RECESS**

**MEETING  
OF THE  
FLORIDA BUILDING COMMISSION**

**PLENARY SESSION MINUTES  
DECEMBER 8, 2010**

**PENDING APPROVAL**

The second day of the meeting of the Florida Building Commission was called to order by Chairman Raul Rodriguez at 8:32a.m., Wednesday, December 8, 2010 at the Crowne Plaza Hotel, Melbourne, Florida.

**COMMISSIONERS PRESENT:**

Raul L. Rodriguez, AIA, Chairman  
Richard S. Browdy, Vice-Chairman  
Jeffrey Gross  
Jeff Stone  
James E. Goodloe  
James R. Schock  
Herminio F. Gonzalez  
Robert G. Boyer  
Hamid R. Bahadori  
Drew M. Smith  
Christopher P. Schulte  
Mark C. Turner  
Randall J. Vann  
Scott Mollan  
Jonathon D. Hamrick  
Kenneth L. Gregory  
Joseph "Ed" Carson  
Raphael R. Palacios

Nicholas W. Nicholson  
Dale T. Greiner  
John J. Scherer  
John "Tim" Tolbert

**COMMISSIONERS ABSENT:**

Angel "Kiko" Franco  
Anthony M. Grippa  
Donald A. Dawkins

**OTHERS PRESENT:**

Rick Dixon, FBC Executive Director  
Ila Jones, DCA Prog. Administrator  
Jim Richmond, DCA Legal Advisor  
Jeff Blair, FCRC Consensus Solutions  
Mo Madani, Technical Svcs. Manager  
Leslie Anderson-Adams, Access  
Council Legal Counsel

## **Special Occupancy TAC (continued)**

**Note: Audio was not available for the items in red, action is as follows:**

4266

Commissioner xxxx entered a second to the motion.

Commissioner xxxx moved approval of comment A1 comment. Vote to approve the motion was unanimous. Motion carried.

3476

Commissioner Goodloe entered a second to the motion.

Vote to approve the modification resulted in 0 in favor, 22 opposed.

3519

Mr. Blair stated the TAC recommendation was NAR. He stated the TAC felt the comment addressed its concerns, therefore supported the comment.

*Doug Melvin, DBPR*

Mr. Melvin stated he supported the modification as it was voted on in the straw poll of the second TAC meeting.

*Bill Snyder, Elevator Technical Advisory Council, Vice President of National Association of Elevator Safety Authorities and ASMEA17 Code Committee*

Mr. Snyder stated he supported the modification exactly the way Mr. Melvin stated.

*John Minor, Miami-Dade County*

Mr. Minor stated he supported Mr. Melvin's comments and the modification.

Commissioner Hamrick entered a second to the motion.

Commissioner Hamrick moved approval of comment A3. Commissioner Nicholson entered second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Greiner moved approval of comment A3. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

3902

Mr. Blair stated the TAC did not originally support the modification. He then stated the TAC did support comment A1.

Commissioner Nicholson entered a second to the motion.

Commissioner Hamrick moved approval of comment A1. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Nicholson moved approval of the modification as amended. Commissioner Gregory entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

3520

Mr. Blair stated the TAC recommendation was NAR. He then stated the TAC supported comment A1.

*Doug Melvin, DBPR*

Mr. Melvin stated he supported comment A1 as recommended the straw poll at the second TAC meeting.

*Bill Snyder, Elevator Technical Advisory Council, Vice President of National Association of Elevator Safety Authorities and ASMEA17 Code Committee*

Mr. Snyder stated he supported the position exactly as stated.

*John Minor, Miami-Dade County*

Mr. Minor stated he supported the state's position.

Commissioner Nicholson entered a second to the motion.

Commissioner Hamrick moved approval of comment A1. Commissioner Gregory entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Nicholson moved approval of the modification as amended by the Commission. Commissioner Hamrick entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

3530

Mr. Blair stated the TAC recommendation was NAR. He then stated the TAC supported comment A3.

Commissioner Nicholson entered a second to the motion.

Commissioner Hamrick moved approval of comment A3. Commissioner Gregory entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Gregory moved approval of the modification as amended by the Commission. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

### **Structural TAC**

#### *Consent Agenda – Without Comments*

4448

Mr. Blair stated the TAC recommendation was NAR.

