

FLORIDA BUILDING COMMISSION

ATTACHMENT TO THE JULY 9 - 11, 2001 MINUTES

FACILITATOR'S REPORT OF THE JULY 9 - 11, 2001 COMMISSION MEETING

Orlando, Florida

Meeting Design & Facilitation By:



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FLORIDA BUILDING COMMISSION
Attachment to the July 9 - 11, 2001 Minutes

I. OVERVIEW OF COMMISSION'S KEY DECISIONS

MONDAY, JULY 9, 2001

Rules of Procedure Ad Hoc Committee and Rule Development Workshop

The Committee reviewed, refined, and unanimously adopted a package of recommendations for the Commission's Rules of Procedure. The Ad Hoc Committee developed consensus recommendations on rule 9B-3.004 Commission Organization and Operations, rule 9B-3.050 Statewide Amendments to the Florida Building Code, rule 9B-3.051 Local Amendments to the Florida Building Code, and rule 9B-3.052 Notice of Rights. In addition, the Committee recommends that the Commission proceed with rule adoption for the Rules of Procedure rule.

Results of Committee actions are included as Attachment 1

Pool Safety Issues Ad Hoc Committee Meeting

The Committee with feedback from Senator Wasserman-Schultz and industry interest groups, reviewed, refined, and unanimously adopted a package of code refinement recommendations for harmonizing the Florida Building Code with F.S., 515 (Residential Swimming Pool Safety Act). The Committee recommends approval by the Commission.

Results of Committee actions are included as Attachment 2

TUESDAY, JULY 10, 2001

COMMISSION PLENARY SESSION

Review and Approval of May 17 - 18, 2001 Meeting Minutes

The Commission voted unanimously, 18 – 0 in favor, to approve the minutes as presented from the May 17 - 18, 2001 Commission meeting.

Consideration of Accessibility Waiver Applications

The Commission and Council met in a joint session in order to allow the Council an opportunity to provide the Commission with recommendations on applications that had been refined since the Council's review of applications on Monday, July 9, 2001. With input from the council as well as the applicants, the Commission reviewed and decided on the waiver applications submitted for their consideration.

Accessibility TAC Report and Recommendations

Commissioner Richardson presented the committee's report and recommendations and the Commission unanimously accepted the report by a vote of 18 – 0 in favor.

Commission Actions

Motion—Commission recommends that DCA not change the current accessibility waiver council's membership structure.

Adopted unanimously 17 – 0 in support.

(Attachment 4)

Recess Plenary Session

The Commission voted unanimously to recess the plenary session.

Product Approval Ad Hoc Committee and Rule Development Workshop— Rule9B-3.1

The Committee reviewed, refined, and unanimously adopted a rule language document for implementing a statewide product approval system. Rule9B-3.1

In addition, the Committee recommends that the Commission proceed with rule adoption for the Product Approval System rule.

Results of Committee actions are included as Attachment 3

WEDNESDAY, JULY 11, 2001

COMMISSION PLENARY SESSION—RULE WORKSHOPS

EDUCATION RULE DEVELOPMENT WORKSHOP—9B-70.001

BUILDING CODE TRAINING PROGRAM

Chairman Rodriguez opened the workshop by welcoming Commissioners and members of the public. Jeff Blair explained the process for the workshop:

- Staff overview of the rule

- Clarifying questions by Commission members

- Education Ad Hoc Committee report

- Public comment

- Discussion and refinement by Commissioners

- Adoption of rule language and motion to proceed with rule adoption

Education Ad Hoc Committee Report

Commissioner Browdy presented the committee's report and recommendations for Commission action. The Commission unanimously accepted the Committee's report by a vote of 18 – 0 in favor.

Commission Actions

Motion— DCA should establish an across-the-board fee for registering licensee attendance at approved CEU courses on the building Code Information System, not to exceed \$10.00 per student per class.

Adopted unanimously 18 – 0 in support.

(Attachment 5)

Following public comment and Commission discussion, the Commission voted unanimously (by a vote of 18 – 0 in support) to adopt the Building Code Training Program rule amendment language and moved to proceed with rule adoption.

CODE REFINEMENTS RULE DEVELOPMENT WORKSHOP

Chairman Rodriguez opened the workshop by explaining the criteria by which the Commission has legislative authority for making code refinements prior to the annual and triennial code review and amendment cycle: They are as follows:

- Emergency amendments;

- Amendments clarifying construction regulations for state agencies;

- Amendments that eliminate conflicts with state law or implement new authorities granted by law; such as, the residential swimming pool code refinements developed by the Pool Safety Issues Ad Hoc and Senator Wasserman-Schultz;

Amendments to implement rule challenge settlement agreements implemented prior to March 1, 2002; and,
Editorial corrections of a non-substantive nature.

