

# FLORIDA BUILDING COMMISSION



## FACILITATOR'S SUMMARY REPORT OF THE

APRIL 9, 2013

## COMMISSION PLENARY SESSION

ST. AUGUSTINE, FLORIDA

PROCESS DESIGN, CONSENSUS-BUILDING AND FACILITATION BY



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**FLORIDA BUILDING COMMISSION**  
**APRIL 9, 2013 MEETING SUMMARY REPORT**

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**FLORIDA BUILDING COMMISSION**  
**APRIL 9, 2013 FACILITATOR'S SUMMARY REPORT**

**OVERVIEW OF COMMISSION'S KEY ACTIONS AND DECISIONS**

**TUESDAY, APRIL 9, 2013**

**WELCOME**

Chairman Browdy welcomed the Commission, DBPR staff and the public to St. Augustine and the April 9, 2013 plenary session of the Florida Building Commission. The Chair noted the primary focus of the April meeting, in addition to considering regular procedural issues including product and entity approvals, applications for accreditor and course approvals, petitions for declaratory statements, accessibility waivers, and recommendations from the Commission's various committees, was for the purpose of considering and deciding on issues and recommendations for inclusion in the Commission's 2012-2013 Annual Report.

The Chair noted that there were buff colored "*Public Comment Forms*" on the speakers' table to be used for providing written comments, and all written comments would be included in the Facilitator's Summary Report.

The Chair explained that if one wished to address the Commission on any of the issues before the Commission they should sign-in on the appropriate sheet(s), and as always, the Commission will provide an opportunity for public comment on each of the Commission's substantive discussion topics. The Chair explained that 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. The Chair noted that public input is welcome, but should be offered before there is a formal motion on the floor.

Chairman Browdy explained that some of the licensing boards {*Board of Architecture and Interior Designers; Building Code Administrator and Inspector Board; Construction Industry Licensing Board; Electrical Contractors Licensing Board, and Board of Professional Engineers*} 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. Participants whose board participates may sign-in on the laptop kiosk station located in the meeting room.

**I. PLENARY SESSION SUMMARY AND OVERVIEW**

At the April 9, 2013 meeting the Commission considered and decided on Chair's issues and recommendations, product and entity approvals, applications for accreditor and course approvals, petitions for declaratory statements, accessibility waivers, recommendations from the Commission's various committees, and discussed the results of the annual *Workplan Prioritization Exercise* and *Effectiveness Assessment Survey*. Specific actions include: the Commission referring a request from the Building Code Advisory Board of Palm Beach County regarding corrosion of roof fasteners to the Roofing TAC for evaluation; voting to maintain March 1, 2014 as the effective date for the 2013 Florida Building Code; voting to notice a supplemental rule development workshop for Rule

61G20-4.001, Procedures – Accessibility Waiver Fees, tasking the Accessibility TAC with developing recommendations on a fee, and holding the supplemental rule development workshop in August and a rule adoption hearing in October; voting to adopt the settlement as set forth in the Settlement Stipulation, by entry of a final order of the Florida Building Commission adopting the Settlement Stipulation regarding DOAH Case Nos. 13-580 and 13-769; and, deciding on and approving recommendations developed from the *Building Code System Uniform Implementation Evaluation Workgroup* (BCSUIE) process. Finally, the Commission approved the Summary of Issues and Recommendations for inclusion in the Commission’s 2012-2013 Annual Report.

*(Attachment 1—Meeting Evaluation Results)*

## **II. COMMISSION ATTENDANCE**

The following Commissioners attended the April 9, 2013 meeting:

Dick Browdy (Chair), Hamid Bahadori, Bob Boyer, Oscar Calleja, Nan Dean, Kevin Flanagan, Charles Frank, Herminio Gonzalez, Dale Greiner, Jeff Gross, Jon Hamrick, Beth Meyer, John Scherer, Brad Schiffer, Jim Schock, Drew Smith, Jeff Stone, Tim Tolbert, and Brian Swope. (19 of 21 seated Commissioners attended).

*Absent Commissioners:*

Ken Gregory and Rafael Palacios.

*Vacant Commission Positions:*

Insurance Industry Representative; Plumbing Contractor Representative; Residential Contractor Representative; and Structural Engineer Representative.

## **DBPR STAFF PRESENT**

Chris Burgwald, Jim Hammers, April Hammonds, Ila Jones, Mo Madani, and Jim Richmond.

## **MEETING FACILITATION**

The meeting was facilitated by Jeff Blair from the FCRC Consensus Center at Florida State University. Information at: <http://consensus.fsu.edu/>



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## **PROJECT WEBPAGE**

Information on the Florida Building Commission project, including agenda packets, meeting reports, and related documents may be found in downloadable formats at the project webpage link (URL):

<http://consensus.fsu.edu/FBC/index.html>

Commission Webpage link (URL): <http://floridabuilding.org/c/default.aspx>

### III. AGENDA REVIEW AND APPROVAL

The Commission voted unanimously, 18 - 0 in favor, to approve the agenda for the April 9, 2013 meeting as posted/presented. Following are the key agenda items approved for consideration:

- To Consider Regular Procedural Issues: Agenda Approval and Approval of the February 4 - 5, 2013 Facilitator's Summary Report and Meeting Minutes, and March 18, 2013 and April 2, 2013 Teleconference Minutes.
- To Consider/Decide on Chair's Discussion Issues/Recommendations.
- To Discuss Results of Commission's Annual Exercise: Effectiveness Assessment Survey and Workplan Prioritization Exercise.
- To Discuss Effective Date of the Next Edition of the Florida Building Code.
- To Consider/Decide on Accessibility Waiver Applications.
- To Consider/Decide on Approvals and Revocations of Products and Product Approval Entities.
- To Consider Applications for Accreditor and Course Approval.
- To Consider/Decide on Legal Issues: Petitions for Declaratory Statements and Binding Interpretations, Specifically Binding Interpretation #91 and corresponding DOAH Cases.
- To Consider/Decide on Issues Related to Adoption of Rules, and Specifically, Consider Development of Rule 61G20-4.001, Procedures – Accessibility Waiver Fees.
- To Consider/Decide on Technical Advisory Committees (TACs): Accessibility, Code Administration, Fire, Special Occupancy, and Swimming Pool TAC Report/Recommendations.
- To Consider/Decide on Program Oversight Committees (POCs): Education and Product Approval POC Reports/Recommendations.
- To Consider/Decide on Ad Hoc/Workgroups: *Building Code System Uniform Implementation Evaluation*, and Hurricane Research Advisory Committee.
- To Consider Facilitator's Summary of Issues and Recommendations for the Commission's 2012-2013 Annual Report.
- To Receive Public Comment.
- To Discuss Commissioner Comments and Issues.
- To Review Committee Assignments and Issues for the Next Meeting—June 10-11, 2013 in Daytona Beach, Florida.

#### *Amendments to the Posted Agenda:*

There were no amendments to the posted/presented Agenda.

*(Attachment 4—April 9, 2013 Commission Agenda)*

### **REVIEW AND APPROVAL OF THE FEBRUARY 4-5, 2013 FACILITATOR'S SUMMARY REPORT AND MEETING MINUTES, AND MARCH 18, 2013 AND APRIL 1, 2013 TELECONFERENCE MINUTES**

**MOTION**—The Commission voted unanimously, 18 - 0 in favor, to approve the February 4-5, 2013 Facilitator's Summary Report and Meeting Minutes, and April 1, 2013 Teleconference Minutes as presented/posted, and the March 18, 2013 Teleconference Minutes as amended.

#### *Amendments:*

Brad Schiffer provided written amendments to the March 18, 2013 Teleconference Minutes.

#### IV. CHAIR'S DISCUSSION ISSUES AND RECOMMENDATIONS

##### Florida Building Commission Appointment Confirmations

Chairman Browdy reported that most of the Commission's recent appointments and re-appointments have been confirmed by the Senate. Following are the confirmations and related terms:

<i>Commissioner</i>	<i>Term Ending</i>
Boyer, Bob	07/26/2015
Browdy, Dick	10/13/2015
Calleja, Oscar	02/03/2015
Flanagan, Kevin	01/30/2015
Frank, Charles	03/11/2017
Gross, Jeffery	11/21/2015
Schiffer, Brad	08/11/2015
Schock, Jim	01/12/2015
Stone, Jeffrey	07/27/2015
Swope, Brian	05/01/2015

The Chair indicated that the only new appointment not confirmed at this point is Nan Dean, who's confirmation was delayed to allow for the appointment to be extended for four additional years since the initial appointment expired on April 5, 2013 (completion of an existing term). The Chair noted that Nan is listed as having another term in place for an expiration in 2017, and expects she will be confirmed at a later date. The Chair indicated that that the new appointment will wait for confirmation during the next round.

##### Florida Building Commission Appointments

The Governor has made the following appointment to the Commission:

Beth Meyer is appointed to fill the vacant *Person With Disabilities Representative* position on the Commission. The Chair welcomed Beth who serves as the ADA coordinator for the City of Jacksonville.

##### *TAC Appointments:*

Chairman Browdy made the following TAC appointments for April 9, 2013:

Beth Meyer to serve on the Accessibility TAC, and James A. Ginas to the Code Administration TAC. The Chair welcomed the new TAC members.

##### 2013 Meeting Locations

Jim Richmond reviewed the meeting locations for the remainder of 2013 and the first half of 2014. The dates and locations are as follows:

June 10 – 11, 2013	Daytona Beach (Hilton Daytona Beach)
August 22 - 23, 2013	Boca Raton (Marriott Boca Raton at Boca Center)
October 17 – 18, 2013	Kissimmee (Gaylord Palms)—Tentative
December 12–13, 2013	St. Pete Beach (Tradewinds Islands)
February 20-21, 2014	St. Augustine (World Golf Village)
April 16-17, 2014	Kissimmee (Gaylord Palms)—Tentative
June 19-20, 2014	Daytona Beach (Hilton Daytona Beach)

## Building Code Advisory Board of Palm Beach County Correspondence Concerning Corrosion of Ridge Vent Fasteners

The Chair reported that the Commission received a written request from the Building Code Advisory Board of Palm Beach County for evaluation of issues regarding fastener corrosion. Jim Richmond reviewed the issue with the Commission, and following questions and answers, public comment and discussion the Chair referred the issue to the Roofing TAC for evaluation and recommendations going forward.

## Legislative Issues Update Teleconference Calls

Chairman Browdy reminded the Commission that the Commission has teleconference calls tentatively scheduled for the following Monday's during the 2013 Legislative Session as follows: April 22, April 29 and May 13 starting at 10:00 AM. Staff will notify the Commission regarding whether the Commission will have the calls based on the status of developing legislative issues of interest to the Commission.

## Legislative Issues Update

Jim Richmond reviewed the status of current legislative issues of interest to the Commission and answered member's questions. A summary of legislative issues is included as "Attachment 10" of this Report.

*(Included as Attachment 10—Legislative Issues Update)*

## V. ANNUAL COMMISSION EXERCISES RESULTS DISCUSSION

### EFFECTIVENESS ASSESSMENT SURVEY

Chairman Browdy noted that each year the Commission conducts an Effectiveness Assessment Survey to gauge the Commission's perspective on seven key metrics. Over the years the survey input has been the basis for many enhancements to the Commission's procedures. Jeff Blair reviewed the results of the Annual Effectiveness Assessment Survey for 2013 and answered member's questions.