*Jack Glenn, President, Florida Homebuilders Association*

Mr. Glenn stated the modification that would strike language added back in the original 2001 code which allowed the interchange of hardware on doors that have been tested. He then stated there would be a tremendous financial impact if the section were removed from the code it is a Florida specific amendment which had lasted for three cycles. He urged the Commissioners to support the recommendation for 'no affirmative action' to allow the section to stay in the code because of the fiscal impact.

*Doug Harvey, BOAF*

Mr. Harvey stated he agreed with Mr. Glenn's comments.

Commissioner Nicholson entered a second to the motion.

Mr. Blair clarified if the Commission wanted to approve the TAC's recommendation it should conduct a negative roll call.

Vote to approve the modification resulted in 19 in favor, 2 opposed. No affirmative recommendation.

*Consent - With Comments*

Commissioner Schock suggested the Commission consider modifications 4214, 4222, and 4230 together. He explained the three modifications affected many of the subsequent modifications and correlations. He then stated if those were disposed of he believed the others could be disposed of rather quickly.

*4214*

Mr. Blair stated the TAC approved the modification as modified. He then stated there were no comments.

*Eric Stafford, IBHS*

Mr. Stafford stated the proposal represents sort of a base proposal for updating the code to the AFC7 2010 edition. He then stated there had been a lot of discussion regarding the technical changes. He continued by stating he wanted to discuss the key changes, one being how the wind speeds were represented on the maps. He further stated it was a much more accurate way to present the speeds. He stated the windspeed maps currently in use have been around since 1998, adopted by Florida in 2001. He stated the changes that have occurred over the last 10-12 years were incorporated into the new ASC7 standard. He further stated though the point was often questioned, the new standards were adopted by ICC in Dallas in May 2010. He continued by stating another key change was Exposure B was coming back, brought by the ASC7 for coastal areas. He stated another positive change was the reformat of the ASC7 which would be more user friendly.

*Tom Allen, BOAF*

Mr. Allen stated BOAF was requesting the Commission not make the change at this time. He further rather than speak to all of the ASC7 changes he would stand on previous comments to avoid making the adoption process and longer. He further stated there no real issue with the science or what was in ASC7 and it was clear sharper and more precise. He then stated their only concern was the logistics in the implementation of the code. He stated BOAF would prefer a delay in the standard allowing it to be brought in with the base code in the next edition of the Florida Building Code in 2012.

*Doug Harvey, BOAF*

Mr. Harvey stated the issue had been vetted through the code development committee process, had been discussed ad nauseam and he was sure many were tired of hearing about it as well; therefore they would not belabor the point. He stated just to reiterate the comments from Mr. Stafford and Mr. Allen. He then stated it was fully integrated into the 2012 code but currently it was not fully integrated. He further stated if the calculations were sharper, and he believed they were, there was going to be an education process to ensure one of two things were not done 1) Either construction comes to a complete halt because people will see the new calculations and they would



not understand them so they would reject them or hold items up or 2) People do not understand the calculations and there was not an adequate time period because with the economic condition, everyone was getting their bi-annual continuing education requirements at different times. He stated it would take two years to fully educate the construction industry on the issue. He further stated if it did not educate there were going to be potential problems with the process. He stated there the science was good, providing a much more accurate calculation, and the content of the document was good. He concluded by stating if it was not fully integrated it could lead to design review and construction process.

*Joe Belcher, Masonry Association of Florida, Aluminum Association of Florida, International Hurricane Protection Association*

Mr. Belcher supported the TAC's recommendation to approve ASC7 2010 as modified. He stated he originally had some concerns with the windborne debris regions changing, in some areas it was increasing and in some areas it was decreasing. He then stated what was determined was ASC7 2010 seemed to be designing the contour lines in the right places on the maps, showing the quality of the science. He further stated he was in support of BOAF generally all the way around, but not on this particular position.

*Jack Glenn, President, Florida Homebuilders Association*

Mr. Glenn stated as recently as Monday he was on a conference call with the senior officers discussing the code change issues. He continued by stating he had done his best to explain the advantages and disadvantages the adoption of ASC7 2010. He then stated at the end of that conversation there was overwhelming support for the adoption but the question was how the insurance industry would address the issue. He further stated he was able to answer that question to the officers by stating the insurance industry were the ones proposing it. He stated the homebuilder's association, although had taken the position of not modifying the base code on a general basis, based on that discussion took a vote to make an exception to that policy and support ASC7 2010.

