

FLORIDA BUILDING COMMISSION

ATTACHMENT TO THE AUGUST 27 - 28, 2001 MINUTES

FACILITATOR'S REPORT OF THE AUGUST 27 - 28, 2001 COMMISSION MEETING

Orlando, Florida

Meeting Design & Facilitation By:



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FLORIDA BUILDING COMMISSION
Attachment to the August 27 -28, 2001 Minutes

I. OVERVIEW OF COMMISSION'S KEY DECISIONS

MONDAY, AUGUST 27, 2001

Rules of Procedure Ad Hoc Committee

The Committee unanimously adopted the Notice of Administrative Rights form (from existing Rule 9B-3) as amended. In addition, the Committee reviewed the statutory language requiring the FBC to clarify the definition of "Needs Specific to Florida", and identified topics for consideration in providing specific criteria for "other conditions".

Results of Committee actions are included as Attachment 1

TUESDAY, AUGUST 28, 2001

COMMISSION PLENARY SESSION

Agenda Review and Approval

The Commission voted unanimously, 16 - 0 in favor, to approve the agenda as amended.

Amendment

Product Approval System rule number should be 9B-72, and not 9B-3.1

Review and Approval of July 9 - 11, 2001 Meeting Minutes

The Commission voted unanimously, 16 - 0 in favor, to approve the minutes as presented from the July 9 - 11, 2001 Commission meeting.

Review and Approval of Commission's Updated Workplan

The Commission voted unanimously, 16 - 0 in favor, to approve the Commission's updated workplan as amended.

Commission Amendments

Prototype Buildings Ad Hoc (M)

July -August 01: Rule development workshops

Sept. 7, 01: Deadline to receive public comment

October 01: Ad Hoc will consider and decide on public comment

Nov./Dec. 01: Rule Adoption hearing, complete rule adoption process.

Funding Recommendations (P)

Remove from workplan

Meeting Schedule for 2001

Motion—The Commission voted unanimously, 16 - 0 in favor, to adopt the proposed meeting schedule with the caveat that the July dates should be evaluated due to the July 4th holiday.

January	14 - 15
February	25 - 26
April	8 - 9
May	20 - 21
July	1 - 2 <i>Tentative date</i>
August	12 - 13
September	23 - 24
October	28 - 29
December	9 - 10

Rule Adoption Hearings Process

Jeff Blair explained the process for the hearings:

For each of the four rule adoption hearings:

Overview of rule

Public Comment

Commission questions through the Chair

No discussion with public except clarifications by the Chair

Recess Hearing

After recessing the Product Approval System hearing:

Reopen each hearing individually for last comment

Close each hearing individually

After closing each of the four hearings:

Discussion on public comment by Commission

Motion to proceed with rule adoption (file the rule); or,

Consideration of modifications **based on public comment**; and if changes are approved,

Notice of proposed changes and Schedule next hearing if needed/requested.

Rule Adoption Hearing on Building Code Training Program Rule (9B-70)

The Chair invited members of the public to comment on the Education rule and also requested that they provide their comments in writing.

There were no comments on the proposed rule.

Motion—The Commission voted unanimously, 16 - 0, to recess the hearing.

Rule Adoption Hearing on Code Refinements

(Amendment to FBC adopted by reference in 9B-3.047)

Chairman Rodriguez invited members of the public to comment on proposed code refinements and also requested that they provide their comments in writing.

There were 7 comments on the proposed rule.

Motion— The Commission voted unanimously, 16 - 0, to recess the hearing.

Rule Adoption Hearing on Rules of Procedure Rule (9B-3)

Chairman Rodriguez invited members of the public to comment on the Rules of Procedure rule and also requested that they provide their comments in writing. There was 1 comment on the proposed rule.

Motion— The Commission voted unanimously, 15 – 0, to recess the hearing.

Rule Adoption Hearing on Product Approval System

(Adopted by reference in 9B-72)

Chairman Rodriguez invited members of the public to comment on the Product Approval system rule and also requested that they provide their comments in writing.