*Following are the compiled Effectiveness Assessment results from 2000 – 2013:*

FBC EFFECTIVENESS ASSESSMENT SURVEY RESULTS ANNUAL COMPILATION 2000-2013												
<i>Annually, Commission members are asked to pick the number that best describes how the Commission functions in key topical issue area metrics: Scale Range 10 - 1 (10 highest rating to 1 lowest rating).</i>												
KEY TOPICAL ISSUE	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2001	2000
<b>Decision Making Process</b>	9.4	9.3	9.6	9.8	9.7	9.4	9.2	9.3	9.3	8.8	9.1	8.8
<b>Participation and Communication</b>	9.6	9.2	9.4	9.3	9.4	9.0	8.9	9.2	9.1	8.4	7.5	8.2
<b>Commission Relationship to Agency (DBPR)</b>	7.7	7.6	8.9	8.8	9.0	8.6	7.9	8.7	8.7	7.8	---	---
<b>Commission Relationship to Staff</b>	9.7	9.7	9.8	9.5	9.6	9.1	8.7	8.9	9.1	8.8	---	---



<b>Time for Consideration</b>	8.9	8.8	8.9	8.6	8.9	8.0	7.7	8.2	7.5	6.5	7.7	8.3
<b>Information and Analysis</b>	8.5	9.1	9.1	8.7	9.1	8.1	8.1	8.7	8.1	7.5	7.8	7.6
<b>Process/Meeting Facilitation</b>	9.7	9.2	9.4	9.5	9.8	9.7	9.7	9.5	9.5	---	---	---
<b>Controversy or Planning Orientation</b>	---	---	---	---	---	---	---	---	---	---	7.8	7.8
<b>OVERALL AVERAGE</b>	<b>9.1</b>	<b>9.0</b>	<b>9.3</b>	<b>9.2</b>	<b>9.4</b>	<b>8.8</b>	<b>8.6</b>	<b>8.9</b>	<b>8.8</b>	<b>7.8</b>	<b>7.8</b>	<b>8.1</b>

*(Included as Attachment 8—Assessment Survey Results)*

### WORKPLAN PRIORITIZATION EXERCISE

Jeff Blair reviewed the results of the 2013 Workplan Prioritization Exercise and answered member’s questions. Commissioners were asked to rank each of eight (8) key *Workplan Tasks* on a five-point continuum/scale where a 5 equals the highest level of priority and a 1 equals the lowest level of priority. Members were asked to rank the priority of each task independently and not in relation to the other tasks. Each of the *Workplan Task’s* rankings were tallied and arranged in order of highest priority (1) to lowest priority (10). The ranking results ranged from a high of 4.57 to a low of 3.14 out of 5.

*Following are the results of the Commission’s prioritization exercise for 2013:*

<b>WORKPLAN PRIORITIZATION EXERCISE RESULTS 2013</b>		
<b>WORKPLAN TOPICS (TASK/TOPIC #)</b>	<b>AVERAGE (5 TO 1)</b>	<b>OVERALL RANKING</b>
Certification of Florida Accessibility Code (DOJ)	1	4.57
2013 Code Update Process	2	4.43
Glitch amendments to 2013 Code	3	4.36
Report to 2014 Legislature	4	4.21
Building Code System Uniform Interpretation Evaluation process	5	4.14
Threshold inspections existing buildings	6	3.50
Amend rules to establish fees: waivers/declaratory statements/binding/non-binding opinions	7	3.36
Recommendations: increase recycling and composting, and recyclable construction materials (directed by Legislature)	8	3.14

*(Included as Attachment 9—Workplan Prioritization Exercise Results)*

## **VI. EFFECTIVE DATE OF THE NEXT EDITION OF THE FLORIDA BUILDING CODE**

Mo Madani, DBPR Code Technical Manager, reviewed a proposed revised effective date and related implementation schedule for the 2013 Florida Building Code with the Commission, and answered member's questions. Mo noted that staff is recommending the effective date for the 2013 Code be changed from March 1, 2014 to December 31, 2014 to sync with the effective date of the Florida Fire Prevention Code and to provide adequate time to prepare a fully integrated updated Code.

Chairman Browdy reported that the Commission should consider allowing the 2013 Code once adopted to be used on a voluntary basis as an alternate equivalent to the current edition of the Code prior to the effective date of the 2013 Code. The Chair noted the Commission should consider this action when they formally adopt the 2013 Florida Building Code.

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

### ***Commission Action:***

**MOTION**—The Commission voted, 16 - 3 in favor, to maintain the March 1, 2014 effective date of the 2013 Florida Building Code, and for staff to revise the Workplan to reflect this schedule.

*(Included as Attachment 5—Commission's Workplan Proposed Revisions)*

## **VII. CONSIDERATION OF ACCESSIBILITY WAIVER APPLICATIONS**

April Hammonds, Accessibility Advisory Council legal advisor, presented the Accessibility Advisory Council's recommendations for all applications, and the Commission reviewed and decided on the Waiver applications submitted for their consideration. A complete summary of accessibility waiver applications and Commission actions is included as an attachment to this Report.

*(Included as Attachment 6—Accessibility Waiver Summary Report)*

## **VIII. CONSIDERATION OF APPLICATIONS FOR PRODUCT AND ENTITY APPROVAL**

Commissioner Stone presented the committee's recommendations for entities and product approvals on the consent agenda for approval, and Jeff Blair presented the recommendations for product approvals with comments and/or discussion. The complete results of Commission decisions regarding applications for product and entity approval are included as an attachment to this Report.

*(Included as Attachment 11—Product and Entity Approval Report)*

## **IX. CONSIDER APPLICATIONS FOR ACCREDITOR AND COURSE APPROVAL**

Commissioner Dean presented the applications, and the Commission reviewed and decided on the accreditor and course applications submitted for their consideration as follows:

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

**MOTION**—The Commission voted unanimously, 17 – 0 in favor, to defer approval of advanced course #564.0 (based on the lack of inclusion of various student exercises, which were noted in the syllabus to be used to verify student understanding of the course content).

**MOTION**—The Commission voted unanimously, 18 – 0 in favor, to approve advanced course #566.0.

**MOTION**—The Commission voted unanimously, 18 – 0 in favor, to approve advanced course #569.0.

**MOTION**—The Commission voted unanimously, 19 – 0 in favor, to approve advanced course #565.0.

**MOTION**—The Commission voted unanimously, 19 – 0 in favor, to defer approval of advanced course #567.0 (based on the lack of inclusion of a multiple choice exam and answers, the inclusion of a Permit Form and Notice of Commencement Form which are not code related, and the lack of provision of two Florida specific sub-sections on the E-Occupancy slide (18)).

**MOTION**—The Commission voted unanimously, 19 – 0 in favor, to approve advanced course #573.0.

**MOTION**—The Commission voted unanimously, 19 – 0 in favor, to approve the following administratively approved updated advanced courses on a consent agenda: #170.1, #175.1, #178.1, #173.1, and #176.1.

**MOTION**—The Commission voted unanimously, 19 – 0 in favor, to defer approval of self-affirmed advanced course #317.1 (based on the citing of the 2007 version of the Florida Building Code instead of the 2010 version, both on the course syllabus and on numerous slides throughout the actual course materials).

**MOTION**—The Commission voted unanimously, 19 – 0 in favor, to approve self-affirmed advanced course #484.0.

*(See Committee's Next Agenda for Linked Committee Report)*

## **X. CONSIDERATION OF LEGAL ISSUES**

### **Legal Report**

#### **Petitions For Declaratory Statements**

Following are the actions taken by the Commission on petitions for declaratory statements.

#### **DS 2013-001 petitioned by Ken Rich**

**MOTION**—The Commission voted 19 – 0 in favor, to approve the Fire TAC's recommendation on The petition.

#### **DS 2013-011 by Robert Fine**

**MOTION**—The Commission voted 19 – 0 in favor, to approve the Accessibility and Swimming Pool TACs' recommendation on the petition.

**MOTION**—The Commission voted 18 – 0 in favor, to approve the Code Administration and Special Occupancy TACs' recommendation on the petition.

## **XI. PROPOSED RULEMAKING RULE 61G20-4.001, PROCEDURES – ACCESSIBILITY WAIVER FEES**

Chairman Browdy noted Section 553.512 (1) provides that the Commission shall establish by rule a fee to be paid upon submitting a request for an Accessibility Code waiver. The Commission voted to initiate rulemaking in October of 2010 to establish fees for waiver applications but the initiative was delayed due to administrative and logistical issues associated with the Governor’s directive regarding rulemaking and scheduling issues. FBC Executive Director Jim Richmond provided the Commission with an overview of the issue regarding Rule 61G20-4.001, Procedures, Accessibility Waiver Fees and staff’s recommendations going forward. Jim reported that JAPC contacted staff to inform them that the rule is yet to be implemented per statutory direction and noted that the Commission should proceed with rule development. Jim noted that staff recommended the Commission proceed with rulemaking for Rule 61G20-4.001, Procedures – Accessibility Waiver Fees, by conducting a supplemental rule development workshop at the August 2013 meeting and a rule adoption hearing at the October 2013 meeting. In addition, the issue of recommending a fee should be referred to the Accessibility TAC for their evaluation and recommendation to the Commission. Following questions and answers, public comment and Commission discussion, the Commission took action as follows.

In response to JAPC comments and DBPR staff recommendations the Commission took the following actions:

### ***Commission Action:***

**MOTION**—The Commission voted unanimously, 18 – 0 in favor, to notice a supplemental rule development workshop for Rule 61G20-4.001, Procedures – Accessibility Waiver Fees, tasking the Accessibility TAC with developing recommendations on a fee, and holding the supplemental rule development workshop in August 2013 and a rule adoption hearing in October 2013.

## **XII. BINDING INTERPRETATION #91; BEACHLEN DEVELOPMENT COMPANY, LLC v. DBPR AND THE FLORIDA BUILDING COMMISSION, DOAH CASE NOS. 13-769 AND 13-580**

The Chair reported that at the February 2013 meeting staff reported that an appeal of Binding Interpretation #91 (petition challenging interpretation) issued by BOAF on the 2007 Florida Building Code, Building, Section 3109—Coastal Construction Control Line (CCCL) requirements, had been received by the Commission with a request for a Petition for Formal Administrative Hearing. At the April 2013 meeting Kyle Christopher (DBPR litigation counsel) presented a proposal for resolution in the form of a Settlement Stipulation between Beachlen Development Company, LLC and DBPR and the Florida Building Commission regarding DOAH Case Nos. 13-580 and 13-769. Following questions and answers, public comment and Commission discussion, the Commission took the following action:

### ***Commission Action:***

**MOTION**—The Commission voted unanimously, 19 – 0 in favor, to adopt the settlement as set forth in the Settlement Stipulation by entry of a final order of the Florida Building Commission adopting the Settlement Stipulation regarding DOAH Case Nos. 13-580 and 13-769.

### **XIII. COMMITTEE REPORTS AND RECOMMENDATIONS**

Chairman Browdy requested TAC and POC chairs confine their reports to a brief summary of any key recommendations, emphasizing any issues requiring an action from the Commission. The Chair requested if the TAC/POC requires Commission action, to frame the needed action in the form of a proposed motion. This will ensure that the Commission understands exactly what the TAC/POC's are recommending, and the subsequent action requested of the Commission. The Chair explained that the complete reports/minutes will be linked to the committees' subsequent agendas for approval by the respective committees. Committee reports are available at the following URL (linked to Commission's April 9, 2013 Agenda):

[http://www.floridabuilding.org/fbc/commission/FBC\\_1212/index.htm](http://www.floridabuilding.org/fbc/commission/FBC_1212/index.htm)

#### **Accessibility TAC**

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

##### *Commission Action:*

**MOTION**—The Commission voted unanimously, 18 – 0 in favor, to accept the TAC's report (March 29, 2013).

*(See Committee's Next Agenda for Linked Committee Report)*

#### **Building Code System Uniform Implementation Evaluation Workgroup**

Jeff Blair, Facilitator, presented the Workgroup's report and any recommendations

##### *Commission Action:*

**MOTION**—The Commission voted unanimously, 18 – 0 in favor, to accept the Workgroup's report (April 8, 2013).

*(See Project Webpage for Report: <http://consensus.fsu.edu/FBC/BCSUIEWG.html>)*

#### **Code Administration TAC**

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

##### *Commission Action:*

**MOTION**—The Commission voted unanimously, 15 – 0 in favor, to accept the TAC's report (March 28, 2013).

*(See Committee's Next Agenda for Linked Committee Report)*

#### **Education POC**

Commissioner Dean presented the POC's reports and any recommendations.

##### *Commission Action:*

**MOTION**—The Commission voted unanimously, 15 – 0 in favor, to accept the POC's reports (April 2, 2013 and April 8, 2013).

*(See Committee's Next Agenda for Linked Committee Report)*

### **Fire TAC**

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

#### ***Commission Action:***

**MOTION**—The Commission voted unanimously, 15 – 0 in favor, to accept the TAC's report (March 28, 2013).

*(See Committee's Next Agenda for Linked Committee Report)*

### **Hurricane Research Advisory Committee**

Mo Madani, DBPR staff, presented the HRAC's report and any recommendations.