*Mark Scalape, ?*

Mr. Scalape, stated ASCE710 was going to basically lower the pressures and the current codes, including RES standards should be deemed to comply. He then stated he supported the change for ASC710 and he also supported the HVHZ wind speeds as the comment for Broward and Dade County should be adopted.

*Dick Wilhelm, Fenestration Manufacturer's Association, Windows and Doors Manufacturers Association and Commodity Group*

Mr. Wilhelm stated both the Fenestration Manufacturer's Association and the Windows and Doors Manufacturer's Association will be significantly affected by the

changes and support the changes. He asked the Commission to approve the modification.

*Jamie Gascon, Miami Dade County*

Mr. Gascon stated he was speaking in support of the adoption of ASC710. He then stated keeping the existing levels of protection afforded to south Florida and the modifications and fine tuning of the wind speed maps in south Florida will achieve that. He then stated the big issue was the integration piece. He further stated the road map the ICC2012 had in place would serve as a good starting point for Florida to use during the glitch cycle allowing integration to be achieved quickly and education to the officials and the users of the standard could be achieved.

*Jim DiPietra, Broward County Board of Rule and Appeals*

Mr. DiPietra stated at the board level, Broward County had voted against ASC710. He then stated they favored ASCE75 and the reason was solely related to integration. He further stated as far as the timing it was wide open to be considered even next year. He continued by stating they felt it was premature at this time and were in favor of staying with ASCE75.

*Dwight Wilkes, AHMA*

Mr. Wilkes stated he supported the approval of ASC7.

*Eric Stafford, IBHS*

Mr. Stafford stated he understood the comments from BOAF but virtually every issue mentioned would be dealt with during the next code cycle. He continued by stating as an example with the learning curve people would not be studying the changes until it was available. He then stated the issues that were brought up would be issues no matter when it was done. He further stated Florida had always been a leader as to wind. He stated when it came to wind loads he believed there should always be an exception in going back to the base code. He continued by stating in the ICC codes regarding wind many of the changes began with the Florida Building Commission. He stated they did believe integration was close to complete and if any sections were missed or for additional changes it could be fixed during the glitch cycle. He stated it was really a conversion for this cycle, similar to what ICC was doing, until all of the industries moved forward to the new standard. He further stated there were groups affected by these speeds and new criteria that will be moving forward as there would be jurisdictions and states adopting them and they would be available. He stated the IBC 2012 edition would be available in March 2011. He concluded by stating he felt it would be a shame for the most hurricane prone place in the country to be one of the later ones adopting and using the most accurate and up to date windload standards available.

Commissioner Stone entered a second to the motion.

Commissioner Stone stated, representing the building materials interests, representative from each, concrete, steel, and wood, had contacted him and said they were in favor of ASC710. He then stated his concern was the reference to different prescriptive manuals, such as the *Woodframe Construction Manual*. He asked how those reference materials work with the new ASC7. He then stated he knew all but three of the organizations were updating to working with the new standard, but how would they work in the interim and still provide safe buildings.

Mr. Stafford responded by stating just like it went from the fastest mile to the first second gusts there had a standard for those versions until the new ones were brought up to date. He stated there was a similar conversion based on a table in a table, which actually replaced the other table. He further stated there was a table and a conversion chart to deal with those standard standards.

Commissioner Schock stated he had been a supporter of BOAF for some time and still does support BOAF, but on this issue he did not agree. He then stated on this particular case, he felt like the citizens of Florida look to the Commission to do the right thing. He stated one of the comments that came up during one of the comment periods was whether the modification was a Florida specific need. He continued by stating he did not feel it could get any more Florida specific than hurricanes, which was what brought in the Florida Building Code initially. He stated during the TAC there were reviews and modifications made to adjust speeds for Miami-Dade and Broward County for the HVHZ which they needed addressed and was part of the recommendation. He then stated this represented the latest science, with over 14 times the data points in developing this standard versus the development of the 2005 standard. He then stated there was a considerable amount of "more information available" and put into this process. He stated there was mention of short training, which he thought was more of a positive than a negative. He then stated the ICC 2012 code had adopted the standard and maybe utilized like the rest of the country within a few months of the 2010 Florida Building Code going into effect. He further stated he believed it would be a sad epitaph for this modification if the most hurricane prone place in the union adopted the latest wind design science 3 years after the rest of the country in 2015. He stated he believed ICC training would be available when the requirement was rolled out in 2012 than there would be three years down the road. He further stated many design professionals and others will have already been exposed to it and using it anyway. He continued by stating cost evaluation was difficult indicating while the cost for construction in north Florida maybe lower, the cost in south central Florida will increase somewhat due to the additional impact protection. He further stated while the actual dollar figures were hard to establish he was satisfied that the modification was an overall cost neutral change. He then stated rather than begin cost neutral he believed it would lessen the cost of construction, being conservative he stated "cost neutral". He stated the Commission was not only charged with providing a safe building environment but it must also be fiscally responsible in representing the citizens of Florida. He continued by stating in his jurisdiction he would have a hard time having to tell a citizen it will cost them 7,000.00 – 10,000.00 more in fees for windborne debris protection when he knew, the engineers

