



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

JEB BUSH
Governor

THADDEUS D. COHEN
Secretary

**BOARD MEETING
OF THE
FLORIDA BUILDING COMMISSION**

**PLENARY SESSION MINUTES
January 25 & 26, 2005**

PENDING APPROVAL

The meeting of the Florida Building Commission was called to order by Chairman Raul Rodriguez at 2:04 p.m., on Tuesday, January 25, 2005, at the Rosen Plaza Hotel, Orlando, Florida.

COMMISSIONERS PRESENT:

Raul Rodriguez, Chairman
Christopher P. Schulte
Steven C. Bassett
Michael C. McCombs
Hamid J. Bahadori
Craig Parrino
Herminio Gonzalez
George J. Wiggins
John Calpini
Paul D. Kidwell
Peter Tagliarini
Nicholas "Nick" D'Andrea
Richard Browdy
Stephen Corn
Dale Greiner
Jeffrey Gross
Do Y. Kim

Joseph "Ed" Carson
John Hamrick
Diana B. Richardson

COMMISSIONERS ABSENT:

Christ T. Sanidas
Doug Murdock, Adjunct Member
Randall J. Vann

OTHERS PRESENT:

Rick Dixon, Executive Director
Ila Jones, DCA Prog. Admin.
Jim Richmond, Legal Advisor
Leslie Anderson-Adams, Legal Advisor
Jeff Blair, FCRC

TUESDAY, JANUARY 25, 2005

WELCOME

Chairman Rodriguez welcomed the Commissioners and gallery to the first split Plenary Session. He directed the Commission to Mr. Blair for an overview and approval of the meeting agenda.

REVIEW AND APPROVAL OF MEETING AGENDA

Mr. Blair conducted a review of the meeting agenda as presented in each Commissioner's agenda packet. He explained the files contained in each Commissioner's laptop and how to access agenda topics and supportive documents.

Commissioner Bassett requested links be added to the agenda topics for point and click access to the supportive documents.

Commissioner Wiggins noted the meeting minutes is not titled "minutes" and requested the word "minutes" be included in the title of the document.

Commissioner Wiggins moved approval of the meeting agenda. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

CONSIDERATION OF ACCESSIBILITY WAIVER APPLICATIONS

Mr. J. R. Harding presented the applications in the order the items appeared on the Accessibility Advisory Council meeting agenda which was included in each Commissioner's agenda packet:

Lakeland Starnet Theatre, Lakeland

Mr. Harding stated the Council unanimously recommended approval of the request based on the revised design for the 10-theatre complex.

Commissioner D'Andrea moved approval of the Council's recommendation. Commissioner Richardson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Stock Exchange Restaurant, Daytona Beach

Mr. Harding stated the Council recommended deferring the waiver with the requirement that the applicant provide further information demonstrating the financial hardship.

Commissioner Richardson moved approval of the Council recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Surfstyle Retail Store, Miami Beach

Mr. Harding stated the Council recommended granting the request for waiver with the condition that vertical accessibility be provided to the mezzanine within one year.

Commissioner Richardson moved approval of the Council's recommendation. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Ricky's Mayfair, Miami Beach

Mr. Harding stated the Council recommended granting the request for waiver from providing vertical accessibility to the mezzanine based on demonstrated disproportionate costs.

Commissioner Richardson moved approval of the Council's recommendation. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Casa Maria Hotel and Restaurant, Jacksonville

Mr. Harding stated the Council recommended the request for waiver be denied based on insufficient evidence of financial hardship.

Commissioner Richardson moved approval of the Council's recommendation. Commissioner Hamrick seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Harding then added the miniature golf Charet would be scheduled for May.

**RULE DEVELOPMENT WORKSHOP ON RULE 9B-70, BUILDING CODE
TRAINING PROGRAM**

Chairman Rodriguez stated the rule amendment would codify the program for voluntary accreditation of building code training providers. He continued stating the Education Technical Advisory Committee had been developing the program for the past year and the rule development workshop is the formal process by administrative rule for adopting the criteria. Chairman Rodriguez then stated the Commission should direct questions and comments to Commissioner Browdy, Education TAC Chair.

Mr. Richmond called the hearing to order and offered comment stating the notice for the workshop was published in the Florida Administrative Weekly. He referenced the bottom of page two and the top of page three reflects stricken language which was relocated to paragraphs one and two of the amendment. Mr. Richmond stated the Education Rule had been divided into two separate rules with one addressing core requirements only and the second addressing accreditation.

Chairman Rodriguez called for public comment. No one approached to offer comment. Chairman Rodriguez closed the public comment portion of the hearing then opened for Commission discussion.

Commissioner Wiggins referenced page three of the rule and requested clarification concerning paragraph one in terms of whether the language was too vague.

Mr. Richmond responded stating he had concerns regarding the paragraph but the rule had already been through rulemaking and review by the Joint Administrative Procedures Committee, which would be the only legal standard applicable. He continued stating the language could present a challenge in the future, however, from a policy standpoint providing greater detail in the language would be up to the Commission.

Commissioner Browdy added the process was not unlike the threshold building inspector process. He stated the TAC was seeking accreditors who would accredit certain courses demonstrating proficiency in that course's area of study. Commissioner Browdy further stated the information received on the applications appears to be sufficient to make a determination whether the accreditor has sufficient knowledge to accredit courses in the area of their expertise.

Mr. Richmond directed the Commission's attention to page four of the rule, at the bottom of the page ten lines up, it addresses the circumstance in which the Commission

identifies for the licensing board an area of topics for Advanced Building Code Education which may not be appropriate courses. He stated the POC had not established a time period in which courses should become available before the Commission takes additional action. Mr. Richmond continued stating the time period must be determined in order to move forward with the rule.

Commissioner Browdy added one of the reasons the Education POC developed the methodology to accredit courses in the Florida Building Code was because it was mandated statutorily. He explained the primary goal was to ensure that the courses being developed were compliant with the Florida Building Code. Commissioner Browdy stated in the language of the rule, the goal was not accomplished.

Chairman Rodriguez referenced page four, (D) 3, "Course Accreditation by the Florida Building Commission," which states ". . . accredited courses are to effectively and accurately address the technical administrative responsibilities to the effective execution of the Florida Building Code. . ."

Commissioner Browdy stressed the responsibility for compliant courses should be clearly stated for the accreditor. He then suggested adding an item (E) with language stating the accreditor would be responsible to ensure that the course is compliant with the Florida Building Code.

Mr. Blair restated the additional language and stated legal would construct some language as requested. He then addressed the time period issue the Commission should implemented for additional courses to become available.

Commissioner Browdy stated the POC had discussed the possibility of the Commission developing additional courses, however, he stated the language indicates an urgency and recommended if a topic needed to be covered quickly no less than a six month time period be implemented.

Mr. Blair conducted a straw poll concerning the time period for additional courses when it would become necessary to add them. Open discussion ensued regarding the time period. It was determined through a straw poll vote the six month time period would be implemented in the rule.

Commissioner Browdy moved approval to proceed with rule adoption for Rule 9B-70 with incorporation of additional language as discussed. Commissioner Carson seconded the motion. Vote resulted in 18 supporting, 1 opposed. Motion carried.

SUPPLEMENTAL RULE HEARING ON RULE 9B-72, PRODUCT APPROVAL

Chairman Rodriguez stated the purpose of the rule hearing is for an update on the status of the rule as it relates to the product approval workgroup schedule and delivery of recommendations. He continued stating the Commission must agree on the date for the next supplemental hearing as well as receive public comment. Chairman Rodriguez further stated the supplemental rule hearings serve to keep the rule open while providing time for the workgroup to develop recommendations for refinements to the rule.