#### ***Commission Action:***

**MOTION**—The Commission voted unanimously, 16 – 0 in favor, to accept the Committee's report (February 28, 2013).

*(See Committee's Next Agenda for Linked Committee Report)*

### **Product Approval POC**

Commissioner Stone presented the Committee's report and any recommendations.

#### ***Commission Action:***

**MOTION**—The Commission voted unanimously, 16 – 0 in favor, to accept the POC's report (March 28, 2013).

**MOTION**—The Commission voted unanimously, 16 – 0 in favor, to approve proceeding with the Invitation to Negotiate (ITN) for administrative services for the Product Approval System, and for Commissioner Stone to serve on the evaluation and negotiation teams.

*(See Committee's Next Agenda for Linked Committee Report)*

### **Special Occupancy TAC**

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

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

**MOTION**—The Commission voted unanimously, 17 – 0 in favor, to accept the TAC's report (March 28, 2013).

*(See Committee's Next Agenda for Linked Committee Report)*

### **Swimming Pool TAC**

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

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

**MOTION**—The Commission voted unanimously, 17 – 0 in favor, to accept the TAC's report (March 29, 2013).

*(See Committee's Next Agenda for Linked Committee Report)*

#### **XIV. SUMMARY OF ISSUES AND RECOMMENDATIONS FOR INCLUSION IN THE COMMISSION'S 2012-2013 ANNUAL REPORT**

Chairman Browdy reported that from this point forward the Commission's Annual Report will be submitted at the end of June to correspond with the fiscal year and to provide sufficient time for legislative issues to be vetted through the Department's review process. In order to meet this schedule the Chair tasked Jeff Blair with preparing a Draft Summary of Issues and Recommendations for the April 2013 meeting and a draft Report to the Legislature for approval at the June 2013 meeting. Jeff Blair reviewed the issues and recommendations with the Commission, and reported that the Annual Report provides an update on all key Commission actions, assignments and initiatives taking place during the reporting period of January 1, 2012 – June 30, 2013, as well as Commission recommendations to the Florida Legislature. Jeff reported that going forward the Annual Report will cover the fiscal year period of July 1 – June 30 annually. Jeff reviewed the format of the Report, key topics included in the Report and three recommendations from the *Building Code System Uniform Implementation Evaluation Workgroup*. Following questions and answers, public comment, and Commission discussion, the Commission took the following actions:

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

**MOTION**—The Commission voted unanimously, 17 – 0 in favor, to recommend to the Florida Legislature that a definition of the term “*local technical amendment*” be added to Chapter 553.73, F.S., as follows: “An action by a local governing authority that results in a technical change to the Florida Building Code and its local enforcement.”

**MOTION**—The Commission voted unanimously, 17 – 0 in favor, to recommend to the Florida Legislature that the Commission be granted statutory authority to interpret the Florida Accessibility Code for Building Construction consistent with the Commission's ability to interpret all of the other sections of the Code.

**MOTION**—The Commission voted unanimously, 17 – 0 in favor, that Chairman Browdy should work with DBPR staff to draft a letter to all of Florida's city and county attorneys, city and county managers and mayors regarding the statutory requirements contained in Section 553.73 (4)(b)(5), F.S., requiring any amendment to the Florida Building Code: “*shall be transmitted within 30 days by the adopting local government to the commission. The commission shall maintain copies of all such amendments in a format that is usable and obtainable by the public. Local technical amendments shall not become effective until 30 days after the amendment has been received and published by the commission.*”

**MOTION**—The Commission voted unanimously, 17 – 0 in favor, to adopt the Draft Summary of Issues and Recommendations for inclusion in the Commission's 2012-2013 Annual Report.

##### **OTHER COMMISSION ACTION**

There were no additional Commission actions.

## **XV. GENERAL PUBLIC COMMENT**

Members of the public were offered an opportunity to provide comment during each of the Commission's substantive discussion agenda items. In addition, Chairman Browdy invited members of the public to address the Commission on any issues under the Commission's purview.

### *Public Comments:*

- Glenn (FHBA): requested that the Commission agenda be posted earlier in the future to provide adequate time for making meeting plans and reservations.
- Wilhelm (AAMA): requested that drinking water be provided in the room for meetings.
- Glenn (FHBA): a bill is proposed to clarify issue regarding duct testing.

## **XVI. COMMISSION MEMBER COMMENT AND ISSUES**

Chairman Browdy invited Commission members to offer any general comments to the Commission, or identify any issues or agenda items for the next Commission meeting.

### *Commission Member Comments:*

- Calleja: when there is a conflict between the Code and statutory requirements building officials sometimes try to enforce the Code, when the statutory requirements should prevail.
- Staff Answer: the Glitch process is to correct a conflict between the Code and legislation by making the Code consistent with legislation (statutory requirements).
- Tolbert: if this occurs the local appeals process can be used.
- Calleja: a letter should be sent by the Commission to local building departments informing them that statutory requirements prevail over Code requirements, and the Glitch process provides a mechanism to revise the Code to correlate with statutory requirements.

## **XVII. NEXT COMMISSION MEETING OVERVIEW AND ISSUES**

The June 10 - 12, 2013 Commission meeting in Daytona Beach, Florida will focus on routine Commission procedural matters including Chair's issues and recommendations, updates of the Workplan, product and entity approvals, applications for accreditor and course approvals, petitions for declaratory statements, accessibility waivers, and recommendations from the Commission's various committees. The Commission will receive updates and discuss relevant legislative issues emerging from the 2013 Florida Legislative Session. The Commission will finalize issues for inclusion in the *Commissions 2012-2013 Annual Report*. The Commission will conduct a supplemental rule development workshop for Rule 61G20-4.001, Procedures – Accessibility Waiver Fees.

## **STAFF ASSIGNMENTS FROM APRIL 2013 MEETING**

- None noted.

## **ADJOURNMENT**

The Chair thanked Commission members and the public for their attendance and participation, and adjourned the meeting at 11:30 AM on Tuesday, April 9, 2013 following an unanimous vote of 18 – 0 in favor of adjournment.



**ATTACHMENT 1**  
**FLORIDA BUILDING COMMISSION MEETING EVALUATION RESULTS**

**APRIL 9, 2013—ST. AUGUSTINE, FLORIDA**

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

**Number of Respondents: 19 of 19 Commissioners present completed meeting evaluations.**

**1. OVERALL MEETING ASSESSMENT.**

- 9.7 The background information was very useful.
- 9.7 The agenda packet was very useful.
- 9.7 The objectives for the meeting were stated at the outset.
- 9.5 Overall, the objectives of the meeting were fully achieved.

**2. MEMBERS LEVEL OF AGREEMENT THAT THE MEETING OBJECTIVES WERE ACHIEVED.**

- 9.7 Chairs Issues and Recommendations.
- 9.7 FBC Annual Exercises Results: Effectiveness Assessment & Workplan Prioritization.
- 9.6 Discussion/Decision on Effective Date of the Next Edition of the Florida Building Code.
- 9.7 Accessibility Waiver Applications.
- 9.6 Approvals and Revocations of Products and Product Approval Entities.
- 9.6 Applications for Accreditor and Course Approvals.
- 9.7 Legal Issues Including Requests for Declaratory Statements.
- 9.6 Consideration of Development of Rule 61G20-4.001, Procedures Accessibility Waiver Fees.
- 9.6 Discussion of Binding Interpretation #91 and related DOAH Hearing.
- 9.7 TAC and POC Reports and Recommendations.
- 9.6 Workgroup, Ad Hoc, and/or Committee Reports and Recommendations.
- 9.7 Summary of Issues and Recommendations for the Commission's 2012-2013 Annual Report Approval.

**3. HOW WELL THE FACILITATOR HELPED THE MEMBERS ENGAGE IN THE MEETING.**

- 9.7 The members followed the direction of the Facilitator.
- 9.8 The Facilitator made sure the concerns of all members were heard.
- 9.7 The Facilitator helped us arrange our time well.
- 9.8 Participant input was documented accurately in Facilitator's Report (previous meeting).

**4. MEMBERS LEVEL OF SATISFACTION WITH THE MEETING.**

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

**5. HOW WELL THE NEXT STEPS WERE COMMUNICATED.**

- 9.6 I know what the next steps following this meeting will be.
- 9.6 I know who is responsible for the next steps.

**6. WHAT MEMBERS LIKED BEST ABOUT THE MEETING.**

- Very good meeting.
- Very nice facility.
- Glad we finished before lunch.
- Agenda was well done.

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

- Same comment on getting the agenda out earlier: “We do need to look at getting the agenda out ASAP in these times”.
- Sound was not consistent.

**8. OTHER GENERAL COMMENTS.**

- We do need to look at getting the agenda out ASAP in these times.
- The price of hotel rooms and food at this hotel seems excessive.

**COMMENTS ON SPECIFIC AGENDA ITEMS**

*None were offered.*

**PUBLIC-MEETING EVALUATION AND COMMENT RESULTS**

*None were completed.*

**ATTACHMENT 2**  
**KEY TO COMMON ACRONYMS**

ACRONYM	DEFINITION
ADA	Americans With Disabilities Act
ADAAG	ADA Accessibility Guidelines for Buildings and Facilities
BCSA	Florida Building Code System Assessment
BOAF	Building Officials Association of Florida
DACS or FDACS	Florida Department of Agriculture and Consumer Services
DBPR	Department of Business and Professional Regulations
DCA	Department of Community Affairs
DEP or FDEP	Florida Department of Environmental Protection
DOH or FDoH	Florida Department of Health
EPA	U.S. Environmental Protection Agency
FACBC	Florida Accessibility Code for Building Construction
FAR	Florida Administrative Register (previously FAW)
FBC	Florida Building Code
FBC	Florida Building Commission
FECC	Florida Energy and Conservation Code
IBC	International Building Code
ICC	International Code Council
POC	Program Oversight Committee (Education and Product Approval)
SAD	ADA Standards for Accessibility Design
TAC	Technical Advisory Committee

## ATTACHMENT 3

### FLORIDA BUILDING COMMISSION HISTORY AND OVERVIEW

#### **HISTORY**

Following Hurricane Andrew in 1992, Florida experienced record-breaking insurance losses resulting in a crisis affecting every homeowner in the state. The Governor appointed a Building Code Study Commission, The Florida Conflict Resolution Consortium designed and facilitated a two-year study and deliberation process with the 28 members representing a range of interests in the public and private sectors, through which the Commission evaluated the building code system.

The study revealed that building code adoption and enforcement was inconsistent throughout the state and even local codes thought to be the strongest proved inadequate when tested by major hurricane events. The consequences were devastation to lives and economies and a statewide property insurance crisis. The Commission recommended reform of the state building construction system which placed emphasis on uniformity and accountability.

The legislature enacted the consensus recommendations into law in 1998. In late 1998, the Consortium was asked by the Commission's chair to assist the newly created Florida Building Commission in its effort to build consensus for a uniform building code proposal. A complex consensus building process was put in place that included designing and facilitating meetings of 12 balanced technical advisory groups of 11 members each appointed by the Commission, as well as the Commission's meetings. The Consortium continues to work with the Commission by providing facilitation and consensus-building services.

#### **OVERVIEW**

The Florida Building Commission is a 25 member Governor appointed representative stakeholder group who successfully created, implemented, and maintains the new statewide Florida Building Code. The Commission is comprised of the Governor's Chair, and 24 members appointed according to criteria established by the American National Standards Institute (ANSI) for representation. They are as follows: in the general interest category: four code officials, two state government representatives, a local government representative, a representative of persons with disability; in the consumer category: an architect, a structural engineer, a mechanical engineer, representatives of fire protection technology, the building management industry, and the insurance industry; and in the producer category: a general contractor, residential contractor, mechanical contractor, plumbing contractor, electrical contractor, roofing/sheet metal/air conditioning contractor, a manufactured building representative, a building product manufacturer, a swimming pool contractor, and a representative of the green building industry.

