



STATE OF FLORIDA  
**DEPARTMENT OF COMMUNITY AFFAIRS**

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**JEB BUSH**  
Governor

**COLLEEN CASTILLE**  
Secretary

**BOARD MEETING  
OF THE  
FLORIDA BUILDING COMMISSION**

**PLENARY SESSION  
March 1 & 2, 2004**

**PENDING APPROVAL**

The meeting of the Florida Building Commission was called to order by Chairman Raul Rodriguez at 4:00 p.m. on Monday, March 1, 2004, at the Rosen Plaza Hotel, Orlando, Florida.

**COMMISSIONERS PRESENT:**

Raul Rodriguez, Chairman  
Christopher P. Schulte  
Randall J. Vann  
Michael C. McCombs  
Hamid J. Bahadori  
Craig Parrino  
Herminio Gonzalez  
George J. Wiggins  
John Calpini  
Christ T. Sanidas  
Leonard N. Lipka  
Peter Taglorini  
Nicholas "Nick" D'Andrea  
Richard Browdy  
Dale Greiner  
Paul D. Kidwell  
Jeffrey Gross

Do Y. Kim  
Joseph "Ed" Carson  
Stephen C. Bassett  
Diana B. Richardson

**COMMISSIONERS ABSENT:**

Stephen Corn  
Suzanne A. Marshall  
Doug Murdock, Adjunct Member

**OTHERS PRESENT:**

Rick Dixon, Executive Director  
Jim Richmond, Legal Advisor  
Richard Shine, Legal Advisor  
Jeff Blair, FCRC

**RULE DEVELOPMENT WORKSHOP ON RULE 9B-3.047, FLORIDA BUILDING CODE FIRE AND LIFE SAFETY REQUIREMENTS**

Chairman Rodriguez welcomed Commissioners and the public then stated the only order of business would be opening the Rule Development Workshop on Rule 9B-3.047. He stated the workshop would begin by addressing the chapters of the Code dealing with fire and life safety requirements. He explained Mr. Richmond would serve as hearing officer and Mr. Blair would serve as moderator for public comments and facilitate the Commission's discussion.

Mr. Richmond then opened the Rule Development Workshop on 9B-3.047 as noticed in the *Florida Administrative Weekly* to consider the update and integration of previously adopted amendments to the Florida Building Code.

Mr. Dixon stated the issues the Commission will address during the workshop are considered to be the single most important issues in terms of public safety that will be brought before the Commission in the 2003 Florida Building Code change. He reminded the Commission of the lengthy discussions then decision to adopt the International Building Code. Mr. Dixon stated the height and area issue and the perceived changes in standards for the protection of the general public relating to fire safety is the most controversial issue as observed from comments received. He continued stating staff is in a stage of Code development for the 2003 update cycle where the Commission is charged by statute to consider changes to the adopted base model codes and further considering all approved local and statewide amendments. He commended Mr. Madani and staff for their work in preparing the documents for Commission review and consideration. Mr. Dixon then stressed the importance for the Commission to have ample time for consideration of each issue as well as clear and concise information in order to make necessary decisions concerning the fire safety requirements of the Florida Building Code. He explained the options as the 2003 International Building Code requirements for height and area and passive versus active fire control; or the standard already adopted in the Florida Building Code for height and area and passive systems controls. Mr. Dixon continued explaining the TACs have not been formally involved rather have served as consultants to staff in terms of integrating the Florida-specific amendments. He added staff had prepared documents for code comparisons then stated there are no recommendations from the TACs nor from staff in terms of which code should be adopted.

Mr. Wiggins requested clarification in terms of the issues brought before the Commission concerning recommendations from the TACs.

Mr. Dixon responded stating the TACs were involved in the review process as consultants to staff however, if there was a recommendation it would be presented with no greater weight than the public.