Mr. Richmond called the hearing to order at 2:45 p.m.

Mr. Blair provided an overview of the workplan developed by the Product Approval Workgroup. He stated the workgroup has met three times with a report providing details scheduled to appear on the next day's agenda. Mr. Blair continued stating the next workgroup meetings are scheduled for February 8 and 9, 2005, at the Ocala Hilton, and March 28 and 29, 2005, at a location in Orlando. He explained the workgroup would develop recommendations through a consensus process with the Chair-appointed stakeholders with delivery of those recommendations scheduled during the May 10, 2005, Commission meeting in a supplemental hearing.

Chairman Rodriguez then called for public comment.

PUBLIC COMMENT

Lorraine Ross, Intech Consulting, Representing the Roofing Industry

Ms. Ross asked how the legislative change issues being developed by the workgroup would be handled in relation to a recommendation not being made until May.

Mr. Richmond responded stating if there are legislative changes being developed through the workgroup those changes should be brought before the Commission during the next Commission meeting in March. He then closed the public comment portion of the hearing.

Chairman Rodriguez called for a motion to schedule an additional supplemental hearing for Rule 9B-72 Product Approval.

Commissioner Carson moved approval to schedule an additional supplemental hearing for Rule 9B-72 on May 10, 2005. Commissioner Corn seconded the motion. Vote to approve the motion was unanimous. Motion carried.

LEGAL REPORTS AND CONSIDERATION OF PETITIONS FOR

DECLARATORY STATEMENT:

Chairman Rodriguez directed the Commission to Mr. Richmond for consideration of petitions for declaratory statements.

Mr. Richmond presented the declaratory statement petitions as they appeared in each Commissioner's files.

Second Hearings-

DCA04-DEC-165 by Ricardo Lizarazu of Suncoast Post-Tension

Mr. Richmond stated the petitioner questions whether a live load reduction is allowed in the design of slabs pursuant to Section 1618, Florida Building Code, Building Volume. (See *Suncoast Post-Tension Case #: DCA04-DEC-165* Attachment.)

Commissioner Parrino moved the POC recommendation. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

DCA04-DEC-192 by Bart Walden of CBS

Mr. Richmond stated the petitioner asked whether they are classified as a product subject to Rule 9B-72, Florida Administrative Code, or as a manufactured building pursuant to Rule 9B-1, Florida Administrative Code. (See *CBS Builders Supply Inc. Case #: DCA04-DEC-192* Attachment.)

Commissioner Parrino moved approval of the POC recommendation. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

DCA04-DEC-195 by Roger Joyce of Bilco

Mr. Richmond stated the petition concerns whether or not its product is subject to the Florida Building Code and whether its product is subject to product approval pursuant to Rule 9B-72, Florida Administrative Code. (See *The Bilco Company Case #: DCA04-DEC-195* Attachment.)

Commissioner Parrino moved approval of the POC recommendation. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

DCA04-DEC-219 by W. Vincent of Construction Specialties Inc.

Mr. Richmond presented the petition as it appeared in each Commissioner's file. (See *W. Vincent of Construction Specialties Inc. Case #: DCA04-DEC-219.*)

Commissioner Parrino moved approval of the POC recommendation. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

DCA04-DEC-230 by Patricia Weeks of Blair Home Construction

Mr. Richmond stated the petitioner asked whether the provisions of Section 905.2.2, Florida Building Code, Building Volume, supercede the provisions of NFPA 72-1999 for determining the placement of smoke detectors in residential construction. (See *Blair Homecrafters of Leesburg, LLC Case #: DCA04-DEC-230 Attachment.*)

Commissioner Browdy moved the POC recommendation. Commissioner McCombs seconded the motion.

Commissioner Wiggins asked if the petitioner was inquiring whether the provisions were additional requirements or whether it would be a conflict.

Mr. Madani responded stating the NFPA 72-1999 would be the statutorily mandated minimum standard for fire alarms and must supercede the Code requirements.

Arnold Velazquez, Arnold & Associates, Inc.

Mr. Velazquez offered comment concerning smoke detectors and the Fire Prevention Code. He stated the Florida Building Commission did not adopt NFPA 101, which dictates requirements for smoke detectors dependent upon occupancy type. He continued stating NFPA 72 merely describes how to install smoke detectors. Mr. Velazquez suggested there are conflicts between the Florida Building Code and NFPA 101 and other Fire Prevention Codes which need to be resolved.

Chairman Rodriguez called for a vote on the motion. Vote to approve the motion was unanimous. Motion carried.

DCA04-DEC-231 by Carl Driver of NuAir Manufacturing

Mr. Richmond stated the petitioner asked whether glass design loads are limited to Figure 2405.3 or if formulas and calculations in compliance with ASTM E 1300 could

be utilized to determine glass design. (See *NuAir Manufacturing Case #: DCA04-DEC-231.*)

Commissioner Carson moved approval of the POC recommendation. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

First Hearings-

DCA04-DEC-233 by Seann M. Frazier of Greenberg Traurig PA

Mr. Richmond stated the petitioner asked if when a tenant in a multi-tenant office building permits and performs an alteration contained within the tenant's space, whether the path of travel requirements in Section 11-4.1.6(2) cross the lease line and impose a path of travel obligation on the landlord requiring the landlord to perform an accessibility modification in a common area. (See *Greenberg Traurig PA Case #: DCA04-DEC-233.*)

Robert Fine, 1221 Brickel Avenue, Miami, FL, Representing Ashley Avenue Assoc.

Mr. Fine stated according to the Accessibility Code requires that with any alteration to a primary function area, not only would one be required to make the altered area accessible in accordance with Chapter 11, Florida Building Code, or the ADA guidelines, additionally a path of travel obligation further requires the path of travel through the area of the building leading to the altered area accessible excepting disproportionate costs. He continued stating in the Federal ADA, there is an exception stating when tenants perform alterations wholly within their space, the path of travel obligation would not cross into the landlord's area. Mr. Fine referenced F.S. 553.502 and F.S. 553.503, which adopted the ADA standards; he then added that F.S. 553.73(b) states requirements in the Florida Building Code would not supercede the Accessibility Code unless provided in F.S. 553.501 through F.S. 553.513. He concluded by stating a federal standard was adopted by Florida with a limitation to the obligation of tenants.

Commissioner D'Andrea asked Mr. Richmond if the application was amended to specify one particular case.

Mr. Richmond responded stating Chapter 120 requires specific facts and circumstances, which has been amended on their application.

Commissioner D'Andrea then asked if restrooms located in non-primary function areas would trigger the path of travel requirement or if the restrooms could remain non-

compliant.

Commissioner Richardson stated there are other requirements under the ADA, Title 3, which require commercial facilities to remove existing barriers as long as it would be readily achievable to do so.

Commissioner Corn added he had requested that local building departments not issue permits for alterations to a tenant's space without approval of the building owners.

Mr. Fine added the issue is not concerning accessible bathrooms in common areas, rather the issue deals with jurisdiction and which authority would be the enforcement agency.

Commissioner Richardson moved approval of the POC recommendation. Commissioner Greiner seconded the motion. Vote to approve the motion resulted in 1 opposed (D'Andrea). Motion carried.

Mr. Richmond stated one additional declaratory statement appeared on the agenda, DCA04-DEC-225 by Bemmie Eustace of Interplan LLC, which was deferred from the December meeting and has been withdrawn. No Commission action necessary.