The Florida Building Commission (FBC) seeks to develop consensus decisions on its recommendations and policy decisions. General consensus is a participatory process whereby, on matters of substance, the members strive for agreements which all of the members can accept, support, live with or agree not to oppose. In instances where, after vigorously exploring possible ways to enhance the members' support for the final decision on substantive decisions, and the Commission finds that 100% acceptance or support is not achievable, final decisions require at least 75% favorable vote of all members present and voting. This super majority decision rule underscores the importance of actively developing consensus throughout the process on substantive issues with the participation of all members and which all can live with and support. The Commission's consensus process is conducted as an open public process with multiple opportunities for the public to provide input to the Commission on substantive issues.

At each Commission meeting, the public is welcome to speak during the public comment period provided for each substantive issue under consideration, as well as general public comment periods provided at the end of each day's meeting. In addition, most substantive issues before the Commission go through a workgroup process where consensus recommendations are developed by appointed representative stakeholder groups, providing additional opportunities for public input. Workgroup recommendations approved by the Commission usually require rule development to implement, affording at least two additional entry points for public comment.

Since its formation in July of 1998, The Commission has demonstrated a commitment to working with affected interests to build consensus on complex issues. The adoption of the first edition of the Florida Building Code (2001 Edition), developed from September 1998 through January of 2001, involved 27 Commission meetings, many dozens of facilitated public workshops, and hundreds of TAC meetings. The Commission has consistently worked with all affected interests to build the best possible consensus-based decisions for the citizens of Florida.

Through its committees and workgroups of experts, the Commission has always developed its decisions on the results of the best engineering-based science available. Although the Code is by law a minimum building code, the Florida Building Code is the strongest consensus and science based building code in the country.

In summary, the Florida Building Commission provides a forum for stakeholders representing key interests to participate in a consensus-building process where issues affecting the construction industry are discussed and evaluated on their technical merits and cost-benefits to the citizens of the State of Florida. In addition, as a result of the Commission's proven consensus-building process and success in developing consensus on tough issues, the Florida Legislature annually assigns policy issues to the Commission for evaluation and implementation.

**ATTACHMENT 4**  
**APRIL 9, 2013 MEETING AGENDA**

**FLORIDA BUILDING COMMISSION**  
**APRIL 9, 2013**  
**WORLD GOLF VILLAGE**  
**500 SOUTH LEGACY TRAIL, ST. AUGUSTINE, FL 32092**

**OBJECTIVES**

- To Consider Regular Procedural Issues: Agenda Approval and Approval of the February 4 - 5, 2013 Facilitator's Summary Report and Meeting Minutes, and March 18, 2013 and April 2, 2013 Teleconference Minutes.
- To Consider/Decide on Chair's Discussion Issues/Recommendations.
- To Discuss Results of Commission's Annual Exercise: Effectiveness Assessment Survey and Workplan Prioritization Exercise.
- To Discuss Effective Date of the Next Edition of the Florida Building Code.
- To Consider/Decide on Accessibility Waiver Applications.
- To Consider/Decide on Approvals and Revocations of Products and Product Approval Entities.
- To Consider Applications for Accreditor and Course Approval.
- To Consider/Decide on Legal Issues: Petitions for Declaratory Statements and Binding Interpretations, Specifically Binding Interpretation #91 and corresponding DOAH Cases.
- To Consider/Decide on Issues Related to Adoption of Rules, and Specifically, Consider Development of Rule 61G20-4.001, Procedures – Accessibility Waiver Fees.
- To Consider/Decide on Technical Advisory Committees (TACs): Accessibility, Code Administration, Fire, Special Occupancy, and Swimming Pool TAC Report/Recommendations.
- To Consider/Decide on Program Oversight Committees (POCs): Education and Product Approval POC Reports/Recommendations.
- To Consider/Decide on Ad Hoc/Workgroups: *Building Code System Uniform Implementation Evaluation*, and Hurricane Research Advisory Committee.
- To Consider Facilitator's Summary of Issues and Recommendations for the Commission's 2012-2013 Annual Report.
- To Receive Public Comment.
- To Discuss Commissioner Comments and Issues.
- To Review Committee Assignments and Issues for the Next Meeting—June 10-11, 2013 in Daytona Beach, Florida.

*Committee and Workgroup Meetings held in conjunction with the Plenary Session*

*Meetings are held by teleconference and webinar unless otherwise indicated by site identification*

<b>February 28</b>	<b>2:00 p.m.</b>	<b>Hurricane Research Advisory Committee</b>
<b>March 28</b>	<b>10:00 a.m.</b>	<b>Product Approval Program Oversight Committee</b>
<b>March 28</b>	<b>1:00 p.m.</b>	<b>Fire Technical Advisory Committee</b>
<b>March 28</b>	<b>2:30 p.m.</b>	<b>Code Administration Technical Advisory Committee concurrent with Special Occupancy Technical Advisory Committee</b>
<b>March 29</b>	<b>10:00 a.m.</b>	<b>Accessibility Technical Advisory Committee concurrent with Swimming Pool Technical Advisory Committee</b>

April 1	2:00 p.m.	Accessibility Advisory Council
April 2	10:00 a.m.	Education Program Oversight Committee
April 8	10:00 a.m.	Education Program Oversight Committee
April 8	1:00 p.m.	Building Code System Uniform Implementation Evaluation Workgroup

*PLENARY SESSION, APRIL 9, 2013*

*All Agenda Times—including Adjournment—are Approximate and Subject to Change*

Time		
	1.)	Welcome and Opening, Roll Call
	2.)	Review and Approval of Meeting Agenda
	3.)	Review and Approval of the February 4-5 Facilitator's Summary Report and Meeting Minutes; March 18, 2013 Teleconference Minutes and April 1, 2013 Teleconference Minutes
	4.)	Chair Discussion Issues:
		<ul style="list-style-type: none"> <li>a. Appointments</li> <li>b. 2013-2014 Meeting Locations</li> <li>c. Building Code Advisory Board of Palm Beach County correspondence concerning corrosion of ridge vent fasteners.</li> <li>d. Legislative Issues Update Teleconference Calls</li> </ul>
	5.)	Discussion of Results from Commission's Annual Exercises; Effectiveness Assessment Survey and Workplan Prioritization Exercise
	6.)	Effective Date of the Next Edition of the Florida Building Code
	7.)	Accessibility Waiver Applications
		<ul style="list-style-type: none"> <li>a. Fifth Street Marina, 341 N. W. South River Drive, Miami</li> <li>b. Holiday Surf and Racquet Club Condominium, 510 Gulfshore Drive, Destin</li> <li>c. Greater Tallahassee Chamber of Commerce, 300 Park Avenue, Tallahassee</li> <li>d. Claremont Hotel, 1700 Collins Avenue, Miami Beach</li> <li>e. Xtreme Pool Challenge, 161 N. Atlantic Avenue, Cocoa Beach</li> </ul>
	8.)	Applications for Product and Entity Approval
	9.)	Applications for Accreditor and Course Approval
	10.)	Petitions for Declaratory Statement:
		<ul style="list-style-type: none"> <li>a. DS 2013 – 001 by Ken Rich</li> <li>b. DS 2013-011 by Robert Fine</li> <li>c. DS2013-013 by Robert Lorenzo</li> </ul>

	11.)	<b>Proposed Rulemaking, Rule 61G20-4.001, Procedures – Accessibility Waiver Fees</b>
	12.)	<b>Commission’s 2012-2013 Annual Report, Facilitator’s Summary of Issues and Recommendations</b>
	13.)	<b>Binding Interpretation #91; Beachlen Development Company, LLC v. DBPR and the Florida Building Commission, DOAH Case Nos. 13-769 and 13-580</b>
	14.)	<b>Committee Reports</b>
	15.)	<b>Public Comment</b>
	16.)	<b>Commissioner Comment</b>
	17.)	<i>Adjourn</i>



**ATTACHMENT 5**  
**COMMISSION'S UPDATED MEETING SCHEDULE AND WORKPLAN**

(UPDATED FEBRUARY 4, 2013)

**COMMISSION MEETING SCHEDULE**

<b>2012</b>	<b>LOCATION</b>	<b>RATE</b>
January 30 - 31	St. Pete Beach (Tradewinds: 1.727.367.6461)	\$139
April 2 - 3	Gainesville (UF Hilton: 1.352.371.3600)	\$119
June 11 - 12	Daytona Beach (Daytona Hilton Hotel: 1.386.947.8061)	\$ 99
August 6 - 7	Tampa (Embassy Suites, USF: 1.813.977.7066)	\$ 93
October 8 - 9	Daytona Beach (Daytona Hilton Hotel: 1.386.947.8061)	\$ 99
December 3 - 4	Gainesville (UF Hilton: 1.352.371.3600)	\$119

<b>2013</b>	<b>LOCATION</b>	<b>RATE</b>
February 4 – 5, 2013	St. Pete Beach (Tradewinds: 1.727.367.6461)	\$145
April 8 – 9, 2013	Saint Augustine (World Golf Village: 1.904.940.8000) 500 South Legacy Trail; St. Augustine, Florida 32092	\$149
June 10 – 11, 2013	Daytona Beach (Hilton Daytona Beach: 1.386.947.8061)	\$ 99
August 22 - 23, 2013	Boca Raton (Marriott Boca Raton at Boca Center)	
October 17 – 18, 2013	Kissimmee (Gaylord Palms) Tentative	
December 12–13, 2013	St. Pete Beach (Tradewinds Islands)	

<b>2014</b>	<b>LOCATION</b>	<b>RATE</b>
February 20 - 21, 2014	St. Augustine (World Golf Village)	
April 16 – 17, 2014	Kissimmee (Gaylord Palms) Tentative	
June 19 - 20, 2014	Daytona Beach (Hilton Daytona Beach)	
August		
October		
December		

**FLORIDA BUILDING COMMISSION 2013 WORKPLAN UPDATES**

**2013 FBC CODE UPDATE DEVELOPMENT TASKS PROPOSED**

<b>12. 2013 UPDATE TO THE FLORIDA BUILDING CODE—COMBINE PRIMARY UPDATE AND GLITCH REVISIONS IN A SINGLE RULE PROCEEDING</b>	
<b>TASK</b>	<b>SCHEDULE</b>
<i><b>Primary Code Development Phase:</b></i>	
2011 NEC published and available to the public;	01/2011
2012 International Codes published and available to the public;	09/2011
Commission selects 2012 I Codes and 2011 NEC as foundation for 2013 FBC (Note: The 6 month delay between I Codes available to public and Commission selection as base for the next Florida Building Code edition was removed from law in 2010)	12/6/2011
Staff evaluates Florida amendments resulting from direction of the Legislature and Commission initiatives to propose for inclusion in the 2013 FBC	1/2012 – 6/2012
Period for public to propose modifications to the 2012 I Codes	7/1/2012 – 8/1/2012
TACs consider proposed modifications	10/9-11/2012
Commission considers TAC recommendations <i>Rule Workshop</i>	2/4-5/2013
Draft 2013 (Florida Supplement plus I Codes) posted online	3/1/2013
<i><b>Glitch Correction Phase:</b></i>	
Period to propose glitch modifications to draft 2013 FBC	4/1/2013 – 5/1/2013
Post Tracking/Detail reports online	6/24/2013
TACs consider proposed glitch modifications and develop public comment via conference call/Webinars	<del>7/6-8/10</del> 12/4/2013
Commission considers proposed glitch mods and TAC comments	<del>8/6-2/2-23</del> 2/23/2013
<del>Final</del> Draft 2013 FBC posted online	11/7/12/2013
Provide Supplements to ICC for integration into the 2012 I-Code	
<i>Rule Workshop – Commission consider Draft 2013 FBC</i>	12/12-13/2013
<i>Final Rule Hearing</i> on 2013 FBC/Commission approves final version of Code	<del>28/20-21</del> 12/3/2014
Rule Submitted to Secretary of State and Supplement posted online	4/9/2013
Printed Code available	7/1/2014
2013 FBC effective date	<del>12/31</del> 1/31/2014
<b>Sub-Tasks</b>	
<b>a. Amend BCIS Forms and Commission Rule for Code Modification Proposals</b>	
Authorize initiation of rule amendment	12/6/11
Rule development workshop	1/31/12

<b>b. Review 2012 I Codes and 2012 NFPA 1 and NFPA 101 for Conflicts</b>	
Joint Fire TAC/Fire Code Advisory Council review and recommendations	
Glitch proposals considered during “ <i>Glitch Correction Phase</i> ”	
<b>2016 FBC and Cycles Going Forward</b>	
2015 I Codes published and available	9/2014
Draft Code development period	4/2015 – 6/2015
Glitch amendments period	6/2015 – 8/2015
2016 Code Adopted (rule filed with Secretary of State)	9/2015
2015 Code effective date	3/2016

**Note: Dates indicated in red are scheduled Commission meetings.**

## ATTACHMENT 6 ACCESSIBILITY WAIVER SUMMARY

### WAIVERS FROM ACCESSIBILITY CODE REQUIREMENTS—APRIL 9, 2013

The Council met via webinar on March 29, 2013 at 10:00 a.m.