Jeff Blair explained the process for the code refinement rule workshop as follows:

Reports that have recommendations for authorized/mandated code refinements (Special Occupancy TAC report, and Pool Safety Issues Ad Hoc Report)

Staff review of proposed code refinements

Public Comment

Clarifying questions by Commission members

Approve consent agenda with the exception of individual refinements requested by Commissioners

Discussion and action on any refinements proposed for discussion

Adoption of code refinements and motion to proceed with rule adoption for amending the Building Code.

Pool Safety Issues Ad Hoc Report and Recommendations

Chairman Rodriguez presented the committee's report and the Commission unanimously accepted the report by a vote of 18 – 0 in favor.

Commission Actions

Motion— To modify Committee recommendations to include in 424.2.17.1.12:

Barriers shall be permanently attached at one end, and that exact language will be worked out between staff and Senator Wasserman-Schultz; and to include all recommendations as part of the code refinements.

Adopted unanimously 18 – 0 in support.

(Attachment 2)

Special Occupancy TAC Report and Recommendations

Commissioner Thorne presented the committee's report and the Commission unanimously accepted the report by a vote of 18 – 0 in favor.

Commission Actions

Motion— Staff will complete code refinements as needed for Chapters 4, 30, 31, and 34.

(Attachment 6)

Rick Dixon and Mo Mandani reviewed the various proposed code refinements and following questions the Chair asked for public comment. Following are the key points submitted by members of the public:

Section 1003.2.7 request latitude for staff to clarify code to be consistent with intent.

Section 1019.11.10.3 needs two tables - consistent with code

Section 1203.2.6 Exception - add: 'in 1 or 2 family dwellings allow fans' (per rest of code)

NSPI-ANSI-4 Pool Safety edition to cite most current issue as 1999 not 1995.

Restore other adjacent space by building official pool perimeter. Language requested to define 'open space' including gardens.

Barrier - gaps, barrier - reference a standard ANSI-NSPI-8 1996

Inlet / outlet. Suction inlet to pump.

Language for 'permanently attached' offered as "the extent of which it shall not be removable without the aid of tools".

Alarms - don't require hard wired alarms or plug-in. Recommend: Battery powered

Disarm alarm

Permanent fixed is reasonable.

No hardwired system in existence that works.

Energy gauge program - Error between FSEC figures and agreement by FBC – should be corrected.

Pool - garden areas should be allowed in pool areas. Fix code to allow.

Following public comment Commissioner Bassett requested that code refinement item #13 (chapter 35 reference standards) be pulled off the consent agenda.

Consent Agenda Code Refinements

Motion— Motion to approve all the code refinements on the consent agenda (entire package of code refinements) with exception of discussion item13.

Amendment

424.2.17.1.12 Pool barrier definition for `permanently attached' should state “one end of which shall not be removable without the aid of a tool’.

Committee approved consent agenda as amended by a unanimous vote of 18 – 0 in support.

Discussion Agenda

Item #13 (chapter 35 reference standards)

Motion— Commissioner Bassett recommended that the Florida Building Code be amended to follow the NFPA reference format.

Motion was denied by a vote of 2 – 14.

Motion—Approve item 13 as originally submitted as part of the package of code refinements.

Adopted by a vote of 15 – 1 in support.

Motion— Adopt entire package of code refinements as amended and move to proceed with rule adoption for amending the Building Code.

Adopted unanimously 17 – 0 in support.

Motion—Motion to reconsider code refinements.

Adopted unanimously 18 – 0 in support.

Motion—Authorize staff to draft code language that will implement the mandated intent of statute to set standards and criteria to authorize preliminary construction before completion of all building plans review.

Adopted unanimously 18 – 0 in support.

Statutory Charge for Motion to Reconsider Item:

The code shall set standards and criteria to authorize preliminary construction before completion of all building plans review, including, but not limited to, special permits for the foundation only, and such standards shall take effect concurrent with the first effective date of the Florida Building Code.

REGULAR PLENARY SESSION

Agenda Review and Approval

The Commission voted unanimously, 17 – 0 in favor, to approve the agenda as presented.

Review and Approval of Commission's Updated Workplan

The Commission voted unanimously, 17 – 0 in favor, to approve the Commission's updated workplan as amended.

Commission Amendments

Task I (rules of Procedure Ad Hoc): include developing recommendations for "specific needs" to Committee's tasks.

Task T (IBC transition review): add word "...for possible transition to IBC", to task title.

Chair's Discussion Issues and Recommendations

Appoint Building Construction Permitting and Inspection Task Force (privatization) members
Chairman Rodriguez appointed Doug Murdock and Jim Shock to the task group.

Appoint Elevator Emergency Access Ad Hoc Committee (Task J) (Staff: Bruce Ketcham)
Chairman Rodriguez appointed John Calpini (chair), Christ Sanidas, and Sam Walthour to serve on the committee and to coordinate efforts by collaborating with the State Fire Marshal's Office and DBPR (elevator advisory council). The Chair charged the committee to start meeting in August and to complete recommendations by the November 2001 meeting.