There were 14 comments on the proposed rule.

Motion—The Commission voted unanimously, 17 – 0, to recess the hearing.

Commission Actions on Rule Adoption Hearings

Motion—The Commission voted unanimously, 13 – 0, to reopen the Building Code Training Program hearing.

There were no additional public comments.

Motion—The Commission voted unanimously, 13 – 0, to close the Building Code Training Program hearing.

Motion—The Commission voted unanimously, 13 – 0, to reopen the Code Refinements hearing.

There were no additional public comments.

Motion—The Commission voted unanimously, 13 – 0, to close the Code Refinements hearing.

Motion—The Commission voted unanimously, 13 – 0, to reopen the Rules of Procedure hearing.

There were no additional public comments.

Motion—The Commission voted unanimously, 13 – 0, to close the Rules of Procedure hearing.

Motion—The Commission voted unanimously, 13 – 0, to reopen the Product Approval System hearing.

There were no additional public comments.

Motion—The Commission voted unanimously, 13 – 0, to close the Product Approval System hearing.

Public Comment on Dec. Statement (DCA01-DEC-101)

One member of the public spoke to the Commission on the proposed Declaratory statement,

Declaratory Statement (DCA01-DEC-101 on Residential Swimming Pool Act)

Technical staff and legal staff advised that the petitioner’s request does not comply with the intent of Chapter 515.

Motion—The Commission voted 16 – 1 to approve staff’s recommendation.

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, August 27, 2001.

With input from the council as well as the applicants, the Commission reviewed and decided on the waiver applications submitted for their consideration.

Chair's Discussion Issues and Recommendations

Appointment/Reappointment of TAC members

Chairman Rodriguez requested that TAC chairs submit their recommendations in writing and indicated that he would make the appointments at the October meeting.

Rules of Procedure Ad Hoc Report and Recommendations

Commissioner Browdy presented the committee's report and the Commission unanimously accepted the report by a vote of 17 - 0 in favor.

Results of Committee actions are included as Attachment 1

Education Ad Hoc Report and Recommendations

Commissioner Browdy presented the committee's report and recommendations for Commission action. The Commission unanimously accepted the Committee's report by a vote of 17 - 0 in favor.

Results of Committee actions are included as Attachment 2

Manufactured/Prototype Building Ad Hoc Report & Rec.'s

Commissioner Parrino presented the committee's report and the Commission unanimously accepted the report by a vote of 16 - 0 in favor.

The Committee recommended that the Ad Hoc hold another rule development workshop in October.

Results of Committee actions are included as Attachment 3

Plumbing TAC/Swimming Pool Subcommittee Report and Recommendations

Commissioner Shaw presented the committee's report and recommendations for Commission action. The Commission unanimously accepted the Committee's report by a vote of 16 - 0 in favor.

The committee recommends that the Chair appoint a committee to assist building officials with interpreting the pool safety code.

Results of Committee actions are included as Attachment 4

Rehab Code Ad Hoc Committee Report and Recommendations

Jeff Blair presented the committee's report and recommendations for Commission action. The Commission unanimously accepted the Committee's report by a vote of 16 - 0 in favor.

Results of Committee actions are included as Attachment 5

Elevator Emergency Ad Hoc Committee Report and Recommendations

Commissioner Calpini presented the committee's report and recommendations for Commission action. The Commission unanimously accepted the Committee's report by a vote of 16 - 0 in favor.

Results of Committee actions are included as Attachment 6

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.

Results of Committee actions are included as Attachment 7

Commission Discussion on Public Hearing Comments

Motion—The Commission reviewed public comment for each of the four rule adoption hearings. Following are the Commission's actions relative to each of the hearings:

Education (BCTP)—9B-70

Commission Actions

There were no comment on the proposed rule and the Commission voted unanimously, 16 - 0, to proceed with rule adoption.

Rules of Procedure—9B-3.050

Commission Actions

Motion—The Commission voted unanimously, 16 - 0, to remove the specific code adoption start date and refer instead to the date in the settlement agreement with the Florida Home Builders.