The Council reviewed and made recommendations for disposition of waivers for the following projects.

The Commission took the following actions regarding waivers.

#### **Fifth Street Marina, 341 N. W. South River Drive, Miami**

**Issue:** Vertical accessibility to the loft area of a marina warehouse undergoing an alteration.

**Analysis:** The applicant is requesting a waiver from providing vertical accessibility to a new, 1,600 square foot loft in an existing 5,000 square foot warehouse that has historically been used for marine industrial purposes. The owner plans to divide the building into two commercial studios and construct the new loft. There is an existing lift to convey patrons to the first floor level and quotes from \$88,867 to \$122,000 for elevators were provided. The overall construction cost of the project is estimated to be \$202,252; however, the building official stated that the building underwent a \$1,250,000 alteration during the previous three years, increasing the applicable cost for determining disproportionate cost to be \$1,454,252.

**Recommendation:** Deferral, for cost breakdown and clarification regarding proposed use of loft.

**COMMISSION ACTION: Deferred.**

#### **Holiday Surf and Racquet Club Condominium, 510 Gulfshore Drive, Destin**

**Issue:** Design criteria for dune walkover.

**Analysis:** The applicant is requesting a waiver from providing a ramped dune walkover system in lieu of a stepped dune walkover costing \$40,534. According to the applicant, a ramped system would increase the cost of construction an additional \$79,600. The structure is being constructed as a result of a beach renourishment project adjacent to the property which is a resort condominium licensed under Chapter 509, F. S. It is also subject to regulation by the Department of Environmental Regulation (DEP), since the system will be installed seaward of the Coastal Construction Control Line. DEP will not permit a ramped system to be constructed because the size of the structure would create more impervious materials, subject to storm conditions, on the beach. The applicant plans to provide a beach wheelchair to maneuver on the sand after leaving the structure. The local building official does not consider the stepped system accessible, and referred the applicant to the Commission for a waiver. There are no Florida-specific requirements in the Accessibility Code that can be waived.

**Recommendation:** Deferral, to request additional information from applicant.

**COMMISSION ACTION: Deferred.**

**Greater Tallahassee Chamber of Commerce, 300 Park Avenue, Tallahassee**

**Issue:** Vertical accessibility to the second floor of an office building.

**Analysis:** The applicant is requesting a waiver from providing vertical accessibility to the second floor of an office building undergoing a \$75,000 alteration. Access to the second floor from the first is obtained via an interior stair. The project will also include adding a second stair to the upper offices to comply with egress requirements; making the entrance of the building accessible; modifying existing restrooms so they are accessible; and altering interior doors to provide 32” clear widths. Estimates of \$58,000 and \$37-39,000 were submitted as the cost to install an elevator to the second floor, which contains seven existing offices, a mechanical room and vacant storage space.

**Recommendation:** to grant, based on disproportionate cost.

**COMMISSION ACTION: Granted.**

**Claremont Hotel, 1700 Collins Avenue, Miami Beach**

**Issue:** Vertical accessibility to the first guest room level of a hotel.

**Analysis:** The applicant is requesting a waiver from providing vertical accessibility to the first guest room level of a historic hotel. The lobby is accessed from street level, and the first floor is elevated via a series of steps. According to the applicant, the stairway width is only 4’9” wide, and installation of a lift would encroach into the required clear egress space. The two upper level guest room floors are served by a passenger elevator and all required accessible guest rooms are located on accessible floors.

**Recommendation:** to grant, based on technical infeasibility.

**COMMISSION ACTION: Granted.**

**Xtreme Pool Challenge, 161 N. Atlantic Avenue, Cocoa Beach**

**Issue:** Vertical accessibility to all levels.

**Analysis:** The applicant is requesting a waiver from providing vertical accessibility to the entrance and to all levels of a 2800 square foot two story split level with three levels. The applicant plans to hold pool tournaments and has no accessible features currently in the building. The project consists of no alterations to the building. Estimates of \$100,000.00-\$125,000.00 and \$80,000.00 for an elevator was submitted and an estimate of \$54,300.00 for the shaft. The value of the existing building is \$170,000.00 to substantiate financial costs will be incurred by the owner if the waiver is denied.

**Recommendation:** no Council recommendation, split vote.

**COMMISSION ACTION: Denied.**

**ATTACHMENT 7**  
**LEGAL REPORT**

**DECLARATORY STATEMENTS**

**PETITIONS FOR DECLARATORY STATEMENTS—APRIL 9, 2013**

**1.) DS 2013 – 001 by Ken Rich**

**Question:**

To the question” : *Since the stair design as shown in Diagram A, meets the guidelines of the Florida Building Code Sections R311.7.1 through R311.7.8 is it also required, in addition, to meet Florida Building Code, Residential, Section R311.7.9.3 of which, by definition, it is not.* ”,

**Answer:** No. Section R311.7.9.3 of the Florida Building Code, Residential is an incomplete provision which provides for no requirement that would have any bearing on the project in question. Note: This answer should not be construed as an approval for the stair design indicated in Diagram ‘A’ of the DEC Statement.

**COMMISSION ACTION:** The Commission voted unanimously, 19-0 in favor, to adopt the Fire TACs’ recommendation on the petition.

**2.) DS 2013-011 by Robert Fine**

**Question #1:** Are the areas of the apartment buildings and developments in projects that will be permitted and constructed by Petitioners in Florida, that are intended solely for the use of residents and their guests (including dwelling units and common use areas), that are not subject to Section 504 of the Rehabilitation Act (programs receiving federal financial assistance) and are not subject to Title II of the Americans with Disabilities Act (State and Local Government Services), subject to the Accessibility Code except for the requirement set forth in Section 553.504(2), Florida Statutes, as provided for in Section 101.1.3 and 201.1 of the Accessibility Code?

**Answer:** No. Pursuant to Section 553.507 (1-2), Florida Statutes, multifamily residential dwellings such as rental apartments and residential condominiums (and their associated common use areas) that are not the recipients of government financial assistance or sponsorship (federal, state or local), are not subject to the Accessibility Code, with the exception of Section 553.504(2), unless they are places of public accommodation or commercial facilities. An exception to this would be discrete areas contained within multifamily residential dwellings that fall within the definitions of "place of public accommodation" or "commercial facilities," such as a leasing or sales office and the restrooms and parking that support it (and the accessible route that connects these elements), such areas would be subject to the Accessibility Code unless otherwise exempted by the Accessibility Code.

**Question #2:** Are swimming pool that are part of common use areas of the apartment buildings and developments in the projects that Petitioners will be permitting and constructing, that are intended solely for the use of residents and their guests (and not otherwise available to the general public) and which are not the recipients of governmental financial assistance or sponsorship, subject to the Accessibility Code because Section 424.1 classifies them as “public swimming pools” or any other reason?

**Answer:** No. The technical requirements of Section 424, Swimming Pools and Bathing Places (Public and Private), including the definition of "public swimming pools" or "public pools" of the 2010 Florida Building Code, Building are standalone/independent provisions which have no bearing on technical scope of the 2010 Florida Building Code, Accessibility. Further, according to the "Questions and Answers: Accessibility Requirements for Existing Swimming Pools at Hotels and Other Public Accommodation" as published by the U.S. Department of Justice (which may be relied upon pursuant to Section 553.503, Florida Statutes), the answer to the subject in question is as follows:

"Community pools that are associated with a private residential community and are limited to the exclusive use of residents and their guests are not covered by the ADA accessibility requirements. On the other hand, if a swimming pool/club located in a residential community is made available to the public for rental or use, it is covered under Title III of the ADA. If a community pool is owned or operated by a state or local government entity, it is covered by Title II of the ADA, which requires "program accessibility." See <http://www.ada.gov/pools2010.htm>. "

**COMMISSION ACTION:** The Commission voted unanimously, 19-0 in favor, to adopt the Accessibility and Swimming Pool TACs' recommendations on the petition.

### **3.) DS2013-013 by Robert Lorenzo**

**Question:** Can storage sheds that are not designed for human habitation and have a floor area of 720 square feet (67m<sup>2</sup>) and built by an approved manufacturer in the Manufactured Building Program be inspected as finished buildings in the yard for shipping.

**Answer:** No. For the subject in question, storage sheds that fall within the 20 percent of those storage sheds that are required to be inspected as per Section 428.3.2.1 are required to be fully inspected during the manufacturing process.

**COMMISSION ACTION:** The Commission voted unanimously, 18-0 in favor, to adopt the Code Administration and Special Occupancy TACs' recommendations on the petition.

**ATTACHMENT 8**  
**EFFECTIVENESS ASSESSMENT SURVEY RESULTS**

**FLORIDA BUILDING COMMISSION**  
**EFFECTIVENESS ASSESSMENT SURVEY RESULTS 2013**  
**(APRIL 9, 2013)**

**RESPONDENTS (14 OF 20):** Dick Browdy (Chair), Bob Boyer, Nan Dean, Herminio Gonzalez, Ken Gregory, Dale Greiner, Jeffery Gross, Jon Hamrick, Rafael Palacios, Brad Schiffer, James Schock, Drew Smith, Jeff Stone, and Tim Tolbert.

Commissioners were asked to circle the number that best describes how the Commission functions on each of the following scales:      Scale Range 10 - 1 (10 highest rating to 1 lowest rating)

<b>RANKING SCALE CRITERIA</b>									
<b>10</b>	<b>9</b>	<b>8</b>	<b>7</b>	<b>6</b>	<b>5</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>1</b>
Excellent Superior	Very Good	Good	Acceptable	Fair	Average	Mediocre Sub-Par	Poor	Very Poor	Extremely Poor

**DECISION MAKING PROCESS** **AVERAGE RANKING: 9.4**

Commission uses process to effectively build a broad-based consensus.

Commission uses process to make a majority decision without a consensus of members.

<b>10</b>	<b>9</b>	<b>8</b>	<b>7</b>	<b>6</b>	<b>5</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>1</b>
8	5	2	0	0	0	0	0	0	0

**COMMENTS:**

- I think the consensus of 75% is good for the Commission, but for the TACs I think 66% would be better because they are small groups.

**PARTICIPATION AND COMMUNICATION** **AVERAGE RANKING: 9.6**

Communications are respectful, balanced and points are clearly understood.

Some members dominate. Limited listening and understanding.

<b>10</b>	<b>9</b>	<b>8</b>	<b>7</b>	<b>6</b>	<b>5</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>1</b>
10	4	1	0	0	0	0	0	0	0

**COMMENTS:**

- Everyone is always given the time to give their input!



**COMMISSION RELATIONSHIP TO AGENCY AVERAGE RANKING: 7.7**

Commission has developed effective working relationship and communication with Agency (DBPR).

Commission has not developed effective working relationship and communication with Agency (DBPR).

<b>10</b>	<b>9</b>	<b>8</b>	<b>7</b>	<b>6</b>	<b>5</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>1</b>
3	3	3	1	1	1	0	0	0	1

**COMMENTS:**

- Do not really know, appears to be good.
- I think it is a little early to tell how DBPR will assist the Commission with the relationship to the other licensing boards under DBPR. Particularly in the area of Building Department effectiveness and continuing education.
- I have no new found love for DBPR. I was opposed to the Commission being placed in the DBPR bureaucracy. For example, reimbursement request forms have neurotic requirements such as signing in blue ink. If you fail to adhere to one of those requirements, your request stops in their finance department with no notification to you or commission staff of the hold-up.
- What comes to mind is the rulemaking process for the glitch amendment that has yet to be completed by DBPR.