Appoint Research Advisory Committee (TAC) (Task S)

Chairman Rodriguez appointed all eleven of the current committee members of the BCIAC with the exception of those current members who would chose not to remain on the committee. The Chair indicated that this will be a one-year appointment and staff should send a letter to members to determine whether or not they wish to continue with the committee.

BCIAC Project Recommendations

The Chair indicated that the committee has recommended funding for eight projects and after review with staff he is recommending the Commission approve two projects: R00-7 Construction Delays in Florida an Empirical Study; and, R00-11 Development of a CE Course resulting from the Study of No Damage Delay Clause. In addition, the Chair recommended that DCA staff take over administrative functions for the committee, and eliminate the need to continue to fund an administrator for the program.

Commission Actions

Motion—Move to adopt Chair's recommendations for approving BCIAC projects and allow DCA staff to administer the program

Adopted unanimously 18 – 0 in support.

Assign Rehabilitation Code Ad Hoc (Task H)

Chairman Rodriguez indicated that the Committee will convene at the August meeting and complete recommendations by the November meeting as part of the Commission's recommendations to the 2002 Legislature.

Technical Advisory Committee Membership Review

Chairman Rodriguez requested that each of the TAC chairs review their committee's membership for attendance and participation and make recommendations to him in August for any possible changes. The Chair indicated that this will be done on an annual basis in order to maintain active participation as well as provide opportunities to expand participation.

Accessibility Technical Advisory Committee (TAC) Appointment

Chairman Rodriguez appointed Neil Melick to the Accessibility TAC.

Manufactured/Prototype Buildings Ad Hoc Committee Chair

Chairman Rodriguez appointed Commissioner Craig Parrino to serve as the chair for the Manufactured/Prototype Buildings Ad Hoc Committee.

Rule Development Workshops Schedule

Code Refinements, Product Approval, Rules of Procedure, and Education rules

Rule development workshops	July 2001
Rule adoption hearings	August 2001
File rules	September 2001
Target rule effective date	October 2001

Prototype Buildings Program Rule

Rule development workshops	August 2001
Rule adoption hearings	September 2001
File rules	October 2001
Target rule effective date	November 2001

Public Comment

The Chair opened the floor for public comment, and the public provided the Commission with comments primarily related to the proposed product approval system rule draft.

Product Approval Ad Hoc Report and Recommendations

Chairman Rodriguez presented the committee's report and the Commission unanimously accepted the report by a vote of 21 – 0 in favor.

Commission Actions

Motion—To adopt the consensus Product Approval System draft, as amended by the Committee, and to proceed with rule adoption by filing a notice of rulemaking to amend rule 9B-3 to incorporate the requirements of the Product Approval System as a referenced document.

*Adopted unanimously as presented 20 – 0 in support.
(Attachment 3)*

Rules of Procedure Ad Hoc Report and Recommendations

Commissioner D'Andrea presented the committee's report and the Commission unanimously accepted the report by a vote of 20 – 0 in favor.

Commission Actions

Motion—Adopt the Committee's recommendations for the Commission's Rules of Procedure and move to proceed with rule adoption for Rule 9B-3 (Operational Procedures—FBC)

Adopted unanimously as presented 20 – 0 in support.

(Attachment 1)

Manufactured/Prototype Building Ad Hoc Report & Recommendations

Commissioner Carson presented the committee's report and the Commission unanimously accepted the report by a vote of 19 – 0 in favor.

(Attachment 7)

Review Committee Assignments and Issues for August's Commission Meeting

Rule adoption hearings (rules of procedure, refinements to the code, product approval, and education)

Rule development workshop for Prototype Buildings and Ad Hoc Committee meeting

Education Training Ad Hoc Committee

Rules of Procedure Ad Hoc Committee

Plumbing TAC

Rehab Code Ad Hoc Committee

Elevator Emergency Access Ad Hoc Committee

Accessibility TAC

Accessibility Council and Waivers

Staff Assignments

Swimming Pools should be assigned to Plumbing TAC.

Proceed with rule adoption for:

Education

Product Approval

Rules of Procedure

Code refinements

Notice rule adoption hearings for: Education, Product Approval, Rules of Procedure, and Code refinements (in conjunction with Commission plenary session)

Notice rule development workshop for Prototype Buildings (in conjunction with Ad Hoc meeting)

Send a letter to BCIAC members indicating their one year re-appointment to the Committee and requesting a response to whether or not that would like to continue serving on the Committee.

Staff should provide each TAC chair with an updated list of TAC members, their representation, and their attendance records.

Staff should contact DBPR and the State Fire Marshal's Office to coordinate the Elevator Emergency Access Ad Hoc August meeting. In addition, Commissioner Calpini (chair) suggested individuals who should be contacted.

Commission meeting schedule and location for January 2002 – June 2002

Complete code amendments to Chapters 4, 30, 13, and 34.

Prepare draft of criteria and form for Notice of Rights.