knew, the contractors knew, and the homeowner would be told the latest, that it did not have to be done. He stated he would have to tell them to do it anyway, but he would have to say they did have to because Florida was three years behind the code cycle. He then stated that was unacceptable to him and not the way business should be conducted in north Florida. He then stated he believed the change refocuses the needs where the needs need to be. He stated he believed the industry, in a lot of ways, has already moved in making some of the adjustments. He further stated if the Commission did not adopt ASC7 it would be behind those moving forward and adopting it now. He continued by stating the Structural TAC met with 75% in attendance twice, once during the first cycle and once in the comment cycle again to reinforce the approval for HVHZ zone and the second comment period. He concluded by stating although the overall BOAF position was not adopted the language found in the base code he believed in the second comment period the code development committee for BOAF did submit comments in support. He concluded by calling for support from the commissioners to approve the modification. He stated he was in support of it and believed it was the right thing to do.

Mr. Blair asked for clarification if Commissioner Schock was making a motion to approve the modification as amended by the TAC.

Commissioner Schock moved approval of Commissioner Stone's second to the motion.

Commissioner Greiner stated it was important to reiterate, as Commissioner Schock had, the document, like any other document, started with the data available at the time. He then stated over the years, ASCE had refined the document. He further stated it was probably the best refining of the document he had seen. He stated he had spoken with many engineers who had found fault with it at one time. He then stated the document was primary to what the Commission does and it leads the nation in windborne debris issue. He further stated he did not see any reason the Commission should not do it. He stresses it was an important document.

Commissioner Goodloe asked Commissioner Schock if he could discuss some of the issues that were being pointed out as potential problems.

Commissioner Schock responded by stating Mr. Stafford had done a fine job of establishing those changes. He then stated there were a series of modifications pulled from the consent agenda that were all correlation issues. He asked if the modification were approved he would request all of those modifications pulled be placed on a "second agenda" to be considered at the same time. He then stated the Structural TAC spent a lot of time going through all of those changes, with Mr. Spafford answering a lot of questions relative to those modifications. He further stated if Mr. Stafford had anything to add at this point it would be welcomed the otherwise he believed the correlation was done at a good time.

Commissioner Schulte stated he had not heard anything negative on the science of it therefore he would not dwell on the issue. He continued by stating his concern was the integration. He then stated as the modification came forward he did not concern himself with it because it was not part of the 2009 base code. He asked if some of the correlations and integrations could be taken care of in the glitch cycle. He further stated he did not know the time frame from the effective day of the glitch cycle. He stated he was aware there were certain documents within the code that would have to be changed such as TAS's, RS127s, RFA TRIA Manual, and Uniform Roofing Permits. He then stated those documents all have charts and wanted to make sure the changes in the code could be made so there was not bad information in the code versus the engineering behind it.

Commissioner Greiner stated the Commission and the staff had been through the windborne debris issue for many years. He then stated the Commission and staff both stay on top of the issue. He further stated it was necessary for Florida to have that up front. He stated the education part of the process was always handled and the building officials were very aware of windborne debris issues. He further stated he did not see the integration of this as a big issue, rather, he believed it was the other way around.

Commissioner Boyer stated his real concern was the integration. He stated it was not in the base code He stated Commissioner Schulte hot on it and he agreed he believed it was going to be a problem.

Commissioner Carson stated he supported the modification. He then stated one of the issues brought up with regard to the training piece. He asked when had there ever been a point in this industry when there was no time for training. He then stated, in fact, if there "was no time" in the schedule to do continuing education the business must be doing well.

Chairman Rodriguez stated that was a point he was going to make. He continued by stating it was never going to be a "good time" plus there would always be projects "in the hopper". He stated currently it seemed like with the sea

Vote to approve the amendment from the TAC was unanimous. Motion carried.