**COMMISSION RELATIONSHIP TO STAFF AVERAGE RANKING: 9.7**

Commission has developed effective working relationship and communication with staff.

Commission has not developed effective working relationship and communication with staff.

<b>10</b>	<b>9</b>	<b>8</b>	<b>7</b>	<b>6</b>	<b>5</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>1</b>
11	3	1	0	0	0	0	0	0	0

**COMMENTS:**

- Staff is wonderful. All are hard working and happy to help in any way.
- Jeff Blair may or may not be considered staff but in my opinion he is invaluable and irreplaceable.
- My experience has always been positive.

**TIME FOR CONSIDERATION AVERAGE RANKING: 8.9**

Adequate time for presentation, generating options, analysis and decision making.

Snap decisions are made or decisions are deferred because of lack of time.

<b>10</b>	<b>9</b>	<b>8</b>	<b>7</b>	<b>6</b>	<b>5</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>1</b>
4	7	2	2	0	0	0	0	0	0

**COMMENTS:**

- In general I think this is very good but on occasion particularly on complex issues I could use a little more time to contemplate unintended consequences.
- Sometimes, the time constraints of the meeting schedule impairs discussion, analysis and decision-making. For example, floor debate of code change proposals.

**INFORMATION AND ANALYSIS**

**AVERAGE RANKING: 8.5**

Critical background and assessment of options yield politically and practically feasible decisions.

Too little or too much, or hard to use information on the situation, options & impacts yield hard to implement decisions.

10	9	8	7	6	5	4	3	2	1
4	2	8	0	1	0	0	0	0	0

**COMMENTS:**

- Political and practical are mutually exclusive.
- Again, in general I believe this is very good but occasionally political decisions by the legislature can lead to bad public policy.

**PROCESS/MEETING FACILITATION**

**AVERAGE RANKING: 9.7**

Facilitation provides a positive impact on meeting efficiency, and consensus-building for the Commission and its committees.

Facilitation obstructs the efficiency of the meeting process, and negatively impacts consensus-building for the Commission and its committees.

10	9	8	7	6	5	4	3	2	1
12	2	0	1	0	0	0	0	0	0

**COMMENTS:**

- I think the facilitation process used by the Commission is excellent and keeps discussions on track and focused.
- Jeff Blair is a must at every meeting to get the job done in a professional and orderly manner.
- Jeff is invaluable to this process. As chairman of the roofing TAC it would have taken at least twice the amount of time to tackle all the code modifications for the 2013 FBC without him.
- Sometimes, the time constraints of the meeting schedule impairs facilitation.

## **KEY TASKS AND/OR UNRESOLVED SUBSTANTIVE ISSUES THAT NEED TO BE ADDRESSED BY THE COMMISSION DURING 2013**

### **Code Development and Code Provisions**

- Appropriate processing of proposed modifications.
- ADA issues as they pertain to commercial swimming pools and spas.
- Difference in Wind Load requirement between Mechanical & Structural. I understand it will disappear in the 2013 Code as the Mechanical ICC code modification was not presented.
- The path of future Florida Building Codes (ICC vs. Florida Code).
- The abolition of as many code items considered unique to Florida as possible thereby providing an avenue to adopt base code plus one supplement for all codes.
- The code update process with respect to identification of "Florida specific" conditions needs to be discussed.
- Florida specific amendments, better effort to encourage industry to submit changes to the national code level.

### **Code Enforcement/Implementation Issues**

- A report to the legislature in June that makes substantive recommendations to properly implement the Code to all jurisdictions within the State.
- The *Building Code System Uniform Interpretation Evaluation Workgroup* is an important component to uniform enforcement and interpretation.
- Provide the best possible support and database for Building Officials for unified enforcement and administration of the Florida Building Code.
- The Commission and staff are hampered with issues that could be handled at the local level.
- Building Officials these days seem to be reluctant to make a judgment call when the Florida Building Code doesn't specifically address a certain circumstance or issue. I believe it's a result of DBPR's history of heavy-handed investigation and enforcement.

### **Interagency Collaboration/Consolidation of Construction Regulations**

- Communication with other licensing boards could be better. Working with the Department of Health to get their construction regulations into the Florida Building Code.
- There should be a serious effort to place septic tank permitting under the local Building Inspection Departments. Service as a whole would be more efficient and cheaper. There has been some talk of this and plenty of opposition but I've not heard an argument from the opposition of why it's not a good idea.

### **Procedural/Logistical Issues**

- I am relatively new to the Commission and still getting my feet wet. One thing I've noticed is how important the TACs & POCs are and how great the system works when the items come before the Commission.

### **Legislative**

- There should a move to have a statute that requires indirect suction for all commercial pools and spas.

## **MEMBER'S PERSPECTIVES ON WHAT THEY WOULD LIKE THE COMMISSION TO ACCOMPLISH WITHIN THE NEXT FIVE TO TEN YEARS**

### **Code Development and Code Provisions**

- To try to get as close to the ICC process as possible and to have the 2016 code approved in 2016.
- Would like to see if the issue date of the Building Codes could be sooner.
- Have moved to the ICC as the base code with a Florida supplement for code issues truly unique to the State of Florida.
- Focus directed to making changes at the ICC level.
- The Florida Building Commission should be an active and vocal participant in the ICC code update process.
- Less modification of the International Codes.
- Minimal Florida specific code items.
- Working to get the Florida specific items submitted and approved into the base (national) code. Ending duplication.
- Change the code cycle to update every 6 years instead of every 3.
- Would like to add a method to have more Commissioners' input on wording of Florida Modifications.

### **Code Format**

- I understand that by having the Florida Code changes as a supplement instead of an integration to the ICC can lead to it being dropped by the Legislature, I believe this is how it should be handled.

### **Code Enforcement/Implementation Issues**

- Developments of processes that create uniformity of implementation of the Florida Building Code.
- I think the Code process is pretty good and the Commission focus might need to shift more to consistent enforcement and Building Department procedures.
- To have the whole construction industry aware of the Florida Building Code and to acknowledge the uniformity of the Code State wide. It would be great not to hear " this is how we do it in this County", that since we are all in the State of Florida, it would get done by the FBC.

### **Interagency Collaboration/Consolidation of Construction Regulations**

- Agency consolidation. Work on moving septic tank requirements and AHCA requirements into the FBC therefore moving enforcement of those requirements to the local building departments.
- Have removed all construction related items from other agencies and placed in Florida Building Codes.
- A Fire code that is completely integrated with the building code.

## ATTACHMENT 9

### WORKPLAN PRIORITIZATION EXERCISE RESULTS 2013

Commissioners were asked to rank each of eight (8) key *Workplan* tasks on a five-point continuum/scale where a

5 equals the highest level of priority and a 1 equals the lowest level of priority. Members were asked to rank the priority of each task independently and not in relation to the other tasks. Each of the *Workplan* task's rankings were tallied and arranged in order of highest priority (1) to lowest priority (8). The ranking results ranged from a high of 4.57 to a low of 3.14 out of 5.

*The exercise was completed by the following 15 of 20 Commissioners:*

Dick Browdy (Chair), Bob Boyer, Nan Dean, Kevin Flanagan, Herminio Gonzalez, Ken Gregory, Dale Greiner, Jeffery Gross, Jon Hamrick, Rafael Palacios, Brad Schiffer, James Schock, Drew Smith, Jeff Stone, and Tim Tolbert.

*Following are the results of the Commission's prioritization exercise for 2013:*

<b>WORKPLAN PRIORITIZATION EXERCISE RESULTS 2013</b>		
<b>WORKPLAN TOPICS (TASK/TOPIC #)</b>	<b>AVERAGE (5 TO 1)</b>	<b>OVERALL RANKING</b>
Certification of Florida Accessibility Code (DOJ)	1	4.57
2013 Code Update Process	2	4.43
Glitch amendments to 2013 Code	3	4.36
Report to 2014 Legislature	4	4.21
Building Code System Uniform Interpretation Evaluation process	5	4.14
Threshold inspections existing buildings	6	3.50
Amend rules to establish fees: waivers/declaratory statements/binding/non-binding opinions	7	3.36
Recommendations: increase recycling and composting, and recyclable construction materials (directed by Legislature)	8	3.14

#### **ADDITIONAL WORKPLAN TASKS PROPOSED BY COMMISSIONERS**

- Discussion is needed on ADA Declaratory statement process.
- Need to consider the adoption of the ICC green code, and discussion is needed on how this would be implemented.

## COMMENTS ON WORKPLAN ISSUES

### Legislative/Governor Directives Issues Comments

- While these demand the highest level, they are not as easy or as simple as the Legislature may think. We take the risk of just simply having too much code or too many rules.
- Codes should not be written by the Legislature.
- The Commission should have the opportunity to weigh in on any possible directive that relates to Building Construction in Florida before it becomes a mandate. I give the example of the mandated Hurricane Mitigation Retrofits for site built single family structures when it first became required.

### Code Development Process Comments

- We have worked long and hard on the code development process----it can, and should always be improved. We need to work harder at elimination of code items "unique" to Florida. Anything that is covered in the ICC should be eliminated from the Florida "unique" list.
- I believe the Florida Building Code should have its base code update every 6 years instead of every 3.

### Code Enforcement/Implementation Comments

- The Commission and staff are hampered with issues that could be handled at the local level.
- Building Officials these days seem to be reluctant to make a judgment call when the Florida Building Code doesn't specifically address a certain circumstance or issue. I believe it's a result of DBPR's history of heavy-handed investigation and enforcement.
- There should be a serious effort to place septic tank permitting under the local Building Inspection Departments. Service as a whole would be more efficient and cheaper. There has been some talk of this and plenty of opposition but I've not heard an argument from the opposition of why it's not a good idea.

### Interagency Collaboration Issues Comments

- There appears to be confusion on the threshold process with regard to alterations of threshold buildings as well as what work should be included in the threshold inspection process.

All I need to say is Department of Health.

## ATTACHMENT 10

### LEGISLATIVE ISSUES UPDATE

Bill No.	Title and Sponsor	Committees of Reference	Last Action	Notes
HB 201	An act relating to the renovation of educational facilities . . . Rep. Zimmerman	1. K-12 Sub; 2. Higher Ed. & Workforce Sub; 3. Approp Comm.; 4. Ed. Comm.	Referred to committees on January 23, 2013	Retrofit of doors and windows of schools including bullet-resistant elements and security related requirements.
HB 703	An act relating to concrete masonry products; . . . creating the Florida Concrete Masonry Council, Inc.; . . . Rep. Davis	1. Gov't. Ops. Sub.; 2. Fin. & Tax Sub.; 3. State Aff. Comm.	Referred to committees on February 20, 2013	Council created as a direct support organization of the Commission; collects surcharge on all masonry products manufactured and sold in the state to promote concrete and masonry industry.
SB 944	An act relating to concrete masonry products; . . . creating the Florida Concrete Masonry Council, Inc.; . . . Sen. Grimsley	1. Comm. Aff.; 2. Reg. Ind.	Referred to committees on February 21, 2013	Companion to 703
HB 973	An act relating to low-voltage alarm system contracting and permitting . . . Rep. Brodeur	1. Bus. & Prof. Reg. Sub.; 2. Local & Fed. Aff. Comm.; 3. Reg. Aff. Comm.	<u>Committee Substitute voted out of Bus.&amp;Prof Reg. 3/20</u>	Alters enforcement processes for low-voltage alarms eliminating plan review; requiring the building official to coordinate post installation inspections with homeowner; and establishing fees. <u>CS excludes fire alarms if a plan review is required.</u>
SB 1050	An act . . . authorizing district school boards to <b>voluntarily</b> comply with the State Requirements for Educational Facilities of the Florida	1. Ed.; 2. Comm. Aff.	Referred to Committees February 25, 2013	Renders section 423 of the Building Code permissive for district school boards.