CONSIDER APPLICATIONS FOR PRODUCT AND ENTITY APPROVAL

Mr. Blair conducted a review of the process of Commission action for each consent agenda group of applications or individual applications as presented. He then presented the application numbers for specific products in the four consent agenda groups:

Certification Mark or Listing:

Recommended for Unconditional Approval

Product #'s: 3130; 1726; 3262; 3294; 3577; 3706; 3755; 3758; 3759; 3762; 3763; 3764; 3774; 3775; 3776; 3777; 3779; 3780; 3781; 3782; 3784; 3788; 3789; 3790; 3791; 3792; 3793; 3794; 3810; 3816; 3818; 3837; 3838; 3843; 3845; 3846; 3848; 3850; 3851; 3852; 3853; 3854; 3878; 3897; 3899; 3900; 3902; 3905; 3919; 3925; 3926; 3927; 3928; 3930; 3931; 3932; 3934; 3935; 3937; 3943; 3944; 3947; 3954; 3955; 3957; 3958; 3959; 3845; 3970; 3971; 3974; 3983; 3984; 1589R1; 1807R1; 1808R1; 1810R1; 1813R1; 2286R1; 3715R1

Commissioner Browdy moved approval of the consent agenda. Commissioner Parrino seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Recommended for Conditional Approval

3580

Mr. Blair stated the POC recommended approval with the condition the product be tested or indicate not for use in the high velocity hurricane zone.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Kidwell seconded the motion. Vote to approve the motion was unanimous. Motion carried.

3604, 3608

Mr. Blair stated the POC recommended approval with the condition the correct standards be listed.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

3833

Mr. Blair stated the POC recommended approval with the condition the year of referenced standard be corrected.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

3849

Mr. Blair stated the POC recommended approval with the condition the product be placed in the correct subcategory.

Commissioner Parrino moved approval of the POC recommendation.

Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

3893

Mr. Blair stated the POC recommended approval with the condition the referenced standards are corrected.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

3913

Mr. Blair stated the POC recommended approval with the condition the referenced standards be corrected and compliance with ASTM E 1300 is demonstrated.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

3933

Mr. Blair stated the POC recommended approval with the condition the referenced standards be corrected and compliance with ASTM E 1300 is demonstrated.

Craig Thompson, LLT Global Solutions

Mr. Thompson requested clarification concerning conditional approval and the condition of demonstrating compliance with ASTM E 1300.

Mr. Blair explained the consultant would be in contact with the applicant and the conditions which must be met to be deemed approved would be discussed and reviewed.

Commissioner Parrino moved approval of the POC recommendation. Commissioner McCombs seconded the motion. Vote to approve the motion was unanimous. Motion carried.

3949

Mr. Blair stated the POC recommended approval with the condition that the AAMA standard be added.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

3951

Mr. Blair stated the POC recommended approval with the condition the air and water limits be clarified under limitations of use.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

3960, 3962

Mr. Blair stated the POC recommended approval with the condition that both products' standards of reference be corrected.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

3966

Mr. Blair stated the POC recommended approval with the condition that referenced standards be corrected.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

3972, 3975

Mr. Blair stated the POC recommended approval with the condition that limitations of use be corrected.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Recommended for Deferral

2708

Mr. Blair stated the POC recommended deferral; the applicant did not indicate which products were compliant or not compliant with the high velocity hurricane zone as well as listing other details.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

3717

Mr. Blair stated the POC recommended deferral; the applicant did not list product model as well as four different NOA's for decks which need correction.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

3942

Mr. Blair stated the POC recommended deferral; the applicant did not use the correct year's standards.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

3952

Mr. Blair stated the POC recommended deferral; the applicant's certification agency did not list the manufacturer.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

3956

Mr. Blair stated the POC recommended deferral; the applicant did not list technical standards on the application.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

3963

Mr. Blair stated the POC recommended deferral; the applicant's certification agency did not list the manufacturer.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

3965

Mr. Blair stated the POC recommended deferral; the applicant did not list adopted standards.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

3969

Mr. Blair stated the POC recommended deferral; the product is required to comply with AAMA/WDMA 1600/IS7.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

3976

Mr. Blair stated the POC recommended deferral; the applicant's certification agency did not list the manufacturer.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

784R-1

Mr. Blair stated the POC recommended deferral; the application had more than the allowed number of subcategories and is subject to review for technical compliance.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

2705R-1

Mr. Blair stated the POC recommended deferral; the applicant is required to demonstrate or show detail for the anchors.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

2709R-1

Mr. Blair stated the POC recommended deferral; the applicant did not indicate compliant or noncompliant products for the high velocity hurricane zone or the impact or nonimpact standards.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

2710R-1

Mr. Blair stated the POC recommended deferral; the applicant did not indicate products that were high velocity or non-high velocity compliant or the impact or nonimpact standards.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

2712R-1

Mr. Blair stated the POC recommended deferral; the applicant did not indicate the products that were high velocity or non-high velocity compliant nor the impact or nonimpact standards.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

3553R-1

Mr. Blair stated the POC recommended deferral; the products must comply with the high velocity hurricane zone's plastics testing requirements.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Recommended for Denial

3005

Mr. Blair stated the POC recommended denial based on deferral from December stating the product did not comply with the conditions imposed under the deferral.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Evaluation by Engineer/Architect

Mr. Blair presented the products under the consent agenda as listed:

Recommended for Unconditional Approval

Product #'s: 3523; 3542; 3578; 3583; 3655; 3727; 3730; 3743; 3744; 3746;
3766; 3767; 3769; 3770; 3772; 3773; 3786; 3807; 3808; 3811; 3812; 3815; 3834;
3844; 3847; 3855; 3858; 3877; 3884; 3885; 3891; 3907; 3908; 3917; 3939; 3940;
3950; 3985; 605R1; 1416R1; 1688R1; 1689R1; 1690R1; 1691R1; 1692R1;
1693R1; 1694R1; 1695R1; 2186R1; 2534R1; 2756R1

Commissioner Kim requested the following products be removed from the consent agenda for discussion: 3766, 3767, 3769, 3770, 3772, 3773.

Commissioner Parrino moved approval of the POC recommendation to approve the items on the consent agenda as amended. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

3766, 3767, 3769, 3770, 3772, 3773

Commissioner Kim stated he was not present during the POC meeting when the products were being discussed. He continued stating the item had been deferred from the December meeting and the Florida Board of Professional Engineers was taking action against the engineer who conducted the evaluation. Commissioner Kim further stated he was forwarded the administrative judge's order which states the engineer was found negligent and would be suspended with a \$5,000 fine. He noted the Board of Engineers would not be considering the order until February. Commissioner Kim then moved to defer the products until the March meeting. Commissioner Parrino seconded the motion.

Commissioner Greiner requested clarification regarding deferrals versus conditional approvals.

Mr. Richmond stated there is an initial window of time applicable to both deferrals and conditional approvals. He then explained conditional approvals must correct deficiencies prior to the next meeting and deferrals are considered during the next meeting regardless of corrections or deficiencies.

Commissioner Parrino suggested an appropriate action would be to defer the applications with staff contacting the manufacturer for their recommendations concerning the applications.

Chairman Rodriguez called for a vote on the motion to defer. Vote to approve the motion was unanimous. Motion carried.

Recommended for Conditional Approval

3035

Mr. Blair stated the POC recommended approval with the condition the standards of reference be corrected.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Kidwell seconded the motion. Vote to approve the motion was unanimous. Motion carried.