Commissioner Browdy expressed concern regarding the process in place. He stated the citizens of Florida had placed their trust in the Florida Building Commission which must continue to have authority and oversight over the Florida Building Code. He explained the process in place for the workshop relinquishes the Commission's authority to staff as well as abbreviates public input. Commissioner Browdy stated the Florida Building Code can be only as effective as the process the Commission uses to promulgate the Code. He continued stating when the Commission adopted the I-family of codes, the codes were to be enhanced by Florida specificity. He stated it was anticipated that the adoption of the codes would lead to a more effective opportunity to promulgate codes which would be a more unified model for the delivery of construction education. Commissioner Browdy expressed the effort by the workshop is driven by expediency more than effectiveness. He then recommended the Commission not be guided by a deadline and consider taking appropriate time to allow the TACs time to review the proposed amendments ensuring that the amendments relate to Florida specificity.

Chairman Rodriguez thanked Commissioner Browdy for his eloquent comments and for his consideration in terms of working for the best interest for the citizens of Florida. He assured Commissioner Browdy that the work done by staff and the TACs as consultants has not been done simply in the interest of time but in achieving the Commission's goal of consensus. Chairman Rodriguez stated the Commission would take as much time as necessary to reach consensus in considering the proposed amendments.

Mr. Dixon reminded the Commission and the public that the process established for the 2003 update to the Code was determined in the 2002 Commission Workplan. He stated the original Florida Building Code is based on the International Residential Code and the International Mechanical, Fuel Gas, and Plumbing Codes. He continued stating there is an alternative if the Commission chose to review each Florida specific amendment for further consideration and decision for which amendments would be brought into the Florida Building Code.

Mr. Blair conducted a review of the *Code Review Process* stating the process for the first section, height and area requirements of the Code, would be slightly different from the remaining sections listed. He explained the process with the aid of overhead projection.

Commissioner Bassett expressed concern regarding the items on the tracking charts. He stated there was no method for identifying items on the tracking chart should there be concerns or issues raised regarding a specific item.

Mr. Madani offered clarification explaining the tracking chart provides the Chapter number, Section number, and the page number for each item. He then stated the fire supplement, which was included in each Commissioner's packet, provides documentation for integrating the Florida specific requirements from Chapter 5 into the International Building Code. He continued stating all provisions relating to Chapter 5 in the Florida

Building Code have been included in Chapter 5 of the International Building Code. He continued explaining Table 503's inclusion as an example stating the table is an IBC table which integrates the construction type from the IBC with the height and area from Table 500 of the Florida Building Code. Mr. Madani then reviewed additional examples from the supplement for clarification.

Chairman Rodriguez called for public comment supporting the proposed changes as they appear in the fire supplement document.

PUBLIC COMMENT

*Joe Belcher, Representing Florida Concrete Products Association*

Mr. Belcher stated the Commission is being asked to adopt a new Code by adopting the International Building Code. He stated the height and area allowances provided in the International Building Code are vastly different from any of the three model codes. He explained the International Building Code allows larger, taller, less fire resistant buildings. He expressed great concern with the height and area allowances as they appear in Table 503 of the International Building Code specifically as they relate to other decreases in fire safety in the IBC. Mr. Belcher stated the IBC allows unlimited area unsprinklered. He continued stating there is no tenant separation other than residential or covered malls along with four hour fire walls being reduced to two hour walls. Mr. Belcher concluded stating what the fire code in the International Building Code does for the citizens of Florida is lower the fire safety in structures.

*Steve Skalko, XXXX Association*

Mr. Skalko concurred with Mr. Belcher offering support for the changes to Table 503 as they appear in the third column. He stated he had attended the IBC code development committee meetings that addressed height and area and the committee did always try to use the lowest common provision from all three codes concerned. Mr. Skalko continued stating one dilemma during the process was not reviewing all other aspects of the codes which regulate fire resistance, sprinkler thresholds, etc. He then pointed out in other areas of the code such as structural, the committee used the more stringent provisions of the codes as the common provisions. Mr. Skalko then recommended approving the amendments to the fire code to retain the level of safety currently in place for the citizens of Florida.