Bill No.	Title and Sponsor	Committees of Reference	Last Action	Notes
	construction, remodeling, and renovation projects; Sen. Flores			
SB 1088	An act relating to the renovation of educational facilities . . . Sen. Latvala	1. Ed.; 2. Ed. Approps. Sub.; 3. Approps.	Referred to committees February 28, 2013	Companion and identical to HB 201
HB 1245	An act relating to building construction Rep. Davis	1. Bus. & Prof. Reg. Sub.; 2. Gov't Ops. Approps. Sub.; 3. Reg. Aff. Comm.	Bus. & Prof. Reg. Sub. voted out CS, March 27, 2013.	Includes: continuation of prohibition of mandatory residential fire sprinklers in the code [s.9]; adds a 26th member of the Commission to represent natural gas distribution system [s.10]; Electronic site plans [s.11]; Dep't approval of products submitting eval. report from an eval. entity [s.12]; redesignation of energy code as the Florida Building Code—Energy Conservation [ss. 13-19]; revising the state's role in the BERS program to one of oversight and recognition of nationally developed programs [ss.20-23]
SB 1252	An act relating to building construction Sen. Simpson	1. Comm. Aff.; 2. Reg. Ind.; 3. Approps.	CS voted out of Comm.Aff., 3/20	Companion and substantially similar to 1245
SB 1442	An act relating to low-voltage alarm system contracting and permitting . . . Sen. Lee	1. Reg. Ind.; 2. Crim. Justice.	Referred to committees on March 7, 2013	Companion to 973



## ATTACHMENT 11

### PRODUCT AND ENTITY APPROVAL REPORT

ID	Manufacturer	Category	Subcategory	TBA	POC	FBC	Comments	
<b>Evaluation by Engineer/ Architect Method - FBC Voted Approval</b>								
491-R4	CertainTeed Corporation-Roofing	Roofing	Roofing Insulation	a	a	a	Recommend Approval	Revision
1365-R4	3M Company	Roofing	Cements-Adhesives-Coatings	a	a	a	Recommend Approval	Revision
1559-R8	Duro-Last Roofing Inc.	Roofing	Single Ply Roof Systems	a	a	a	Recommend Approval	Revision
1754-R4	CENTRIA	Structural Components	Structural Wall	a	a	a	Recommend Approval	Revision
1779-R4	Metals USA Building Products	Roofing	Metal Roofing	a	a	a	Recommend Approval	Editorial Change
3174-R4	CENTRIA	Structural Components	Structural Wall	a	a	a	Recommend Approval	Revision
3443-R6	GAF	Roofing	Single Ply Roof Systems	a	a	a	Recommend Approval	Revision
4718-R3	Metals USA Building Products	Roofing	Metal Roofing	a	a	a	Recommend Approval	Editorial Change
5293-R9	GAF	Roofing	Single Ply Roof Systems	a	a	a	Recommend Approval	Revision
5302-R3	Amarr Garage Doors	Exterior Doors	Sectional Exterior Door Assemblies	a	a	a	Recommend Approval	Revision
5444-R5	CertainTeed Corporation-	Roofing	Asphalt Shingles	a	a	a	Recommend Approval	Editorial Change

	Roofing							
5680-R8	GAF	Roofing	Modified Bitumen Roof System	a	a	a	Recommend Approval	Revision
6796-R4	Atlas Roofing	Roofing	Roofing Insulation	a	a	a	Recommend Approval	Revision
7344-R4	Metals USA Building Products	Shutters	Storm Panels	a	a	a	Recommend Approval	Editorial Change
8735-R1	Acurlite Structural Skylights, Inc.	Sky Lights	Skylight	a	a	a	Recommend Approval	Revision
10006-R3	Hope's Windows, Inc.	Exterior Doors	Sliding Exterior Door Assemblies	a	a	a	Recommend Approval	Revision
10013-R4	Metals USA Building Products	Roofing	Products Introduced as a Result of New Technology	a	a	a	Recommend Approval	Editorial Change
10094-R4	BAKER METAL WORKS & SUPPLY, INC.	Roofing	Metal Roofing	a	a	a	Recommend Approval	Revision
10124-R9	GAF	Roofing	Asphalt Shingles	a	a	a	Recommend Approval	Revision
10291-R6	POLYGLASS USA	Roofing	Cements-Adhesives-Coatings	a	a	a	Recommend Approval	Revision
10450-R4	Tarco Roofing	Roofing	Underlayments	a	a	a	Recommend Approval	Editorial Change
10564-R3	Advance Hurricane Technology Inc.	Shutters	Roll-up	a	a	a	Recommend Approval	Revision
10599-R3	Therma-Tru Corporation	Exterior Doors	Swinging Exterior Door Assemblies	a	a	a	Recommend Approval	Revision
10626-R8	GAF	Roofing	Underlayments	a	a	a	Recommend	Revision

							Approval	
10764-R4	Bigbee Steel Buildings	Structural Components	Roof Deck	a	a	a	Recommend Approval	Editorial Change
10778-R2	Metals USA Building Products	Structural Components	Structural Wall	a	a	a	Recommend Approval	Editorial Change
10889	Henry Company	Roofing	Cements-Adhesives-Coatings	a	a	a	Recommend Approval	New
10980-R2	La Cantina Doors, Inc.	Exterior Doors	Swinging Exterior Door Assemblies	a	a	a	Recommend Approval	Revision
11021-R2	GlobalShield, Inc.	Roofing	Modified Bitumen Roof System	a	a	a	Recommend Approval	Revision
11356-R2	Metals USA Building Products	Shutters	Storm Panels	a	a	a	Recommend Approval	Editorial Change
12095-R1	Metal Roofing Center, Inc.	Roofing	Metal Roofing	a	a	a	Recommend Approval	Revision
12197-R2	Metals USA Building Products	Structural Components	Structural Wall	a	a	a	Recommend Approval	Editorial Change
12366-R4	GAF	Roofing	Roofing Slate	a	a	a	Recommend Approval	Revision
12845-R1	Oshkosh Door Company	Exterior Doors	Swinging Exterior Door Assemblies	a	a	a	Recommend Approval	Revision
12924-R2	CertainTeed Corporation-Roofing	Roofing	Products Introduced as a Result of New Technology	a	a	a	Recommend Approval	Editorial Change
13103-R2	Loewen Windows	Exterior Doors	Sliding Exterior Door Assemblies	a	a	a	Recommend Approval	Revision
13198-R1	Atlantic Coast	Roofing	Metal Roofing	a	a	a	Recommend	Revision

	Roofing and Metal Fabricators, LLC.						Approval	
13321-R6	YKK AP America	Exterior Doors	Swinging Exterior Door Assemblies	a	a	a	Recommend Approval	Revision
13361-R1	Mark Tripson	Roofing	Metal Roofing	a	a	a	Recommend Approval	Revision
13521-R2	Amarr Garage Doors	Exterior Doors	Sectional Exterior Door Assemblies	a	a	a	Recommend Approval	Revision
13583-R2	All American Shutters of Pensacola	Shutters	Storm Panels	a	a	a	Recommend Approval	Revision
13613-R1	Discount Direct Metal Roofing	Roofing	Metal Roofing	a	a	a	Recommend Approval	Revision
14150-R2	Hope's Windows, Inc.	Windows	Fixed	a	a	a	Recommend Approval	Revision
14217-R3	YKK AP America	Panel Walls	Curtain Walls	a	a	a	Recommend Approval	Revision
14218-R3	YKK AP America	Panel Walls	Storefronts	a	a	a	Recommend Approval	Revision
14239-R2	BMP International Inc.	Structural Components	Anchors	a	a	a	Recommend Approval	Revision
14317-R3	Boral Roofing / MonierLifetile	Roofing	Underlayments	a	a	a	Recommend Approval	Revision
14651-R2	Winco Window Company	Windows	Horizontal Slider	a	a	a	Recommend Approval	Revision
14667-R1	The Aluminum Shingle Company	Roofing	Metal Roofing	a	a	a	Recommend Approval	Revision
14911-R3	Silverline Building Products Corp.	Windows	Single Hung	a	a	a	Recommend Approval	Revision
15038	Therma-Tru Corporation	Exterior Doors	Swinging Exterior Door Assemblies	a	a	a	Recommend Approval	New

15042-R1	Therma-Tru Corporation	Exterior Doors	Swinging Exterior Door Assemblies	a	a	a	Recommend Approval	Revision
15085-R1	Metals USA Building Products	Structural Components	Roof Deck	a	a	a	Recommend Approval	Editorial Change
15099-R2	Doers Window Manufacturing, LLC	Windows	Fixed	a	a	a	Recommend Approval	Editorial Change
15184-R2	Alumiglass, LLC	Panel Walls	Storefronts	a	a	a	Recommend Approval	Revision
15185-R2	Alumiglass, LLC	Panel Walls	Curtain Walls	a	a	a	Recommend Approval	Revision
15210-R2	Plastpro Inc. / Nanya Plastics Corp.	Exterior Doors	Swinging Exterior Door Assemblies	a	a	a	Recommend Approval	Revision
15215-R1	Plastpro Inc. / Nanya Plastics Corp.	Exterior Doors	Swinging Exterior Door Assemblies	a	a	a	Recommend Approval	Editorial Change
15413-R1	NewSouth Window Solutions	Windows	Mullions	a	a	a	Recommend Approval	Revision
15417-R1	Doers Window Manufacturing, LLC	Windows	Mullions	a	a	a	Recommend Approval	Revision
15598	Petersen Aluminum Corporation	Panel Walls	Siding	a	a	a	Recommend Approval	New
15816-R1	Wincore Window Company, LLC	Windows	Fixed	a	a	a	Recommend Approval	Revision
15853-R2	Amarr Garage Doors	Exterior Doors	Sectional Exterior Door Assemblies	a	a	a	Recommend Approval	Revision
15937-R1	API (American Products Inc.)	Exterior Doors	Swinging Exterior Door Assemblies	a	a	a	Recommend Approval	Revision
16054-R1	MI Windows and Doors	Exterior Doors	Sliding Exterior Door Assemblies	a	a	a	Recommend Approval	Revision

16077	Ply Gem Siding Group	Panel Walls	Soffits	a	a	a	Recommend Approval	New
16107-R1	Clopay Building Products Company	Exterior Doors	Sectional Exterior Door Assemblies	a	a	a	Recommend Approval	Revision
16115-R1	SR Products	Roofing	Modified Bitumen Roof System	a	a	a	Recommend Approval	Editorial Change
16160	Stampco, Inc.	Roofing	Roofing Accessories that are an Integral Part of the Roofing System	a	a	a	Recommend Approval	New
16164	Bildau & Busmann GmbH	Windows	Mullions	a	a	a	Recommend Approval	New
16166	Owens Corning	Roofing	Roofing Accessories that are an Integral Part of the Roofing System	a	a	a	Recommend Approval	New
16177	Custom Window Systems Inc.	Windows	Single Hung	a	a	a	Recommend Approval	New
16178	Kawneer Company, Inc.	Windows	Horizontal Slider	a	a	a	Recommend Approval	New
16179	Majors Metal Roofing & Custom Sheet Metal, Inc.	Roofing	Metal Roofing	a	a	a	Recommend Approval	New
16185	Dallas Millwork, Inc	Exterior Doors	Swinging Exterior Door Assemblies	a	a	a	Recommend Approval	New
16187	POLYGLASS USA	Roofing	Liquid Applied Roof Systems	a	a	a	Recommend Approval	New

16191	ASTA DOOR CORPORATION	Exterior Doors	Roll-Up Exterior Door Assemblies	a	a	a	Recommend Approval	New
16198	Ingersoll-Rand	Exterior Doors	Exterior Door Components	a	a	a	Recommend Approval	New
16201	Metl-Span, A Division of NCI Group, Inc.	Structural Components	Structural Wall	a	a	a	Recommend Approval	New
16203	G.M.C. Roofing & Building Paper Products Inc.	Roofing	Underlayments	a	a	a	Recommend Approval	New
16204	Impact Secure Shutters, Inc.	Shutters	Bahama	a	a	a	Recommend Approval	New
16205	CENTRIA	Structural Components	Roof Deck	a	a	a	Recommend Approval	New
16213	Window Mart	Windows	Mullions	a	a	a	Recommend Approval	New
16214	JELD-WEN	Windows	Mullions	a	a	a	Recommend Approval	New
16216	Wincore Window Company, LLC	Exterior Doors	Sliding Exterior Door Assemblies	a	a	a	Recommend Approval	New
16217	CGI Windows and Doors	Exterior Doors	Swinging Exterior Door Assemblies	a	a	a	Recommend Approval	New
16218	F&L Aluminum Parts, Inc	Structural Components	Pre-engineered AC Stands	a	a	a	Recommend Approval	New
16219	Town and Country Industries,	Shutters	Colonial	a	a	a	Recommend Approval	New
16221	MI Windows and Doors	Exterior Doors	Sliding Exterior Door Assemblies	a	a	a	Recommend Approval	New
16222	MI Windows and Doors	Windows	Single Hung	a	a	a	Recommend Approval	New