Commissioner Carson moved approval of the modification as amended. Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Schock stated if the Commission could consider modification 4222 and 4230 next. He explained those modifications were the residential counterparts of 4214. He then stated the Miami-Dade provision was made in 4230 and if it was adopted he believed the Commission a consent agenda of all modifications pertaining to 4230.

4222

Mr. Blair stated the TAC's recommendation was for approval as submitted.

*Jack Glenn, President, Florida Homebuilders Association*

Mr. Glenn stated he would be standing on previous comments.

Commissioner Schock entered a second to the motion.

Mr. Madani stated there was a comment on the modification and the TAC supported the comment G1.

Commissioner Schock moved approval of the modification as amended by the TAC's recommendation. Vote to approve the motion was unanimous. Motion carried.

4230

Mr. Blair stated the TAC recommendation was to approve as modified.

Mr. Blair stated the TAC's recommendation was approve modification as amended.

Commissioner Nicholson entered a second to the motion.

Commissioner Schock moved approval of the modification as amended with G1. Commissioner Stone entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair asked Commissioner Schock if he had the list of modifications he wanted to put on another consent agenda.

Commissioner Schock stated, based on previous comments, he would request modifications 4177, 4215, 4218, 4219, 4220, 4223, 4224, 4225, 4226, 4227, 4231, and 4285C pulled to be included onto a consent agenda for the Commission's approval.

Commissioner Greiner moved approval to remove modifications 4217 and 4228 (from the Roofing TAC) from the table. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Nicholson moved approval to combine modifications 4177, 4215, 4218, 4219, 4220, 4223, 4224, 4225, 4226, 4227, 4231, 4285C, 4217 and 4228 (4217 and 4228 from Roofing TAC) into a consent agenda. Commissioner Schock entered a second to the motion.

Mr. Madani stated some of the modifications were from the list of who had received comments. He then stated those modifications needed to be pulled from the list so the Commission could hear them individually by the TAC.

Mr. Blair stated he had spoken with Mr. Richmond and they decided all of the modifications, comments or not, could be on the same consent agenda if the motion for approval indicated the approval would be for all of the modifications, TAC recommendations and all of their TAC comments.

Mr. Richmond stated he was under the impression it would be consistent action across the board. He then stated it sounded like the different TACs took different postures.

Mr. Madani stated there were different TAC actions.

Mr. Blair stated some of the comments the TACs supported was not part of the original modification or recommendation

Mr. Richmond stated the modifications should then be considered individually.

*Joe Belcher*

Mr. Belcher stated he was the proponent of the comment on 4285. He then stated the changes were on the design pressures for aluminum up to speed so ASC710 could be approved. He further stated he had no problem having the modification placed on a consent agenda as long as his comment was supported.

Mr. Madani stated modification 4285 was the only one on the list with a comment.

Commissioner Schock moved approval of a new agenda with numbers 4177, 4215, 4218, 4219, 4220, 4223, 4224, 4225, 4226, 4227, 4231, 4217 and (4217 and 4228 from Roofing TAC). Commissioner Greiner entered a second to the motion.

*Doug Harvey, BOAF*

Mr. Harvey stated he had no opposition to a consent agenda.

Vote to approve the motion was unanimous. Motion carried.

4285

Mr. Blair stated the modification was removed from the consent agenda for consideration of the comments by proponent.

Commissioner Greiner moved approval to support comments A1, A2, and A3. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

3885

Mr. Blair stated the TAC's supported the modification and approved comment A5.

*Jack Glenn, President, Florida Homebuilders Association*

Mr. Glenn stated the proponent of the modification and the comment was not present. He then recommended the Commission support the TAC's recommendation.

Commissioner Greiner entered a second to the motion.

Commissioner Nicholson moved approval of comment A5. Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Carson moved approval of the modification as amended. Commissioner Palacios entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

3901

Mr. Blair stated the TAC recommendation was to approve the modification. He then stated there was a comment A1, which the TAC supported.

Commissioner Hamrick entered a second to the motion.

Commissioner Schock moved approval of comment A1. Commissioner Stone entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Greiner moved approval of the modification as amended. Commissioner Hamrick entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

4036

Mr. Blair stated the TAC recommendation was to approve as modified. He then stated there was A1 supported

Commissioner Nicholson entered a second to the motion.



Commissioner Nicholson moved approval of comment A1. Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Carson moved approval to approve the modification as amended. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

4206

Mr. Blair stated the TAC's recommendation was to approve as modified. He then stated the TAC did not support the comments submitted.