*Mike Fisher, Representing Window & Door Manufacturer's Association*

Mr. Fisher reminded the Commission if the same provisions in development of the IBC as provided for the fire code had been used for windloads, they would not have ever been approved for Florida. He then recommended the Commission retain the Florida specific requirements rather than rely on a code that has no history of success in terms of fire protection. Mr. Fisher commended staff for their work in making the appropriate

changes to the appropriate areas of the code.

*Vicky Lovell, Building Code Consultant and Director for the Alliance for Fire and Smoke Containment and Control, Delray Beach*

Ms. Lovell referenced supportive material which was distributed to each Commission member. (See *Figure 2-Comparison of Maximum Aggregate Floor Area and Comparison on Fire Safety Provisions\** Attachments.) She then stated the alliance supports Florida in moving toward the International code development process. Ms. Lovell reviewed the *Comparison* document noting the International Building Code allows larger buildings with no sprinklers and buildings are currently being built to that code. She explained the comparison of the fire protection features of the National Building Code, the Standard Building Code, and the Uniform Building Code to the International Building Code and the NFPA 5000 reveals the IBC as the least restrictive in terms of fire protection. Ms. Lovell further stated other states are closely reviewing the fire protection standards of the IBC and creating state specific requirements. She then urged the Commission to review the material submitted and consider the amendments to the IBC in terms of fire protection.

Mr. Blair called for public comment opposing the changes for integration into the IBC.

*Sam Frances, American Forest and Paper Association*

Mr. Frances stated the International Building Code works as a system of codes as does the current Florida Building Code with all the sections being completely coordinated with one another. He continued stating the International Code Council produced an admirable product by complete correlation of the different sections. Mr. Frances then addressed the height and area issue stating there is no public policy shift in terms of fire protection. He further stated other states have adopted the IBC, have reviewed the height and area table and have concluded the table provided an acceptable level of safety to the population of their state.

*Jeffrey Stone, American Forest and Paper Association*

Mr. Stone stated the association is in support of the International codes as they appear as well as any other ANSI member or standards organizations. He offered complete support for the ICC process stating the process is very structured and deliberate. He then urged the Commission to adopt the International Building Code without amending it.

*John Wiggins,*

Mr. Wiggins expressed concern regarding the definition of fire wall in terms of changing it to four hours. He stated in the Standard Building Code the definition of fire

wall was a four hour structurally independent wall. Mr. Wiggins continued stating the definition of fire wall in the International Building Code is radically different being a two hour occupancy in area separation wall. He further stated if the definition of fire wall is amended in the IBC to four hour it will drastically increase the cost of construction in the state of Florida.

Ronnie Spooner, President, Building Official's Association of Florida

Mr. Spooner stated BOAF's board had struggled with a position on the height and area issue. He stated there was also confusion relating to the Fire TAC's position regarding the issue. He then read a letter from the association:

*The Building Official's Association of Florida Code Development Committee and Board of Directors have deliberated at length the adoption of a modified Table 503 for inclusion in the 2005 Florida Building Code as contemplated by the Fire TAC. These practicing code officials have been unable to satisfactorily determine that Florida specific modifications to the table are needed to protect the citizens of Florida. Therefore the Building Official's Association of Florida encourages the Florida Building Commission to consider testimony on this issue with an eye toward adoption of the I-Codes without modification unless such Florida specific life safety needs are identified.*

Mr. Spooner stated the letter was prepared following a near full day's discussion, presentations regarding the issue, as well as a unanimous vote for presentation to the Florida Building Commission.

Mr. Spooner then addressed the height and area table issue personally stating the tables in all codes have been safety calculations. He stated the calculations remain the same in all the tables because there is no documentation available providing reasons to change the tables. Mr. Spooner continued stating there are problems with the calculations in terms of construction changes occurring since the tables were developed.