Motion— The Commission voted unanimously, 16 - 0, to proceed with rule adoption and to notice proposed changes to the rule.

Product Approval—9B-72

Commission Actions

As a result of extensive public comment, Chairman Rodriguez indicated that the Product Approval Ad Hoc Committee will reconvene at the October meeting to consider public comment on the system and to make recommendations to the Commission on any possible changes.

Code Refinements—9B-3.047

Commission Actions

As a result of public comment the Commission approved the following changes to the Building Code Rule:

FBC – B 4.3 (#1) s. 424.2.17.1.9; unanimous (17 – 0 in support)

FBC – B 4.3 (#2) s. 424.2.17.1.11; unanimous (17 – 0 in support)

FBC – B 4.3 (#4) s. 423.28.2.1; unanimous (17 – 0 in support)

FBC – B 4.3 (#5) s. 423.28.1, .2, and .3; unanimous (17 – 0 in support)

FBC – B 4.4 s. 419, 420, 421, etc.; unanimous (17 – 0 in support)

FBC – B 4.5 (#1) s. 427; unanimous (17 – 0 in support)

FBC – B 4.5 (#2) s. 427; unanimous (17 – 0 in support)

FBC – B 4.6 s. 424.1; unanimous (17 – 0 in support)

FBC – B 17.2 (#1) s. 1707.4.2.1; unanimous (17 – 0 in support)

FBC – B 17.2 (#2) s. 2411.3.2.1; unanimous (17 – 0 in support)

FBC – B 31.1 (B 4.3 #3) s. 3101.1; unanimous (17 – 0 in support)

FBC – B 31.2 (#1) s. 3107; unanimous (17 – 0 in support)

FBC – B 31.2 (#2) s. 3107; unanimous (17 – 0 in support)

FBC – B 31.3 s. 3109.1.2; unanimous (17 – 0 in support)

Clarification: reference within the body of the code and provide as an appendix.

FBC – B 34.1 s. 3401.1; unanimous (17 – 0 in support)

FBC – B 17.2 (#4) SE AAMA; unanimous (17 – 0 in support)

FBC – B 17.2 (#5) SE AAMA; unanimous (17 – 0 in support)

PC #2 (permits): s. 104.5.4; adopted 12 – 4.

PC #3 (correlations with Fire Prevention Code): 1003.2.7; 1203.2.6; Table 1604.6, Table 1004; unanimous (17 – 0 in support)

PC #4 (Product Approval System reference): Indicate that the Product Approval system will be adopted by a separate rule and not as a reference to the Building Code. Unanimous (17 – 0 in support)

PC #5 (ANSI edition): Correct reference to 1995 edition on ANSI.

Unanimous (17 – 0 in support)

Additional Motions:

Motion—The Commission voted on proposed language to provide guidance on the 48” requirement for screen protected windows. (FBC – B4.8). The motion failed by a vote of 7 – 9.

Motion—The Commission voted unanimously, 17 – 0, to proceed with rule adoption and to notice proposed changes to the rule.

Review Committee Assignments and Issues for October's Commission Meeting

- Rule adoption hearings if requested(rules of procedure, code refinements)
- Rule development workshop and Ad Hoc committee meeting for the Prototype Buildings program
- Product Approval Ad Hoc Committee
- Education Training Ad Hoc Committee
- Rules of Procedure Ad Hoc Committee
- Plumbing TAC Swimming Pool Sub-committee
- Rehab Code Ad Hoc Committee
- Elevator Emergency Access Ad Hoc Committee
- Pool Safety Issues Ad Hoc Committee
- Accessibility TAC
- Accessibility Council and Waivers

Staff Assignments

- TAC's written recommendations on committee membership
- Rehab Code Ad Hoc Committee reports/actions should be sent to Holly Benson
- Solicit written feedback on topics for "other conditions" (specific needs)
- Send Product Approval comments to all stakeholders
- Proceed with rule adoption for Education, Rules of Procedure, and Code Refinements

Rule development for Prototype Buildings Program