Mr. Stafford stated modifications 4204, 4205, 4206, 4207, 4208, and 4209 deal with the same issue if the Commission decided to consider them one at a time. He then stated 5 years ago back when the 100mph limitation came into the code it was recognized there was very little in the residential code at the time that applied to high wind areas, which was still the case. He continued by stating the Commission and TAC members decided to make it clear what applied and did not apply, what was good for low wind regions, and what was good for high wind regions. He stated IRC was usually based on one and two family single dwelling codes homes when it was first developed. He further stated it was not developed for high wind He then stated it was not developed for high winds He stated some other documents were used for limited the use of IRC the prescriptive and some wind resistant prescriptive requirements in the code to make He stated the current Florida Building Code clearly states the provisions are for wind speeds less than 100mph and the other areas were for wind speeds greater than 100mph.

*Jack Glenn, President, Florida Homebuilders' Association*

Mr. Glenn stated, while he understood BOAF's concern, he believed the retention of those sections was providing confusion. He further stated he recommended removal of those sections relating to wind that do not apply to the state of Florida.

*Joe Crum,*

Mr. Crum stated there were a lot of things in the code that did not apply, i.e. snow loads, for example. He further stated an item cannot be removed if it was part of a base code because it did not apply to Florida. He then stated the problem was it was a lot of information in the Residential Code that did not apply down to the design in Florida, such as the majority of Chapter 6, a large part of Chapter 8, Chapter 5, Chapter 4 and some others as well. He then stated just like everywhere else in the country if it does not apply, just do not use it.

*Doug Harvey, BOAF*

Mr. Harvey stated the BOAF code development committee had reviewed and discussed the issue at length. He then stated they still hold their position and previous items did not remove items from the code just because the items were not wanted, they just would not use them.

*Joe Belcher*

Mr. Belcher stated he was speaking in favor of the modification.

*Dwight Wilkes,*

Mr. Wilkes stated, as a former plans examiner in a building department, there would be major confusion if the sections were left in the code because people would try to use them and in the state of Florida they would not work. He then stated removing the items that do not apply to Florida would greatly reduce the size of the book and a whole lot of confusion.

*Tom Allen, BOAF*

Mr. Allen stated this was a training issue teaching people what applies and does not apply was a training issue. He then stated taking items out of the code have a financial impact as well because it costs more to print the code with every change made. He further stated each line removed from the code has to be correlated with the book which increases the cost of getting the book printed.

??, Broward County Board of Rules and Appeals

Mr. ?? stated they would like to take out sections that are not used because they serve no useful purpose.

Mr. Stafford stated sections have already been taken out which do not apply to Florida such as snow loads, earthquakes and more. He then stated while he understood the concept "if you do not use it, take it out" but the problem with that was so much that does not apply in the state of Florida.

Commissioner Greiner entered a second to the motion.

Commissioner Nicholson moved approval of amendment as recommend by the TAC. Commissioner Carson entered a second to the motion. Motion carried.

Commissioner Nicholson stated when he sends in plans for review, if there were details in plans they did not want in there, they would send them back to him and tell him to take them out. He then stated even if it was "slow" they did not have time to look

at what was not pertinent; get rid of the stuff that does not belong in the plans. He then stated he believed the same things should apply to the code books, why print out information that is not applicable to Florida, which will save money and time not having to sort through all of the sections not relative to Florida.

Vote to approve the motion was unanimous. Motion carried.

*4204, 4205, 4206, 4207, 4208, and 4209*

Commissioner Nicholson moved approval to consider modifications 4204, 4205, 4206, 4207, 4208 and 4209 as part of a consent agenda. Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Nicholson moved approval of TAC's recommendation for the consent agenda. Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair stated he noticed a modification that did not get on the agenda, modification 4229.

Mr. Stafford stated that was a duplicate modification voted NAR at the TAC.

*4429*

Withdrawn by proponent

*4468*

Withdrawn by the proponent

*4146 stated*

Mr. Blair stated the TAC's recommendation was to approve as modified and in support of the comment A3.

*Randy Shackelford, Simpson Strong Tie*

Mr. Shackelford stated there was science backing up the proposal. He then stated he was in support of the modification.

Commissioner Nicholson moved approval as recommended by the TAC. Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

*???, Florida International University*

Mr. ?? stated the original modification was modified by the TAC members and he was in support of the modification as submitted by the TAC. He reiterated ASC7 needed to be there.