ATTACHMENT 1

RULES OF PROCEDURES AD HOC COMMITTEE AND RULE DEVELOPMENT WORKSHOP REPORT

July 9, 2001
Orlando, Florida

Committee Objectives

- To Recommend Rules for Commission Organization and Operations
- To Recommend Rules for Code Amendment Process
- To Recommend Rules for Submission of Local Amendments
- To Recommend Rules for Appeals Processing
- To Agree on Rules of Procedure Recommendations for Commission Submittal
- To Agree on Any Needed Next Steps and Assignments

Agenda Review and Approval

The agenda was unanimously adopted as presented by a vote of 6 – 0 in support.

Overview

The Committee reviewed, refined, and unanimously adopted a package of recommendations for the Commission's Rules of Procedure. The Ad Hoc Committee developed consensus recommendations on rule 9B-3.004 Commission Organization and Operations, rule 9B-3.050 Statewide Amendments to the Florida Building Code, rule 9B-3.051 Local Amendments to the Florida Building Code, and rule 9B-3.052 Notice of Rights. In addition, the Committee recommends that the Commission proceed with rule adoption for the Rules of Procedure rule.

Committee Actions

9B-3.004 Commission Organization and Operations.

Review and Recommend Rules for Commission, Ad Hoc Committees, Program Oversight Committees, and Technical Advisory Committees Organization and Operations

Motion:

The Committee voted unanimously, by a vote of 6 – 0 in support, to adopt recommendations for Rule 9B-3.004 as amended. (*amendments to draft are included below*)

Amendments:

Capitalize Committee and Commission consistently throughout document.

Paragraph (4). Chair to appoint a minimum of 5 members to Program Oversight Committees.

Paragraph (7). Reference to Robert's Rules should refer to current/specific edition.

The Commission and all of its Committees shall only consider motions to approve and not consider motions to deny with the exception of rule 9-B7 (Accessibility waiver rule) and Declaratory Statements.

Correct paragraph numbering beginning at paragraph 8 and ending with paragraph 13.

9B-3.050 Statewide Amendments to the Florida Building Code

Review and Recommend Rules for Code Amendment Process

Motion:

The Committee voted unanimously, by a vote of 5 – 0 in support, to adopt recommendations for Rule 9B-3.050 as amended. (*amendments to draft are included below*)

Amendments:

Legal staff should provide clarification of the following terms in paragraph (1) (b) provide definitions/clarification of terms `strengthens` and `improves`.

Legal staff should provide clarification of the following terms in paragraph (2) provide definitions/clarifications of terms `amendment`, `annual amendment`, and `triennial amendment`.

Clarification to paragraph (8) ensure language permits Commission to adopt amendments annually and/or triennially as needed. Provide definition/clarification of `local amendment`.

Changes to paragraph (6) strike to deny the amendment as follows: ...vote at the committee level . ~~to deny the amendment~~ The Commission must...

9B-3.051 Local Amendments to the Florida Building Code

Review and Recommend Rules for Submission of Local Amendments

Motion:

The Committee voted unanimously, by a vote of 5 – 0 in support, to adopt recommendations for Rule 9B-3.051 as amended. (*amendments to draft are included below*)

Amendments:

Paragraph (3). Legal staff should review review statute and provide clarification on who may initiate a request for a proposed local amendment review by the Commission. In addition, Committee recommends, if appropriate/permited, inclusion of: The Commission may upon request review local...

Paragraphs (3) and (4) Insert: 30 days after the conclusion of the last Florida Building Commission meeting in the appropriate spaces. (~~xxx days~~)

9B-3.052 Notice of Rights

Review and Recommend Rules for Appeals Processing

Motion:

The Committee voted unanimously, by a vote of 7 – 0 in support, to adopt recommendations for Rule 9B-3.052 as amended. (*amendments to draft are included below*)

Amendments:

Committee agreed to eliminate all the language under Rule 9B-3.052 Notice of Rights and instructed legal staff to draft language consistent with following policy concepts:

Any local appeal process in existence shall be utilized before appealing to the Florida Building Commission.

Omit specific notification language from the rule.

Provide general direction that all authorities with jurisdiction must provide Notice of Rights.

Clarify that Rule 9B-3.052 applies only to decisions appealable to the Florida Building Commission.

Agreement on Rules of Procedure Draft Rule

The Committee voted unanimously, by a vote of 7 – 0 in support, to recommend adoption of the Rules of Procedure document as amended and to immediately proceed with rule adoption.

Requested Action of the Commission

Adopt Committee's amended recommendations and move to proceed with rule adoption for the Commission's Rules of Procedure Rule.

Next Steps

The Committee will work with legal staff to compile a simplified "Notice of Administrative Rights" form for use by local jurisdictions.