3556

Mr. Blair stated the POC recommended approval with the condition the standards of reference be corrected.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

3722

Mr. Blair stated the POC recommended approval with the condition the category and the subcategory be corrected.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

3861, 3862, 3876

Mr. Blair stated the POC recommended approval with the condition the plastic tested be listed correctly.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

3911

Mr. Blair stated the POC recommended approval with the condition rational analysis and a test report be provided.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

3915

Mr. Blair stated the POC recommended approval with the condition the type of span and fill be indicated.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

1559R-1

Mr. Blair stated the POC recommended approval with the condition the limitations of use are stated correctly.

Robert E. Mennen, Exterior Research & Design, Representing Duro-Last Roofing, Inc.

Mr. Mennen stated he was not present during the POC meeting due to weather conditions in his home state. He continued stating after discussions concerning the condition set by the POC for product approval, it was determined that clarification be provided relating to the conditional approval. Mr. Mennen explained systems involving the use of a product called "Nova Roll Out" are not for use in the high velocity hurricane zones as opposed to the entire application. He stated the clarification would be indicated on the application.

Commissioner Parrino moved approval of the POC recommendation as amended. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Recommended for Deferral

3448

Mr. Blair stated the POC recommended deferral to allow time for required testing.

Commissioner Parrino moved approval of the POC recommendation. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

3662

Mr. Blair stated the POC recommended deferral to allow time for required testing.

Commissioner Parrino moved approval of the POC recommendation.
Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

3709

Mr. Blair stated the POC recommended deferral to allow time for corrections as specified.

Commissioner Parrino moved approval of the POC recommendation.
Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

3863

Mr. Blair stated the POC recommended deferral to allow time for specified corrections to be made.

Commissioner Parrino moved approval of the POC recommendation.
Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

3895

Mr. Blair stated the POC recommended deferral to allow time for rational analysis of the door frame to be completed.

Commissioner Parrino moved approval of the POC recommendation.
Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

3896

Mr. Blair stated the POC recommended deferral to allow time for testing of rational analysis.

Commissioner Parrino moved approval of the POC recommendation.
Commissioner Kidwell seconded the motion. Vote to approve the motion was

unanimous. Motion carried.

3910

Mr. Blair stated the POC recommended deferral to allow time for rational analysis and testing.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

3914

Mr. Blair stated the POC recommended deferral to allow time for corrections as specified.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

3924

Mr. Blair stated the POC recommended deferral to allow time for standards of reference to be corrected.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

3953

Mr. Blair stated the POC recommended deferral to allow time for corrections to be made as specified.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

3967

Mr. Blair stated the POC recommended deferral to allow time for corrections as

specified.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

3977

Mr. Blair stated the POC recommended deferral to allow time for rational analysis and testing to be completed.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

3981

Mr. Blair stated the POC recommended deferral to allow time for a certificate of independence, installation drawings and the standards of reference to be corrected.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Evaluation by Test Report

Mr. Blair presented the applications for product approval under the consent agenda as listed:

Recommended for Unconditional Approval

Product #'s: 3349; 3521; 3590; 3617; 3778; 3892; 3946

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Recommended for Conditional Approval

3920

Mr. Blair stated the POC recommended approval with the condition the standards

of reference be consistent.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

3941

Mr. Blair stated the POC recommended approval with the condition the limitations of use be confirmed and listed as required.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Recommended for Deferral

2278

Mr. Blair stated the POC recommended deferral to allow time for testing and limitations of use to be listed.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

3890

Mr. Blair stated the POC recommended deferral to allow time for certificate of independence be submitted along with corrections as specified.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

3923

Mr. Blair stated the POC recommended deferral to allow time for corrections as specified.

Commissioner Parrino moved approval of the POC recommendation.

Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

3938

Mr. Blair stated the POC recommended deferral to allow time for certificate of independence and testing data be provided.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

3979

Mr. Blair stated the POC recommended deferral to allow time for certificate of independence and testing data to be provided.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

3988

Mr. Blair stated the POC recommended deferral to allow time for subcategories to be corrected.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Evaluation by Evaluation Entity

Mr. Blair presented the applications under the consent agenda as listed:

Recommended for Approval

Product #'s: 3692; 3785; 3795; 3857; 1511R1; 2524R1

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Recommended for Conditional Approval

3540

Mr. Blair stated the POC recommended approval with the condition the limitations of use be corrected.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

22R-1

Mr. Blair stated the POC recommended approval with the condition the limitations of use be corrected.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Recommended for Deferral

3901

Mr. Blair stated the POC recommended deferral to allow time for corrections as specified.

Commissioner Parrino moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Carson the presented the Product Entity recommendations:

R.I. Odala & Associates, Quality Assurance Entity

Commissioner Greiner moved approval of the POC recommendation. Commissioner Browdy seconded the motion. Vote to approve the motion was unanimous. Motion carried.

RECESS UNTIL WEDNESDAY, JANUARY 26, 2005, 9:00 A.M.

Chairman Rodriguez recessed the plenary session at 4:13 p.m.

**ORIENTATION ON GOVERNMENT IN THE SUNSHINE AND
ADMINISTRATIVE RULES REQUIREMENTS**

Mr. Richmond conducted an overview of the laws and requirements of the Sunshine Law. He stated the most burdensome requirement each Commissioner faces as public officials would be the open government requirement which was imposed by voters through constitutional amendment. He explained the requirement provides that all business take place during public meetings with no two members of the Commission or any of its committees allowed talk outside of a public meeting about any subject likely to come before the committee or the Commission. Mr. Richmond stressed if the law were violated by any member of the Commission or its committees, individual fines could be imposed as well as possible criminal penalties. He further explained if any Commissioner or committee member were called upon to consider action on issues in which there is financial interest in the outcome, certain requirements apply including full disclosure via a form provided by the Commission on Ethics.

Commissioner Schulte asked if there is a statute of limitations relating to any notes taken by Commission or committee members.

Mr. Richmond responded stating a record retention schedule policy exists. He suggested if any Commissioner desired to discard notes taken during the meetings, DCA staff maintains the official records of the meetings and could accept them.

Commissioner Bassett requested clarification concerning committee meetings and the inability to reach quorum. He asked when it would be appropriate to enter a workgroup session or workshop.

Mr. Richmond replied a "non-meeting meeting" could be entered; i.e., a workshop, but may generate information that would lead to a decision in the future, which, for those who were not present, could be considered ex parte communication and be subject to challenge. He urged the Commission to make every attempt to reach quorum as much as possible then recommended a schedule of alternates to attend the meetings be established in the Commission's rules and procedures.

Mr. Blair stated the issue could be added to the meeting agenda for Wednesday, January 26.

WEDNESDAY, JANUARY 26, 2005

RECONVENE AND WELCOME

Chairman Rodriguez called the meeting to order at 9:02 a.m.

REVIEW AND APPROVAL OF AGENDA

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

Commissioner Bassett requested time on the agenda for meeting format discussion.

Commissioner Greiner moved approval of the agenda as presented. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

REVIEW AND APPROVAL OF DECEMBER 7 & 8, 2004 MEETING MINUTES

Chairman Rodriguez called for additions or corrections to the minutes from the December 7 & 8, 2004 Commission meeting.

Commissioner Wiggins requested clarification and correction if necessary concerning the vote relating to the water intrusion issue. He noted he and Commissioner Gonzalez had opposed the motion resulting in a 19-2 vote rather than the 20-1 reflected in the minutes. Commissioner Wiggins then stated he had written a Letter to the Editor concerning the water intrusion issue, which appeared in the Orlando Sentinel recently reflecting strong support for the Commission action in spite of his personal objection to the action.