16223	MI Windows and Doors	Windows	Fixed	a	a	a	Recommend Approval	New
16224	Plastpro Inc. / Nanya Plastics Corp.	Windows	Fixed	a	a	a	Recommend Approval	New
16225	Raynor Garage Doors	Exterior Doors	Sectional Exterior Door Assemblies	a	a	a	Recommend Approval	New
16226	Atlas Roofing Corporation	Roofing	Underlayments	a	a	a	Recommend Approval	New
16229	Central States Manufacturing, Inc.	Roofing	Metal Roofing	a	a	a	Recommend Approval	New
16232	Broan-NuTone, LLC.	Roofing	Roofing Accessories that are an Integral Part of the Roofing System	a	a	a	Recommend Approval	New
<b>Evaluation by Test Report - FBC Voted Approval</b>								
8101-R3	Metals USA Building Products	Roofing	Asphalt Shingles	a	a	a	Recommend Approval	Editorial Change
16174	IKO Industries, Ltd	Roofing	Asphalt Shingles	a	a	a	Recommend Approval	New
<b>Evaluation by Evaluation Entity - FBC Voted Approval</b>								
5388-R4	Kawneer Company, Inc.	Panel Walls	Curtain Walls	a	a	a	Recommend Approval	Revision
7849-R4	Boral Roofing / MonierLifetile	Roofing	Roofing Tiles	a	a	a	Recommend Approval	Revision
12192-R2	KAYCAN LTD	Panel Walls	Siding	a	a	a	Recommend Approval	Revision
13777-R2	Ludowici Roof Tile	Roofing	Roofing Tiles	a	a	a	Recommend Approval	Revision



14328-R2	Insulfoam LLC	Roofing	Roofing Insulation	a	a	a	Recommend Approval	Revision
14958-R1	Metl-Span, A Division of NCI Group, Inc.	Panel Walls	Products Introduced as a Result of New Technology	a	a	a	Recommend Approval	Revision
16098	Heat Barrier Systems, Inc	Roofing	Underlayments	a	a	a	Recommend Approval	New
16230	Simpson Strong-Tie Co.	Structural Components	Anchors	a	a	a	Recommend Approval	New
<b>Entities - FBC Voted Approval</b>								
CER1508	Window and Door Manufacturers Association	Product Certification Agency		a	a	a	Recommend Approval	Revision
CER1592	Miami-Dade BCCO - CER	Product Certification Agency		a	a	a	Recommend Approval	Revision
CER1840	FM Approvals - CER	Product Certification Agency		a	a	a	Recommend Approval	Revision
CER3471	PFS Corporation	Product Certification Agency		a	a	a	Recommend Approval	Revision
CER6750	Architectural Testing, Inc.	Product Certification Agency		a	a	a	Recommend Approval	Revision
QUA1591	Miami-Dade BCCO - QUA	Product Quality Assurance		a	a	a	Recommend Approval	Revision
QUA1844	Architectural Testing, Inc.	Product Quality Assurance		a	a	a	Recommend Approval	Revision

QUA1860	FM Approvals - QA	Product Quality Assurance		a	a	a	Recommend Approval	Revision
QUA3214	CEL Consulting	Product Quality Assurance		a	a	a	Recommend Approval	Revision
QUA6252	Progressive Engineering Inc.	Product Quality Assurance		a	a	a	Recommend Approval	Revision
QUA7733	Farabaugh Engineering and Testing, Inc	Product Quality Assurance		a	a	a	Recommend Approval	Revision
QUA9110	PRI Construction Materials Technologies, LLC	Product Quality Assurance		a	a	a	Recommend Approval	Revision
QUA9495	Benchmark Holdings, L.L.C.	Product Quality Assurance		a	a	a	Recommend Approval	Revision
TST1558	Architectural Testing, Inc	Product Testing Laboratory		a	a	a	Recommend Approval	Revision
TST1589	National Certified Testing Laboratories, Inc.	Product Testing Laboratory		a	a	a	Recommend Approval	Revision
TST1657	Fenestration Testing Lab	Product Testing Laboratory		a	a	a	Recommend Approval	Revision
TST1691	Hurricane Engineering and Testing, Inc.	Product Testing Laboratory		a	a	a	Recommend Approval	Revision
TST1795	Architectural Testing, Inc.- Minnesota	Product Testing Laboratory		a	a	a	Recommend Approval	Revision
TST2561	Southwest Research	Product		a	a	a	Recommend	Revision

	Institute-Fire Technology Department	Testing Laboratory					Approval	
TST2609	Architectural Testing, Inc. - California	Product Testing Laboratory		a	a	a	Recommend Approval	Revision
TST3892	Architectural Testing, Inc. (Atlanta, GA)	Product Testing Laboratory		a	a	a	Recommend Approval	Revision
TST4205	Progressive Engineering, Inc.	Product Testing Laboratory		a	a	a	Recommend Approval	Revision
TST4311	Architectural Testing, Inc. - Florida	Product Testing Laboratory		a	a	a	Recommend Approval	Revision
TST4744	National Certified Testing Laboratories-York	Product Testing Laboratory		a	a	a	Recommend Approval	Revision
TST6679	Air-Ins Inc..	Product Testing Laboratory		a	a	a	Recommend Approval	Revision
TST7110	Architectural Testing, Inc - Springdale, PA	Product Testing Laboratory		a	a	a	Recommend Approval	Revision
TST8139	Structural Building Components Research Institute	Product Testing Laboratory		a	a	a	Recommend Approval	Revision
TST8697	Architectural Testing, Inc. - Massachusetts	Product Testing Laboratory		a	a	a	Recommend Approval	Revision
TST9424	Architectural Testing, Inc - Lake Forest, CA	Product Testing Laboratory		a	a	a	Recommend Approval	Revision
TST9984	Florida TEC	Product		a	a	a	Recommend	New

	Management Services, Inc	Testing Laboratory					Approval	
VAL1501	Miami-Dade BCCO - VAL	Product Validation Entity		a	a	a	Recommend Approval	Revision
VAL1620	Window and Door Manufacturers Association	Product Validation Entity		a	a	a	Recommend Approval	Revision
VAL1623	Keystone Certifications, Inc.	Product Validation Entity		a	a	a	Recommend Approval	Revision
VAL4121	PFS Corporation	Product Validation Entity		a	a	a	Recommend Approval	Revision
VAL7331	American Architectural Manufacturers Association	Product Validation Entity		a	a	a	Recommend Approval	Revision
<b>Discussion Items</b>								
12918-R1	AFM Corporation	Roofing	Roofing Insulation	y	d	d	At the December 8, 2009 Product Approval POC the Committee voted the following criteria for the acceptance of roofing insulation: (1) The approval is limited to roof insulation. (2) Fire classification and thermo performance of the	Revision

							<p>insulation is not part of the approval. (3) Not a structural component – may be considered part of the load path. (4) Scope of approval is limited to an approved roof covering which list specific insulation as a component part of an approved roof assembly. Items (2) and (3) are not an issue with the application. Item (1) could be considered not compliant because the evaluation report indicates many uses that are not roof insulation. On item (4) the evaluation report does refer to the use of the product as a component of evaluated/approved roofing assemblies.</p> <p><u>Recommend</u></p>	
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							<u>Deferral with condition of: Provide evaluation report to be limited to roof insulation use only.</u>	
<b>Public Comments</b>								
10746-R1	Bovard Studio, Inc.	Shutters	Storm Panels	a	a	a	<u>Recommend Approval</u>	Revision
	Public Comment by Jaime Gascon						Since shutter is to be permanently installed (per note 13 on drawings), limit the use for protection of fixed windows only.	
	Commentary by Administrator						There was no response of the public comment by applicant. The application indicates the performance of the product. The installation instructions show the shutter installed with a minimum glazing separation. There are other than fixed glazing	

							openings that could be used with the indicated minimum glazing separation. Increased glazing separation could also be used under other conditions. The recommendation remains for approval	
13213-R1	Winco Window Company	Windows	Single Hung	a	a	a	<u>Recommend Approval</u>	Revision
	Public Comment by Jaime Gascon						Quality assurance contract shows to be expired (12/31/2011) on the BCIS. Provide update.	
	Response by John Campbell						An oversight on our end. Please see attached memo Email from ATI indicating the new expiration date for the Quality Assurance Contact. Please allow me to edit the application on line or otherwise correct it as per your instruction.	

	Commentary by Administrator						Applicant indicated an stale date on the QA Agency Contract. The Administrator, upon proof of date updates this field. Applicant has provided proof of QA Agency contract and the application has been updated to 12/31/2014. There is no need for further revision of the application.	
16220	T M Windows LLC	Windows	Casement	a	-	-	<del>Recommend Approval</del>	New
	Public Comment by Jaime Gascon						Correct the listing's sub-category to 'fixed' so that it matches the product description.	
	Response by Frank L. Bennardo, P.E.						I agree with the comments regarding the FL 16220 application. Our office would like to revise the category to "fixed" windows as	



							requested.	
	Recommendation by Administrator.			c	c	c	<u>Recommend Conditional Approval with condition of: revise subcategory of application to "fixed".</u>	
8262-R4	Mule-Hide Products Co., Inc.	Roofing	Cements-Adhesives-Coatings	a			<del>Recommend Approval</del>	Revision
	Public Comment by Jaime Gascon						one of the listed uses of Smooth and Granular SBS is not supported by the test report. The adhesion testing for SBS does not indicate if it was smooth or granular SBS and lacking any other data the results reported should apply to only one or the other.	
	Response by Tim McFarland						Our SBS is a granulated product with which the testing was conducted. We will correct the listed uses to reflect that	

							as Mr. Gascon suggested.	
	Recommendation by Administrator.			c	c	c	<u>Recommend Conditional Approval with condition of: revise test report to indicate type of SBS as tested.</u>	
15895-R1	Simpson Strong-Tie Co.	Structural Components	Wood Connectors	a	a	a	<u>Recommend Approval</u>	Revision
	Public Comment by Jaime Gascon						Since the BCIS only monitors the quality assurance contract's expiration date (not the evaluation's expiration date), and the submitted evaluation expires before the listed quality assurance contract expiration, the earlier date should be listed on the BCIS in order to avoid use of expired documents that can conflict with the product's status on the BCIS.	
	Response by Randy Shackelford						The commenter is asking us to change the quality	

							<p>assurance  expiration date to  the expiration date  of the evaluation  report. I do not  believe this is  required. There is  no requirement in  the product  approval rule that I  know of that states  that the State  Product Approval  expires when the  evaluation report  expires. The  Product Approval  Rule, Section  61G20-3.007 (e)  states "Approval  shall be valid until  such time as the  product changes  decreasing the  product's  performance, the  standards or  provisions of the  Code affecting the  product change, or  the approval is  otherwise  suspended,  revoked, or</p>	
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							<p>superseded by a Commission approved revision to the approval.” Therefore I do not believe that the expiration of the evaluation report is relevant to the State Product Approval, as long as the report is valid when the approval is granted. This Evaluation Report is currently valid, so I believe the State Approval should be granted without revision.</p>	
	<p>Commentary by Administrator</p>						<p>We are in agreement with the responder answer. We shall also add that the product approval Rule indicates the function of the QA Contract Date field and it shall not be used for any other purpose. The recommendation remains for</p>	

							approval.	
2075-R6	Florida Metal Products Inc.	Roofing	Roofing Accessories that are an Integral Part of the Roofing System	a	-	-	<del>Recommend Approval</del>	Revision
	Request by Jaime Gascon.						I am writing to inform you of a discrepancy we have found in the NOA number printed on your NOA. NOA no. 12-0809.01 is not the correct number for your approved product; it should be NOA 12-0810.08 as shown in the attached corrected NOA. The corrected version is also being substituted on our website.	
	Recommendation by Administrator			c	c	c	<u>Recommend Conditional Approval with condition of: Revise the NOA file with the proper corrected version.</u>	