*Randy Shackelford, Simpson Strong Tie*

Mr. Shackelford stated they were in support of the recommendation by the TAC.

*Jamie Gascon, Miami-Dade County*

Mr. Gascon stated support of the TAC's recommendation of the modification and comment A3.

*Mark Scala, PE, Inc.*

Mr. Scala stated the modification was originally written for HVHZ.

Commissioner Schulte moved amendment refer to ASCE7-05 comment. Commissioner Nicholson entered second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Schulte entered a second to the motion.

Commissioner Nicholson moved approval of the TAC's recommendation to eliminate the reference to ASCE7.

3873

Mr. Blair stated the TAC's recommendation was for approval as submitted. He then stated there was a comment A3 the TAC supported.

*No public comment*

Commissioner Nicholson entered a second to the motion.

Commissioner Carson moved approval of the comment A2. Commissioner Hamrick entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Nicholson moved approval of the modification as amended, second. Vote to approve the motion was unanimous. Motion carried.

4033

Mr. Blair stated the TACs recommendation was approval as submitted, He then stated there were comments submitted and the TAC supported those comments.

*Joe Belcher, Vent Covers, Inc.*

Mr. Belcher stated he needed to make one additional amendment to comment 3..

Commissioner Nicholson entered a second to the motion.

Commissioner Greiner moved approval of the comments A1 and A3.  
Commissioner Carson entered a second to the motion. Vote to approve the modification was unanimous. Motion carried.

Commissioner Nicholson moved approval of the amendment to comment A3.  
Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Nicholson moved approval of the modification as amended.  
Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

4065

*No public comment*

Commissioner Nicholson entered a second to the motion.

Commissioner Nicholson moved approval of comment A2. Commissioner Greiner entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Nicholson moved approval of the modification as amended.  
Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

4198

Mr. Blair stated the TAC's recommendation was to approve as submitted. He then stated a comment was submitted and the TAC supported comments A2 and G1.

*Joe Belcher*

Mr. Belcher stated the proposal took out one of the prescriptive

*Randy Shackelford, Simpson Strong Tie*

Mr. Shackelford stated he supported the TAC recommendation for comments A2 and G1, as he would like to see as many prescriptive alternatives as possible in the code.

Commissioner Carson entered a second to the motion.

Commissioner Carson moved approval of comments A2 and G1. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Carson moved approval of the modification as amended. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair stated the TAC recommendation was to approve as submitted. He then stated the original TAC also supported comment G1.

*Jamie Gascon, Miami-Dade County*

Mr. Gascon stated the modification had to do with HVHZ reference in the code which was an obsolete standard which they were more in support of.

Commissioner Stone moved approval of comment A1. Commissioner Schock entered a second to the motion. Vote approve the motion was unanimous. Motion carried.

Commissioner Stone moved approval of the modification as amended. Commissioner Schock entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

3667

Mr. Blair stated the TAC recommendation was NAR. He then stated comments submitted were not supported by the TAC.

*Joe Belcher*

Mr. Belcher stated he had stricken language and what he was trying to get approved was protection for louvre vents.

Mr. Belcher stated the language he had tried to use before was stricken and there would be just a number 3.

Mr. Madani asked Mr. Belcher if he was submitting hard copies.

Mr. Belcher stated he was.

Mr. Glenn stated he had a problem with the action that just occurred. He further stated he could not read it on the overhead and it was not provided to the audience. He then stated he believed there was a substantial fiscal impact on residential construction by this requirement. He continued by stating he did not have any objection to it in the Building Code but it changes it in the Residential Code. He stated he did not know what action just took place but he suspected there was a significant financial impact which was not addressed at all by the proponent. He then stated the TAC did NAR the modification. He further stated he would suggest reconsider and take a TAC recommendation to be brought back the next cycle. He stated the issue was providing impact protection on exterior wall louvers in a windborne debris area.

Mr. Stafford stated modifications 4204, 4205, 4206, 4207, 4208, and 4209 all generally do the same thing.

Commissioner Stone move to reconsider

Commissioner Schulte asked the Structural chairman's opinion on the issue.

Commissioner Schock stated he believed Mr. Belcher's statement was probably accurate that it may already be a requirement in a windborne debris area.

Mr. Glenn stated he had not time to check but he believed the residential code addresses protecting glazed openings.

Commissioner Tolbert stated it was the protection of glazed openings.