Chairman Rodriguez expressed great appreciation for the support of the Commission as well as the validation of the process in place. He then stated there had additionally been recent support from a public information officer and that further discussion would take place at a later point in the meeting agenda.

Commissioner D'Andrea moved approval of the December 7 & 8, 2005 Commission meeting minutes as amended. Commissioner Wiggins seconded the motion.

Mr. Dixon stated he could not facilitate ex parte communication however the

Letter to the Editor could be included in the Commission packet for the next Commission meeting.

Chairman Rodriguez called for a vote on the motion. Vote to approve the motion was unanimous. Motion carried.

CHAIR'S DISCUSSION ISSUES AND RECOMMENDATIONS

Chairman Rodriguez began discussion concerning key issues for the 2005 Florida Building Commission:

Responding to Commissioner's Recommendations

Chairman Rodriguez stated staff had been developing recommendations to address procedural and logistical issues identified by the Commissioners from the "Effectiveness Assessment Survey" conducted by Mr. Blair. He stated the change in meeting format of the plenary session was in response to Commissioner's requests in order to provide more time. Chairman Rodriguez stated not only did the new format provide Commissioners more time to consider the issues, it also provided ample time for public comment during the substantive issues being discussed.

Special Session

Chairman Rodriguez stated the special session called by the Legislature could have included Commission business, however, there was no Commission business included in the session. He stated the Commission remains committed to the 2004 Florida Building Code implementation date, which is slated for July 1, 2005.

Codes for Existing Buildings

Chairman Rodriguez stated the Commission went on record supporting implementation of the Existing Buildings Code to no avail.

Construction Practices / Quality Assessment

Chairman Rodriguez stated Mr. Blair has been developing recommendations to address Senator Constantine's request that the Commission review the issue of construction and inspection practices as related to quality of construction. He continued stating Mr. Blair has completed the assessment report and would be presenting resulting recommendations later in the meeting agenda.

Rules of Procedure

Chairman Rodriguez recommended holding a Rule Development Workshop to amend the Rules of Procedure, Rule 9B-3004, during the March 2005 Commission meeting. He explained one of the objectives would be to assign alternates to attend committee and Commission meetings to achieve quorum for the meetings.

Commissioner Wiggins moved approval of holding a rule development workshop to amend the Rules of Procedure, Rule 9B-3004, during the March 2005 Commission meeting. Commissioner Bassett seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Florida Building Code System

Chairman Rodriguez stated by law, as stated in Section 553.77(1)(b), the Commission is required to conduct a tri-annual assessment of the building code system, which includes the Florida Building Code, the Product Approval and Education Systems. He stated the Commission's report and recommendations concerning the implementation of the 2004 edition of the Florida Building Code must be prepared for presentation to the 2006 Legislative session. Chairman Rodriguez continued stating surveys for members of the Commission as well as public stakeholder groups was being compiled after which there will be a public input session held during the Commission meetings held in different areas of the state. He then stated results and findings would be analyzed and developed in a consensus package by an appointed Ad Hoc committee, then presented to the 2006 Florida Legislature.

TAC / POC Chairs

Chairman Rodriguez requested that each TAC and POC chair speak to the committee members concerning whether they would continue to serve on the committee. He then asked the chairs to assess whether there should be any membership changes to the committees and report back to the Commission during the March 2005 meeting. Chairman Rodriguez expressed appreciation to the TAC and POC chairs, committee members, and members of the public who attend and contribute to the process.

Process to Resolve Conflicts and Overlapping Responsibilities Between the Florida Building Code and the Florida Fire Prevention Code

Chairman Rodriguez stated Mr. Blair would be beginning an assessment process in February with hopes to have preliminary findings to report during the March 2005

Commission meeting.

Swimming Pool / Solar TAC Issues

Chairman Rodriguez stated Jim Schwartz, Executive Director of the Florida Swimming Pool Association, has notified the Commission that the association's leadership met in January 2005 and recommended that a Swimming Pool and Solar TAC not be established at this time.

Hurricane Research Coordinating Group

Chairman Rodriguez stressed the importance of appointing a small coordinating group consisting of Commissioners and other stakeholders charged with identifying research being conducted concerning building failure issues resulting from the 2004 hurricanes, identifying research gaps on key issues, and to ensure that the Commission is provided with all relevant findings from each of the major issues prior to the Commission considering Code enhancements resulting from the lessons learned.

Chairman Rodriguez stated Hurricane Charley hit the Florida coast August 13, 2004; Hurricane Frances hit the Florida coast on September 6, 2004; Hurricane Ivan arrived on September 16, 2004 between Alabama and Pensacola. He stated the Commission then met October 18 & 19, 2004 and was presented with preliminary data collected from the four storms. Chairman Rodriguez continued stating the Commission then met December 6 – 8, 2004, with a hurricane researchers workshop co-sponsored by the Commission and the Institute for Business and Home Safety being held on December 6 just prior to the Commission meeting. He added the Florida Home Builders Association released an assessment report on January 12, 2005, concerning water intrusion during the 2004 hurricanes. He explained a workgroup was being convened to assist the Commission by ensuring all relevant findings are presented.

Chairman Rodriguez then announced the following appointments to the workgroup: Commissioner Schulte, representing contractors; Commissioner Kim, representing engineers; Commissioner D'Andrea, representing building officials; Commissioner Parrino, representing product manufacturers; Tim Reinhold, representing researchers and insurance; Joe Crum, representing BOAF; Jack Glenn, representing home builders; John Ingargiola, representing FEMA; and Dave Olmstead, representing product manufactures. He added there could be wisdom in seeking early implementation of the research results related to the 2004 hurricane damage. Chairman Rodriguez further explained there were well-intentioned individuals who wanted immediate Commission action, which would have been out of character with the Commission's mission to achieve consensus and commitment to base the decision-making process on research. He then stated if it would be the desire of the Commission to have the results of the

research presented earlier than July 1, 2006, which would be the usual cycle, then the following conditions would need to be met: 1) Commission support; 2) consult stakeholders; 3) consult and coordinate with the governor's office of policy and budget; 4) bring all the information back to the Commission in March 2005 for consideration relating to how to pursue implementation.

Commissioner Bassett expressed support for action to pursue early implementation of any enhancements to the Code resulting from the research.

Commissioner Wiggins recommended whatever steps necessary to be taken for implementation of changes as quickly as possible. He then asked if the workgroup would benefit from representation of counties and cities.

Chairman Rodriguez welcomed city and county representation and added Commissioner Wiggins to the appointment list for the workgroup.

Mr. Blair called for a motion to direct staff to research the issue, work with stakeholders through the process outlined by the Chairman, with a report to the Commission during the March 2005 meeting.

Commissioner Wiggins moved approval for staff to research the issue as stated. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

REVIEW AND UPDATE OF COMMISSION WORKPLAN

Mr. Dixon conducted an overview of the revised Commission workplan which was provided in each Commissioner's agenda packet.

Commissioner D'Andrea moved approval of the updated Commission workplan. Commissioner Kidwell seconded the motion. Vote to approve the motion was unanimous. Motion carried.

PRODUCT APPROVAL WORK GROUP PROGRESS REPORT AND DISCUSSION

Chairman Rodriguez stated the third work group meeting was held on January 11 & 12, 2005. He continued stating the next meeting will be held February 8 & 9, 2005, in Ocala. Chairman Rodriguez then directed the Commission to Mr. Blair for his report.