ATTACHMENT 2

POOL SAFETY ISSUES AD HOC COMMITTEE REPORT

Prepared by Ann Stanton

July 9, 2001
Orlando, Florida

The Pool Safety Issues Ad Hoc Committee met to consider the proposed changes to section 424.2, Private Swimming Pools, and unanimously approved the proposed changes as read with the following revisions:

The definition of “Direct Access From The Home” was revised to remove the exception from the definition and move it to section 424.2.17.1.9. Three exceptions were added to section 424.2.17.1.9: 1) screened or protected windows with a bottom sill height of 48 inches or more measured from the interior finished floor at the pool access level; 2) windows facing the pool in stories above the first story; and 3) screened or protected pass-through kitchen windows 42 inches or higher with a counter beneath.

The definition of “Pool Perimeter” was revised to remove the language: “(or other adjacent open space as determined by the Building Official).”

The definition of “Sufficiently Away From The Water’s Edge” was revised to remove the sentence “Reasonable application presumes...or climbable”; to change the criteria of 3' from the barrier to the water’s edge to 20"; and to move the language to section 424.2.17.1.13.

The definition of “Swimming Pool” was revised to add the word “, Private” to the word defined.

The definition of “Swimming Pool, Public” was revised to direct staff to add the definition from law, not reference it, and to locate the definition as most appropriate.

The definition of “Swimming Pool, Residential” was revised to remove the language “That which is intended for non-commercial use” and insert “See Swimming Pool, Private”.

Section 424.2.6.1 was revised to change the reference to ANSI/NSPI-4 from the 1992 edition to the current one, 1995, and fix ANSI/NSPI-5 1995.

Section 424.2.17.1.2 was revised to delete the language “The barrier shall not be passable or climbable by a young child” and add the language from the Ch. 515.29.1.b, F.S.: “The barrier may not have any gaps, openings, indentations, protrusions, or structural components that could allow a young child to crawl under, squeeze through, or climb over the barrier.”

Section 424.2.17.1.8 was revised to add the words “, when provided,” after “Access gates”, and to add the requirement for the latch to be 54" from the bottom of the gate back in to the section.

Section 424.2.17.1.9.1 was revised to delete the words “(see definition)” after “direct access from the home” and to add language that would require the alarms to be either hard wired or of the plug-in type.

Section 424.2.17.1.9.2 was revised to delete the words “(see definition)”.

Section 424.2.17.1.11 was revised to add after “Standard screen enclosures” the language “which meet the requirements of section 424.2.17 are”.

Section 424.2.17.1.14 was revised to add the words “direct from the home” to read as follows: “opens to provide direct access from the home to the swimming pool.”

Section 424.2.17.3 was revised to add the words “from the home” after “access” and before “to the swimming pool”.

ATTACHMENT 3

PRODUCT APPROVAL AD HOC COMMITTEE AND RULE DEVELOPMENT WORKSHOP REPORT

Prepared by B. Case

July 10, 2001

Attendees

Raul Rodriguez

Jim Mehlretter

Medard Kopczynski

Dick Browdy

Craig Parrino

George Wiggins

Steve Corn

Steve Bassett

Introduction

The meeting was declared open at 1:00 p.m. (As noticed on the Committee agenda). Jeff Blair reviewed the meeting objectives and guidelines. During the meeting the Committee reviewed and approved the draft product approval document section by section. Concepts were approved with grammatical and editorial changes for consistency left up to DCA staff and legal to incorporate into the document.

Agenda for the meeting was reviewed.

Motion: Approve the agenda for this meeting.

Vote: Unanimous in favor. Motion passed.

Minutes from the May 17, 2001 meeting were reviewed.

Motion: Approve the minutes of the May 17, 2001 meeting.

Vote: Unanimous in favor. Motion passed.

The following action items were addressed during the meeting:

Section 1.0

Action Item: Section 1.1 should read “approval valid until product changes”, not “no longer complies.” Check the statute to see if it addresses changes that still comply with the Code.

Action Item: Section 1.3, begin sentence with “product”; change “my” to “may”; and add “granted” following “be”.

Motion: Approval of section 1.0 based on staff review to conform to the rest of document.

Vote: Unanimous in favor. Motion passed.

Section 2.0

Action Item: Section 2.0 - Somehow highlight the word being defined.

Action Item: In definition of accreditation, change the phrase “an authoritative” to “a Commission approved”.

Action Item: In definition of accreditation body, change the term being defined to “approved accreditation entity”. Include the phrase “pursuant to section 5.6” in the definition.

Action Item: In the definition of approved product evaluation entity, replace the phrase “requirement of the Code” with the phrase “the Code or intent of the Code.”

- Action Item:** In the definition of approved validation entity, change the reference to section 5.2 to section 4.2. Add the phrase “or the intent of the Code to the end of the definition. Reference the use in statewide approval.
- Action Item:** In the definition of certification mark, change the term “conformance” to the term “compliance.” Make this change throughout the document.
- Action Item:** In the definition of certify, add “or label or listing” following the term “statement.”
- Action Item:** There are two definitions of the term comparative analysis. Strike the first one.
- Action Item:** In the definition of inspection, add the phrase “to the applicable Code section” following the term “evaluation” and add the phrase “or any other appropriate method for determining compliance with the Code” to the end of the definition.
- Action Item:** Check language in the Code for the terms “labeled” and “listed” to confirm consistency.
- Action Item:** In the definition for local product approval, for clarity, break up the first sentence into two.
- Action Item:** Define “structural component.”
- Action Item:** Define “standardized test.”
- Motion:** Approval of section 2.0 with permission for staff to wordsmith.
- Vote:** Unanimous in favor. Motion passed.