Mr. Belcher stated the Commission changed that.

Commissioner Greiner moved approval to move the modification to a different section of the code. Commissioner Nicholson entered a second to the motion. Vote to approve the motion resulted in 16 in favor, 4 opposed. Motion carried.

Commissioner Greiner moved approval of the modification as amended. Commissioner Nicholson entered a second to the motion. Vote to approve the motion resulted in 16 in favor, 4 opposed. Motion carried.

Mr. Gascon stated when the modifications were being pulled from the consent agenda there was 4143 from the structural which regarding mounting the rooftop equipment. He then stated it had a comment of A2 which was not supported.

Commissioner Gascon stated it was read out when pulling the others.

Commissioner Hamrick moved approval of the modification as amended.

Commissioner Nicholson entered a second to the motion. Vote to approve the motion resulted 0 in favor, 19 opposed. No affirmative recommendation

Commissioner Schock moved approval of consent agenda. Commissioner Nicholson entered a second to the motion. Motion carried.

Commissioner Schulte moved approval for the consent agenda as amended. Commissioner Nicholson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Schulte moved approval of comment A2. Commissioner Tolbert entered a second to the motion. Vote to approve the motion was unanimous. Motion carried. 19-0

Commissioner Schock moved approval to reconsider the consent agenda. Commissioner Stone entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Schock moved approval of revised consent agenda, striking the reference to

Chairman Rodriguez stated a motion was necessary to proceed with rule adoption for Rule 9N-01, Florida Building Code, for the purpose of adopting approved modifications to the Florida Building Code, by conducting a rule adoption hearing at the February 1, 2011 Commission meeting, and conducting an additional rule adoption hearing concurrent with the June 2011 rule adoption hearing to consider Glitch amendments to the 2010 Florida Building Code to allow for ratification of the 2010 Florida Building Code. The Commission voted unanimously, 20 - 0 in favor, and modifications thereto adopted pursuant to 553.73(8) and/or exemption of the code development and adoption process from the requirement for legislative ratification to allow for Legislative ratification.

Commissioner Greiner moved approval of the motion as stated. Commissioner Carson entered a second to the motion. Vote to approve the motion was unanimous. Motion carried.

### **NEXT STEPS IN CODE ADOPTION PROCEEDINGS**

Chairman Rodriguez reported that the TACs developed recommendations on proposed modifications to the Florida Building Code during rule development workshops conducted in July and August of 2010. He then stated at the December 2010 meeting the Commission conducted a rule development workshop to decide on proposed modifications to serve as the 2010 Edition of the Florida Building Code, and voted to proceed with rule adoption by conducting a rule adoption hearing at the February 1, 2011 Commission meeting, and conducting an additional rule adoption hearing concurrent with the June 2011 rule adoption hearing to consider glitch amendments to



the 2010 Code. He further stated the Commission's decisions on proposed Code modifications will be posted and serve as a draft of the rule. He concluded by stating the Commission will conduct a rule adoption hearing at the February 2010 meeting.

### **COMMISSION MEMBER COMMENTS AND ISSUES**

Commissioner Carson wished everyone happy holidays and a more prosperous new year. He then asked how things were with the surcharges.

Mr. Dixon stated the numbers were not yet available for review. He then stated the numbers will likely be available for the February 2011 meeting, but if not they will be presented at the April 2011 meeting.

Commissioner Schock stated appreciation to staff and Jeff Blair for the good job conducting the 2010 Code Update process.

Chairman Rodriguez expressed thanks to all for participating in the Code development process.

### **GENERAL PUBLIC COMMENT**

Mr. Scaepe congratulated the Commission's adoption of ASCE 7-2010, and recommended that the Commission use a supplement for Florida Specific requirements.

Mr. Belcher congratulated FBC staff for a great job with the 2010 code development process.

Mr. Allen thanked the Commission and stated BOAF appreciates the Commission's efforts regarding development of the 2010 Florida Building Code. He then stated it will support the Commission's decisions regarding modifications to the Code.

Ms. Stewart agreed with others regarding the efficacy of the code development process.

Mr. Crum thanked the staff for a great job with the 2010 code development process.

Mr. Gascon expressed appreciation for the process and the ability for the public to speak in a meaningful way. He further expressed appreciation of the public forum aspect of the Commission's process.

Mr. Wilkes expressed appreciation to staff for a job well done.

Chairman Rodriguez

**ADJOURN**

10:30 a.m. adjourned.