Mr. Blair referenced document number seven on the Commissioner's laptops

stating that was the Product Approval Work Group meeting report. He reiterated the next work group meeting would be February 8 & 9, 2005, at the Ocala Hilton, with the meeting on the 8th beginning at 1:00 p.m. lasting until 5:00 p.m., and the meeting on the 9th beginning at 8:00 a.m. until 1:00 p.m. He stated all supportive documents would be available on the FBC website. Mr. Blair then stated there would be a worksheet at the next work group meeting based on the options, which have already been requested. He stressed the importance of the next two meetings and the goal of developing recommendations to submit to the Commission during the May 2005 meeting.

Mr. Blair then noted the work group had reached agreement on a couple of items. He stated the rule would be limited to the eight components comprising a building's structural frame for statewide approval. Mr. Blair additionally pointed out the work group had reached agreement with relation to the local product approval aspects as presented by BOAF.

Commissioner Parrino referenced the last page of the report where the request for microphones and a PA system for the meetings appeared. He stated there was no PA system available during the last work group meeting and there were many people who could not hear the discussion. Commissioner Parrino asked if the meeting is scheduled to be held in a large room how would scheduling a PA system be achieved.

Mr. Dixon responded stating there are budget constraints concerning the meetings and a PA system is currently cost prohibitive based on the numbers provided at the time.

Commissioner Parrino expressed frustration in terms of the Florida Building Commission not being able to afford a PA system at one of its committee or work group meetings.

Mr. Dixon stated the last bid from a hotel for a small PA system for the meeting was \$1,600.

Commissioner Greiner concurred with Commissioner Parrino concerning the work group not being able to perform the task at hand due to the inability to hear the discussions taking place.

Chairman Rodriguez suggested if the Commission cannot pay for a PA system the room size should be appropriate for the group that is meeting.

REPORT OF THE ICC PARTICIPATION WORK GROUP AND DISCUSSION

Chairman Rodriguez reminded the Commission there was no quorum present for

the ICC participation work group and discussion. He stated the work group would be re-scheduled for March 15, 2005 prior to the Commission March plenary session.

QUALITY OF CONSTRUCTION ASSESSMENT SURVEY REPORT

Mr. Blair presented the Quality of Construction Assessment Survey Report. He referenced Document nine located in the Commissioner's laptop files. He reminded the Commission of Senator Constantine's letter to the Chairman requesting the Commission study the current practices of builders and inspectors then make recommendations that will maintain the quality of construction and the effectiveness of home inspections while providing protection for builders, inspectors, and consumers. Mr. Blair stated his findings and recommendations were based on interviews with stakeholders and the assessment was limited to residential home construction. He stated there are many interrelated issues and many interest groups that are affected by construction and inspection practices. Mr. Blair continued stating there is no single process or option that would adequately address the issue. He stated a coordinating role would be required where issues of education, training, qualifications, licensing, building codes, inspection functions, public and private roles and responsibilities, and the various construction professionals in the process will all have to be considered in a systematic way in order for any real changes to be effective.

Mr. Blair the conducted a review of some of the analysis stating stakeholders in general felt that the Commission is the best forum for reviewing issues related to quality of construction with broad based stakeholder representation and improving commitment to consensus building process on substantive policy issues. He stated generally it was felt that the issues involved in the typical code amendment process would address issues as they arise. Mr. Blair continued stating many of the issues related to consumers were not necessarily Commission issues, rather licensing and enforcement issues, which should be considered by construction industry licensing boards. He then stated issues like education and dissemination of accurate information to the public was considered to be a Commission role. Mr. Blair further stated the issue of a post construction check list, which was specifically requested by Senator Constantine, was considered a business or marketing decision between the contractor and the home owner and would not be appropriate for regulation. He addressed the issue of enforcement stating there was near universal agreement that local jurisdictions and various licensing boards would remain responsible for enforcement. Mr. Blair stated in terms of construction practices a well-educated and trained construction work force and an educated public would generally improve the overall residential construction process. He noted there appeared concern in terms of proper product installation and it was suggested that more detailed installation documents may be needed for crucial structural component products. He stated there appeared to be strong support for the

private provider system as well as parallel provider systems as enhancements to the residential construction process; and strong support and respect for the efforts of local building officials. Mr. Blair then addressed the education issue stating the central theme was there should be an effort to enhance the education of the general public on building code and related issues, on licensing and enforcement issues, and on providing accurate updates on developments related to the work of the Florida Building Commission.

Mr. Blair referenced page six, Analysis of Findings. He stated most agreed that education and coordination should be the primary focus as opposed to additional regulations. He continued stating it was agreed that the Commission should convene a process to fully air the issues and options and develop recommendations for consideration by the governor and the Legislature.

Mr. Blair then listed the eight recommendations resulting from the survey:

1. Commission to convene a stakeholder work group process, similar to the product approval and private provider work groups, and work with stakeholders to identify the issues, evaluate alternatives, and develop recommendations for enhancing coordination between the various entities charged with the education, licensing enforcement, and code and standards development functions related to construction and inspection of residential homes.
2. Building code enhancements. The Commission to proceed with the assessment and evaluation of issues identified from hurricane research and affect any code changes deemed appropriate. Specifically, the Commission should review flashing, water infiltration and intrusion issues, roofing products, the suitability for use of certain products based on research findings and the required minimum inspection schedules for enhancements. These and additional weather proofing aspects of home construction products, such as stucco, should have their standards reviewed and the Commission should determine whether they require additional installation details in the Code.
3. Coordinating education. The Commission would provide practical, understandable and accurate consumer information regarding codes and standards relating to home construction and the work of the Commission including updates on the latest developments and efforts to enhance the Florida Building Code.
4. Licensing. The entities responsible for the licensing of critical subcontractor trades should review the various trades and determine whether to require

licensing qualifications and training for any additional specialty subcontractors.

5. Consensus recommendations for enhancing the Chapter 553.791, Private Provider System. The Commission to encourage the Legislature to move forward with those recommendations.
6. Binding interpretation. Consideration should be given to grant the Commission statutory authority to issue binding interpretations for the Florida Building Code. Proponents expressed a belief that this would provide a level of consistency for the interpretation of matters related to the building code and present inconsistent interpretation and enforcement at the local levels.
7. Funding. At the conclusion of the stakeholder process, the issue of funding would need to be assessed and resources provided for the implementation of these recommendations. At a minimum, additional funding should be considered in order to assist the Commission in identifying research gaps, developing consensus on research needs and priorities, commissioning needed technical research, and providing a reasonable level of consumer education related to the building codes and the work of the Florida Building Commission.
8. Priority recommendation. These recommendations should be considered preliminary and it is highly recommended that a thorough abetting of all the recommendations in the report be provided through the implementation of recommendation # 1.

Commissioner Wiggins referenced recommendation # 1 and asked if the stakeholder work group process had already begun or if it would convene in March.

Chairman Rodriguez responded stating item # 1 is a recommendation and if the Commission would desire implementing recommendation # 1 then a motion to do so would be appropriate.

Commissioner Wiggins moved approval of implementing recommendation # 1 as described. Commissioner Calpini seconded the motion.

Commissioner Corn posed whether it is clear that the discussion relates to the ability to perform as expected for a particular part of the house versus appearance.

Mr. Blair replied the report details specifically that point clearly defining the issue

as quality rather than aesthetics.