Section 3.0

- Action Item:** Change section 3.1.1 to read, “Compliance can be demonstrated through one of the methods established in sections 3.1.3, 3.1.4, or 3.1.5 except that panel walls, exterior doors, roofing, skylights, windows, shutters and structural components must be evaluated by either section 3.1.4 or section 3.1.5.”
- Action Item:** In section 3.1.3, replace “through the building plans review” with “in accordance with building plan”.
- Action Item:** In section 3.1.4.1, delete “and submission of verifiable documentation”. Make this change throughout the document.
- Action Item:** Make sections 3.1.4.3 and 3.1.4.4 consistent with the definition of evaluation report.
- Action Item:** In section 3.1.5.1, delete the term “independent”. Make this change throughout the document.
- Action Item:** In section 3.1.6, reword the second sentence for clarity. Change references to 3.1.2 and 3.1.3 to 3.1.4 and 3.1.5 respectively.
- Action Item:** In section 3.1.6.1, add “approved” before “evaluation” and “testing”. Make this change throughout the document. Add language for certification entity and P.E. or R.A.
- Action Item:** Change section 3.2 to read, “Approval of a product for local use shall be performed by the building code official or his/her designee by verifying that the product complies with the Code in accordance with method 1 (section 3.1.3), method 2 (section 3.1.4), or method 3 (section 3.1.5)
- Action Item:** In section 3.2.3, delete everything following the reference to section 3.0.

Motion: Remove the validation checklist for local approval.

Vote: Six votes in favor and two votes against. Motion passed.

Motion: Remove section 3.1.2.

Vote: Three votes in favor and five votes against. Motion fails to pass.

Motion: Move to go back to the motion on the floor.

Vote: Five votes in favor and three votes against. Motion passed.

Section 4.0

Action Item: Make language in section 4.1 consistent with section 3.0.

Action Item: In section 4.1.1, replace with language in section 3.1.4.

Action Item: In section 4.3.1.2, put references to credit cards in fees section.

Motion: Approval of section 4.0 as modified with permission for staff to wordsmith.

Vote: Unanimous in favor. Motion passed.

Section 5.0

Action Item: Reword section 5.2.2 to clarify that not a validation entity until approved.

Action Item: There is a conflict between section 5.6.1.1 and section 5.3, don't let 5.6 preempt section 5.3.

Action Item: Add new section 5.6.4 to preclude accreditation body from being the same as testing lab.

Motion: Approval of section 5.0 as modified with permission for staff to wordsmith.

Vote: Unanimous in favor. Motion passed.

Section 6.0

Action Item: In section 6.2, delete everything after the term "labels".

Action Item: Reword sections 6.3 and 6.4 for clarity.

Motion: Approval of section 6.0 as modified.

Vote: Unanimous in favor. Motion passed.

Section 7.0

Motion: Approval of section 7.0.

Vote: Unanimous in favor. Motion passed.

Sections 8.0 - 10.0

Action Item: Strike section 10.1.

Motion: Approval of sections 8.0 - 10.0.

Vote: Unanimous in favor. Motion passed.

Section 11.0

Motion: Approval of section 11.0.

Vote: Unanimous in favor. Motion passed.

Section 12.0

Action Item: In section 12.1, delete everything following the term "evidence".

Action Item: In section 12.1.4, have legal staff review "interested party" versus "substantially affected party".

Motion: Approval of section 12.0 as modified.

Vote: Unanimous in favor. Motion passed.

Section 13.0

Action Item: In section 13.2, replace the term “approve” with “approved”.

Motion: Approval of section 13.0 as modified.

Vote: Unanimous in favor. Motion passed.

Section 14.0

Motion: Approval of section 14.0 with addition of mention of credit card, subject to staff analysis of competitiveness of fee relative to what other charges by comparable organizations.

Vote: Unanimous in favor. Motion passed.

Section 15.0

Motion: Approval of section 15.0.

Vote: Unanimous in favor. Motion passed.

Appendix “A”

Motion: Approval of Appendix “A”.

Vote: Unanimous in favor. Motion passed.

Appendix “B”

Motion: Approval of Appendix “B”.

Vote: Unanimous in favor. Motion passed.

Appendix “C”

Appendix “C” deleted.

Appendix “D”

Motion: Approval of Appendix “D”.

Vote: Unanimous in favor. Motion passed.

Motion: Move to reconsider section 3.2.

Vote: Motion passed.

Motion: Delete sections 3.2.1 and 3.2.2.