Chairman Rodriguez added quality can be difficult to enforce at a modest cost however for those in the industry, much has been lost in the training of designers and architects, contractors and subcontractors, and what was once handed down from generation to generation as good building practices needs to be refreshed if not mandated. He then called for a vote on the motion. Vote to approve the motion was unanimous. Motion carried.

CONSIDER FLORIDA BUILDING CODE AMENDMENT CYCLE

Chairman Rodriguez stated the issue had already been covered under the Chair's discussion issues as well as the work plan review.

PRESENTATION ON CENTRAL FLORIDA HOME BUILDERS ASSOCIATION, WATER INTRUSION STUDY

Chairman Rodriguez directed the Commission to Jack Glenn for a presentation concerning the water intrusion issue and he extended appreciation to the Home Builders Association for the study.

Jack Glenn, Florida Home Builders Association

Mr. Glenn presented a summary of the Water Intrusion Study Report, which had been provided on disc to each Commissioner as well as being available on the Florida Home Builders Association website. (See www.fhba.com.)

Commissioner Wiggins asked if any of the thousands of stucco homes investigated had zero leakage and if so, to what was that attributed.

Mr. Glenn responded stating the research was conducted entirely in Central Florida. He stated in addition to investigating existing homes, masonry walls featuring a variety of finishes for buildings under construction were examined with the conclusion that maintenance steps like sealing micro cracks and repainting prevented water intrusion. Mr. Glenn continued stating another theory was that the older the home the more paint build-up is present working as a type of repellent.

Commissioner Bassett stated he had spoken with Joe Lstiburek and if the Commission would request his expertise he would attend a Commission meeting at his own expense.

Mr. Glenn added Mr. Lstiburek would be present during the Hurricane

Symposium in February and will be making a more detailed presentation.

Chairman Rodriguez offered comment stating rather than anticipating events like the four '04 storms most individuals react. He added the results of Hurricane Andrew brought the Code more stringent structural measures while the results of the research from the '04 storms will be quite different.

Michael Kaufman, Resident, Central Florida

Mr. Kaufman stated he had read the report and expressed concern with portions of the contents. He stated the report contains several flaws citing the mass block releasing water to the interior and stated there is a vapor barrier located between the block and the interior wallboard trapping the moisture released into the interior resulting in mold. Mr. Kaufman continued stating cementitious coating was mentioned then ignored throughout the bulk of the report. He added the painting contractors refer to their coating while neglecting sealing and priming prior to painting. Mr. Kaufman stated most of the problems experienced in his development as well as others results from improper construction of the buildings beginning with the blocks and then the mortar not bonding. He continued stating windows are not installed properly without the sealing necessary to prevent moisture. Mr. Kaufman commended the Commission for updating and changing the Code stating his observations have found most of the failures in Central Florida were not results of the hurricanes, rather due to water from the time of construction. He further stated his own home has been leaking since the day it was constructed with water accumulating behind the wallboard resulting in mold, which has created major health problems. Mr. Kaufman stated the situation is typical of the construction practices in Central Florida.

Chairman Rodriguez expressed appreciation for the comments from different points of view stating that was part of the reason the Commission did not react quickly to the failures that have been attributed to the storms. He requested a written report from Mr. Kaufman be submitted for further Commission review.

Mr. Kaufman added the current Code specifically requires that the licensed architects and engineers stipulate the proper installation of windows and how to waterproof the homes. He stated the laws are correct and valid, however, the practices of the contractors is the biggest cause of the problem with the laws and requirements not being enforced.

Louis Kingsley, Resident, Clermont, Florida

Mr. Kingsley stated he has a new home that is one year old. He continued

stating his home leaked many months prior to any hurricanes in the state of Florida. He further stated the development in which he resides contains numerous homes that leaked in December of 2002, not in hurricane season. Mr. Kingsley stated there are testimonials dating back to 2001 citing water leakage through the walls and to blame the water intrusion on the hurricanes in the state of Florida is a slap in the face to the consumer in the state and to the intelligence of the residents of Florida. He expressed great frustration concerning the report that has been written by the Home Builders Association of Central Florida and stated it is a travesty. Mr. Kingsley added the residents in Florida can read between the lines in the newspapers and are very well aware of the political aspects of the Commission and of the Home Builders Association in the state of Florida. He stressed his position as a violated consumer whose home has been violated and whose life has been disrupted due to the shoddy construction practices and because no one will accept responsibility for the failures of the poorly constructed homes. Mr. Kingsley stated government is responsible for watchdogging and the builders should be held responsible for the water intrusion failures simply out of human decency. He expressed grave disappointment and anger that his home will now need thousands of dollars in repair to correct the damage that has taken place. Mr. Kingsley posed why are the homes being newly constructed after the '04 storms already being built at higher elevations and more attention is being paid to the grading and type of felt used to cover the exterior. He stated there are homes in his development that are moving and splitting due to shoddy construction. Mr. Kingsley urged the Commission not to get lost in the bureaucratic system and drag the process out in getting to the bottom of the failures that are occurring. He stated he is furious with the state of Florida from the governor down to the Commission because of the poor construction practices of builders in the state. He urged the Commission to let go of the hurricane issue in terms of water intrusion. Mr. Kingsley then stated the laws to enforce proper construction should have been settled years ago due to the growth of the state of Florida. He insisted the people of the state of Florida will not allow this to continue and there are thousands of residents who will voice their anger over poor construction practices. He appealed to the Commission to forgive his emotional outburst and his need to express his anger. Mr. Kingsley encouraged the Commission to ensure that when people move to the state of Florida they do not get ripped off and violated then added he would be monitoring Commission action relating to this issue.

Chairman Rodriguez expressed appreciation for Mr. Kingsley's comments and urged him to include the consumer in the list of responsible parties. He stressed the importance of an educated consumer as well as the industry representatives. Chairman Rodriguez stated the enforcement of existing regulations is an issue well taken and he assured Mr. Kingsley his emotion did not detract from his testimony.

Robert Lecky, Building Official, Jupiter, Florida

Mr. Lecky referenced the Home Builders' report stating the recess for block had been a previous standard and he was pleased to see that standard reappear. He then stated the interface between the second story wood frame and the concrete masonry had been an issue discussed at length with the detail being typical, however, construction practices does not reflect the typical treatment resulting in leakage. Mr. Lecky continued stating the owners of the buildings do not always know how to properly maintain the joint and the inspectors have not been overly critical of the treatment used when considering the complexity of the process.

Chairman Rodriguez called for additional public comment then stated the roofing industry has been invited to provide a presentation of their work.

Robert Hickman, Resident, Central Florida

Mr. Hickman stated he has been a resident of Central Florida for approximately two years. He stated he lived previously in the Northeast in a suburb of Philadelphia as well as owning homes on the Jersey shore. Mr. Hickman continued stating the weather in the north presents itself in a variety of forms including snow and ice, which can create many issues and damage homes and he had never experienced problems with leakage until moving to Central Florida. He stated he chose a builder who was highly regarded and still he has experienced problems with leakage. Mr. Hickman stated builders have become greedy with a desire to make as much money as possible. He posed questions concerning the quality of the labor force hired by builders as well as the lack of supervision of each project because builders refuse to lay out the money for proper supervision of construction. He further stated the excuse of an act of God is not appropriate, rather the problems result from greed, lousy business practices, and incompetency. He urged the Commission to take action relating to the water intrusion issue and to take that action quickly. Mr. Hickman concluded by stating most home owners want a home that is safe, sound, secure, weatherproof, that can be enjoyed in the sunny state of Florida.