Vote: Unanimous in favor. Motion passed.

Motion: Move to accept the entire package.

Vote: Unanimous in favor. Motion passed.

Conclusion

The meeting was adjourned at 5:10

ATTACHMENT 4

Accessibility Technical Advisory Committee Report

Minutes of the July 9, 2001 Committee meeting

Prepared by Bruce Ketcham

Meeting called to order at 4:15PM by Diana Richardson, Chairman

Members in attendance: Quorum achieved

Dick Browdy, Commissioner

Dan Shaw, Commissioner

JR Harting

Steve Sensakovic

Bunny Armstrong

Jeffrey Gross

Larry Schneider

Members not in attendance

Leonard Lipka, Commissioner

Warren Jerrigan (staff to call Warren of intention of remaining on the TAC)

Sharon Mignardi

Barbara Bernhart (resigned via e-mail)

Agenda approved as amended - add parking drawing discussion

Minutes of the May, 2001 Accessibility Technical Advisory Committee were approved as submitted.

Objective 1: A presentation was made by legal representative, Al Bragg regarding the issue of whether the Accessibility Code is a civil rights law or a building code. Based on the test criteria for a civil rights law Mr. Bragg related that the Accessibility Code is NOT a civil rights law. Various aspects of civil rights law and the Accessibility Code were discussed including enforcement. Currently FS 553.313 , gives enforcement duties to the Building Official relative to the Accessibility Code. Mr. Bragg entertained questions by the TAC members and interested parties during and after the TAC .

Objective 2 There was discussion on a workshop relating to potential legislative changes to FS 553.512. After discussion a motion was passed to recommend to NOT make changes to the statute and therefore a workshop would NOT be conducted on this issue.

Objective 3: Hotel accessibility - a Sub-committee of the TAC will look into needs assessment, draft profile sheet (accessibility needs for hotel contracted in the future). The sub- committee would be supplied with dimensioned floor plans to work with and make recommendations at the August meeting. The Chair appointed the following to complete this task and work with Ila Jones and the DCA staff.: Johnny Long, Bunny Armstrong (chair) Andrea Williamson, Pam Dorworth and Tom Richie.

Objective 4: Presentation(s) from Larry Schneider and Dean Perkins relevant to clarifying the Florida parking space, with potential of developing a new parking figure to be integrated within the Florida Accessibility Code and FBC. The chair appointed the following persons to a sub-committee to research this issue and report their findings and produce a several recommendations at the August meeting. Neil Melick, chair, Dean Perkins, Tom Richie, Larry Schneider, Jeff Gross, and Steve Sensakovic . Staff will supply E-mail and phone numbers to the sub-committee chair for communication with other group members.

August agenda items:

- 1) Accessibility Code Review report by sub-committee, report by Jeff Gross
- 2) Parking drawing recommendation and product by appointed sub-committee, report by Neil Melick
- 3) TAC membership review, report vacancy to commission
- 4) Hotel recommendation and product by appointed sub-committee, report by Bunny Armstrong
- 5) Discussion of educational needs assessment relating to accessibility
- 6) Mission statement, discussion by the Accessibility TAC

Adjourn 6pm

ATTACHMENT 5

EDUCATION AD HOC COMMITTEE REPORT

July 9, 2001; Orlando, Florida

Prepared by Charles Hickey

Members present: Dick Browdy, John Calpini, Dan Shaw, Frank Quintana, Peggy Harris, Christ Sanidas, Karl Thorne and Doug Murdock.

Meeting began at 1:05 P.M.

Ad Hoc reviewed the May Ad Hoc Report and the July Agenda.

Motion: Approve the May Education Ad Hoc Report and the agenda. Vote: 6-0, Doug Murdock, second by John Calpini.

University of Florida Contract Status Report

Ila Jones presented the contract scope of work (see handout) for the contract. The scope of work consisted of sections on Training Program Administration, Course Development and other included tasks.

Presentation by University of Florida, Rinker School of Construction

Dr. Nutter and Dr. Issa presented a conceptual design of how courses would be developed. The web-based courses will have several versions available, graphic, non-graphic with descriptions, audio, and test only.

-Dr. Nutter indicated that they would provide a Train the Trainer course for instructors of the advanced courses.

-UF anticipates the first courses being ready by April 2002.

Presentation by University of Florida, Florida Extension Service

Dr. Pierce Jones presented an update of the Core courses and the

-Final version on the core course CD has been delivered to DCA

-Informed the Ad Hoc that there are some corrections or omissions in the core courses. DCA will issue an errata sheet with all disks sold.

-Dr. Jones suggested that the code comparisons be distributed in a CD format to every attendee.

-Dr. Jones indicated that the Structural Loading advance course will be alpha tested on August 31, in Gainesville.

Continuing Education Fees

Discussion: The Ad Hoc discussed the fees that are charged by DCA for the input of continuing education credit for the core courses.