Commissioner Calpini referenced page four of the Quality of Construction Report and recommendations previously presented by Mr. Blair. He stated there are probably application modifications that will be necessary. He continued stating the problem with the quality control issue is that it is subjective and is difficult to govern. Commissioner Calpini then read a paragraph from the assessment:

Numerous interviewees pointed out that the Florida Building Code, as are codes in general, is a minimum standard and intended to address structural integrity in the life safety of the building and not the more subjective issues of quality. Support was expressed

for reviewing the minimum inspections required in the Code. In fact, most believe that issues of quality are often related to the installation and the improper use of products and not the result of the Florida Building Code.

Commissioner Calpini stated the issue of quality is an issue that prevails in all industries and in our lives and is an issue of individual integrity and credibility. He stressed the importance of the Commission implementing a mechanism that addresses the issue of quality control if at all possible.

Chairman Rodriguez added the comments were very important to hear and that Senator Constantine had raised the construction quality issue prior to the state's four hurricanes. He then stated one of the most powerful resources in the capitalist system is the reward or the absence thereof of the consumer's patronage to those who provide good products. Chairman Rodriguez stated the Commission would do everything possible to find resolution to the issues of quality and sound construction practices.

Commissioner Calpini then stated in our culture there is a tendency to deal with the symptoms of issues in the solution process and steer away from the cause of the problems. He referenced page five of the assessment report stating it supports the issue of quality control as it stated there were advocates of additional levels of quality assurance beyond the local building inspection process.

CONSIDER COMMITTEE REPORTS AND RECOMMENDATIONS

Accessibility TAC

Commissioner Richardson presented the report from the Accessibility TAC meeting. (See *Minutes of Accessibility TAC Meeting January 24, 2005*)

Electrical TAC

Commissioner McCombs presented the report from the Electrical TAC meeting. (See *Minutes of Electrical TAC Meeting January 24, 2005*).

Product Approval/Prototype Building/Manufactured Buildings Programs Oversight Committee (POC)

Commissioner Carson presented the report from the PAPBMB POC meeting. (See *Minutes of PAPBMB POC Meeting January 25, 2005*). He stated there were two recommendations requiring Commission action.

Commissioner Carson explained the POC recommends developing a process for dual product approval application cut-off dates. He then moved approval to implement the cut-off dates. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Carson stated the second action item is to recommend referring to the product approval work group AA's proposal for a fee increase for manufacturers to revise and approve products as well as to refer the window labeling issue to the Structural TAC and then to refer to the product approval work group the issuing of a product application number prior to Commission approval of the product. He then moved approval of the POC recommendations as stated. Commissioner D'Andrea seconded the motion.

Mr. Blair interjected there would not be a "fee increase" rather to create a fee for revised products.

Chairman Rodriguez called for a vote on the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Richmond stated there was one additional product approval item requiring Commission action. He continued stating a supplemental rule hearing needed to be scheduled during the May Commission meeting, specifically May 10, 2005, for publication of the Notice.

Commissioner McCombs moved approval of the supplemental hearing as stated. Commissioner Parrino seconded the motion. Vote to approve the motion was unanimous. Motion carried.

GENERAL PUBLIC COMMENT

Ralph Hughes

Mr. Hughes expressed concern regarding the sound system issue discussed earlier in the meeting. He stated the issue is not insignificant and is a major problem. Mr. Hughes stated he attended the January 11 and 12 meeting of the product approval work group and could hear very little of what was discussed. He urged the Commission not to leave staff with no specific direction and suggested the Commission take action to direct staff if there are thirty or more people attending there must be a microphone.

Commissioner Gonzalez moved approval of directing staff to provide a microphone if there are thirty or more attendees at a work group meeting.

Commissioner McCombs seconded the motion.

Mr. Richmond offered comment stating the budget would not accommodate the recommended motion and could potentially create unnecessary conflict.

Commissioner Parrino offered comment stating passing the motion would provide direction to staff to include a budgetary item for sound systems in the future.

Chairman Rodriguez called for a vote on the motion. Vote to approve the motion was unanimous. Motion carried.

COMMISSION MEMBER COMMENTS AND ISSUES

Commissioner Greiner expressed concern disappointment regarding the Commission's efforts to present a bill to the Legislature to no avail. He stated the items recommended to the 2005 Legislature have not been accepted leaving the Commission negotiating with other organizations that are able to get a bill in front of the Legislature.

Mr. Richmond responded stating the process passes the recommendations up the chain of command through the governor's agency. He stated the Home Builders Association never has a bill and they are not Legislators. Mr. Richmond then stated bill filing has not been closed and there has been authority granted for the Commission to seek separate bills for items that appeared on the Commission action list.

Chairman Rodriguez added Senator Constantine is a champion for the Florida Building Commission with whom there is reciprocal communication on a consistent basis. He expressed frustration concerning the Commission's issues not being at the forefront of the Legislature, however, the Legislature has its own priorities in terms of which bills result in action.

Commissioner Greiner then asked if there is a vehicle to get the issues to the floor of the Legislature this year.

Mr. Richmond replied the problem has not been getting the issues to the floor of the Legislature, rather getting the bill out of the Legislature. He stated there have been more critical issues at the forefront such as medical malpractice and classroom size issues. He continued stating the four hurricanes may create more awareness and provide a means for getting the Commission's action items on the list of priorities.

Commissioner Bassett offered comment stating the Commission as a group does not really participate in the political process and he suggested perhaps the Commission should. He stated perhaps in helping Mr. Richmond, the Commission as a group would

be more voice and the Legislature would pay more attention to the Commission's recommendations.

Chairman Rodriguez responded stating Mr. Richmond is a very able lobbyist and the issues speak for themselves. He stated there have simply been more pressing issues in front of the Legislature.

Commissioner Corn suggested when the Commission's recommendations are presented before a Legislative committee, other organizations in which Commissioners may be involved could be apprised and additionally recommend the items be passed.

Chairman Rodriguez expressed appreciation and stated any help offered to Mr. Richmond by members of the Commission would be appreciated as well.

Commissioner Wiggins stated the Legislative process is consistently last minute with most of the major items coming up on the last day of session. He recommended perhaps the Commission recommendations could be split into two bills; i.e., one being the Commission's recommendations for the less controversial Code issues.

Mr. Richmond explained the strategy most recently proposed was a separation of issues, keeping in mind on the last day of session everything may get lumped into one bill for consideration in an effort to get something passed.

Commissioner Parrino asked if anyone from staff had contacted Senator Constantine making a direct request that he sponsor a bill with the Florida Building Commission's recommendations.

Mr. Richmond responded stated there have been ongoing discussions with Senator Constantine and he does have some Code related bills that he is sponsoring.

Chairman Rodriguez interjected while the Commission cannot dictate action to Senator Constantine, there is constant communication each and every year concerning the Commission's issues and recommendations. He stated the Florida Building Commission Report to the Legislature is sent to the governor's office as well as the Legislature every year and Senator Constantine is actively in communication with the Commission to champion the Commission's recommendations.

Commissioner Bassett requested the work group and TAC/POC minutes be published as a separate item rather than as an attachment to the Facilitator's Report.

Mr. Blair stated the minutes have been electronically sent separately as well as

included as an attachment to the Facilitator's Report.

**REVIEW COMMITTEE ASSIGNMENTS AND ISSUES FOR THE
COMMISSION'S MARCH 14, 15, & 16, 2005 MEETING**

Mr. Blair reviewed committee assignments for scheduling the committee meetings in March 2005.

ADJOURN

No further business was discussed. Chairman Rodriguez adjourned the Florida Building Commission Plenary Session at 11:33.