Ila Jones referenced a letter received from Ann Cam Fentriss, representing the Florida Roofing, Sheet Metal and Air Conditioning Contractors Association (FRSA)(see attached), who object to the difference in fees. The fee structure is \$10.00 for private entities and \$5.00 for public entities.

Ila Jones asked the Ad Hoc to let her investigate the funds that will be required to fund the Education Program before modifying the fee structure.

Motion: Ila Jones would investigate the funds needed to administer the Education Program and report back in August and the fee would be the same for both public and private entities. Vote 8-0 in favor, Dan Shaw, second by Doug Murdock.

Update of Education Rule Amendment

Jim Richmond indicated that the rule workshop is scheduled for the Commission meeting on July 11, 2001.

The testing portion of the rule must be left in the rule and would require a legislature amendment to F.S. 553.841 to eliminate that the testing requirement.

Adjourn 2:20 P.M.

ATTACHMENT 6

SPECIAL OCCUPANCY TAC REPORT

Report of the June and July, 2001 meetings
Prepared by Bruce Ketcham

Karl Thorne, Chairman

The following were reported by the Special Occupancy TAC to the Commission.
The June meeting achieved a quorum the July did not and conducted a workshop

The purpose and tasks of the TAC at the June and July meetings were to:

- 1) Review all sections of Chapter 4 and identify only special construction items, administrative, fees, licenser and programmatic issues would be retained with the agency.
- 2) Clean up areas within Chapter 4, (and all sections) Chapter 30, Chapter 31, and Chapter 34
- 3) Not make any technical or substantive changes to these Chapters or sections.

Summary Report of the Special Occupancy TAC

The TAC met in June 18 and July 10 and reviewed the proposed code changes to Chapter 4, 30, 31, and 34 of the Florida Building Code. The following is a summary of the TAC's proposed changes:

Section 419, Hospitals and Intermediate Residential Treatment Facilities; Section 423, State Requirements for Educational Facilities; Sections 425 and 426, Public Lodging and Public Food; Section 435, Control Radiation Standards; Section 429, Boot camp for Children; Section 428, Manufactured Buildings; Section 431, Transient Lodging are revised to further clarify the construction regulations for hospitals. The revisions consisted of deleting requirements that are not construction related provisions, providing for consistency with Florida Statutes and providing for editorial corrections as deemed necessary.

(Note: Section 423, State Requirements for Educational Facilities, is further revised to provide for the following technical changes:

Section 423.27.2.1, is revised to delete the reference to tie down with regard relocatable and require compliance with the Florida Building Code.

Sections 423.27.5.1 and 423.27.6, are revised to add "or fixed on a permanent foundation" with regard to relocatable structures..

At the June 18 meeting, TAC reviewed the staff proposed changes to Sections 420, 421, 422 and 427 and provided comments during and after the meeting. However, the TAC was unable to further comment on these sections at the July 10 meeting due to lack of time.

Fire Watch left only construction related issues consistent with the exercise -but left with the appropriate fire rule

ATTACHMENT 7

MFG BLDG/PROTOTYPE BUILDINGS AD HOC COMMITTEE REPORT

Prepared by Bruce Ketcham
Topic: Public and Private Prototype Buildings

Report of the July 9, 2001 Mfg. Bldg./Prototype Ad hoc Committee
9am -10am

Craig Parrino, Chairman

Members attending:

Christ Sanidas

Karl Thorne

John Calpini

Ed Carson

Med Kopczijnski

Committee achieved quorum

Agenda approved as submitted

May 2001 Minutes were approved as submitted

The July 9, 2001 was held as a rule development workshop

The following recommendations are remaining program issues:

Fee structure for the Prototype program

A fee schedule be provided with RFP. This schedule must include a costing of services to ensure that all elements of the system are covered. Also, fees will be a separate part of the RFP

Prototype advisory committee:

Representation to be comprised of the following 7 representatives:

1 Building Official

1 Fire Marshal

1 Plans Examiner

1 BOMA

1 Architect

1 Engineer

1 Contractor

Note: In the Architect/Engineer/Contractor one of the three is to represent the manufactured building industry, this will be at the commission chair discretion.

Record retention:

Administrator contractually responsible for retaining records and delivery of archived records to successive (future) administrator.

Approval of plans/quality control:

The administrator will be the ultimate party responsible for the approval of the final plans. Technical/financial quality assurance audits to be conducted on a quarterly basis, paid by the administrator. The auditor shall be selected by the Prototype Ad hoc and approved by the commission.

Fire Marshal Rule - Legal to meet with Fire Marshal and discuss the following: Buildings exempt from the FBC/Fire, exceptions to exemptions, legal to prepare a clear statement and report to the Ad hoc in August.

Additional comments will be accepted by commission staff Bruce Ketcham until July 20, 2001. All comments testimony will be considered at the Prototype rule hearing in August. The final report will be delivered to the commission in August, draft of the proposed rule will be submitted in October.

The rule will be delayed until implementation of the Florida Building Code 1/01/02.

Adjourn 10:30am