Laura Ragons, Building Owner Management Association of Florida

Ms. Ragons stated a letter had been sent to the Commission expressing BOMAF's support for the adoption of current versions of the International Building Code including IBC's Table 503 dealing with heights, areas, and fire safety.

Steve Randall, National Fire Sprinkler Association, Inc.

Mr. Randall referenced a letter which was distributed to each Commission member. (See *National Fire Sprinkler Association, Inc. Letter Dated February 26, 2004 Attachment.*)

Peter Schwab, Wayne Automatic Fire Sprinklers

Mr. Schwab expressed opposition to the changes to the International Building Code stating the changes were presented under the pretence they would be adopted by other states which has not occurred. He stated the term "trade offs" which is being used in terms of sprinkler systems should be recognized as "trade ups." Mr. Schwab continued stating properly installed, properly maintained sprinkler systems save lives and there are requirements for maintaining the systems. He then recommended the Commission adopt the International Building Code as it currently exists.

Bob McMormick, Building Official's Association of Florida

Mr. McMormick stated Mr. Spooner expressed accurately the position of BOAF in terms of the changes to the International Building Code. He then stated during the BOAF committee meetings he heard repeatedly that NFPA 5000 contains Table 503 as it appears in the IBC.

Joe Crum, Building Official, City of Port Orange, Also Representing Volusia County Unified Code Committee

Mr. Crum concurred with the BOAF recommendations opposing changes to Table 503. He recommended the Commission adopt the International Building Code as it is written and if changes need to be made then make them at the ICC level.

Larry Schneider, AIA Florida

Mr. Schneider read the following letter from AIA Florida:

*AIA Florida is a lead supporter of a statewide uniform building code as a key and necessary improvement and vital to securing the health, safety, and welfare of the citizens of Florida. Based on the report issued by the Governor's Building Code Study Commission and the mandate given to the Florida Building Commission, AIA understood that the Florida Building Code would be based on a nationally recognized model code modified only as necessary to meet the specific needs of Florida. The challenge of creating the Florida Building Code has been great within the time frame and Legislation requirements imposed upon the Building Commission. It is appropriate that the Legislation and the people of Florida should thank and acknowledge the Florida Building Commission for the difficult task they have undertaken and the Legislation should also take advantage of what was learned during the code review process and ensure that the knowledge is applied in a manner beneficial to the citizens of Florida. In consideration of the current circumstances and based on the adoption policy of AIA Florida, the following recommendations are encouraged.*

*The Florida Building Commission should proceed with the updating to the Florida Building Code containing the following elements; adopt the family of I-Codes and modify the Florida Building Code only where necessary for Florida specific conditions; mandate that the Florida Building Code be applicable without exception throughout the state of Florida; publish all related state agency rules, the Florida Accessibility Code, and the Florida Energy Code in a companion volume to the Florida Building Code; reaffirm the requirement of a positive working relationship between the building officials and the fire marshals in daily dealings with the plan review, permitting, and construction inspection process of our built environment; confirm that the Florida Building Commission and the state Fire Marshal work toward the creation of a uniform building and fire code minimizing the need for local amendments. As it relates to those items it has come to our attention that concern has been raised with the use of Table 503 in the 2000 version of the International Building Code, which has been approved as the base document for the updating of the Florida Building Code and the current Table 500 under the current Florida Building Code. It is our understanding that the Fire TAC relied on information provided by the representatives of a group known as the Alliance for Fire Safety. Their concern relates to their interest and allegations by what was adopted by the state of Louisiana in their update to their building code pertaining to the issues of modifications to the allowable square footage size within Table 503, of which no modifications to this table was made by the state of Louisiana. In our discussions with AIA National and our representatives involved in the creation of the I-Codes by the three major code groups, Table 503 was created as a compromise of the areas allowed under the three base codes. Based upon that decision the ICC went forth and currently the International Building Code has been adopted within forty-four states and by the Department of Defense. To the best of our knowledge, no jurisdiction has modified the building areas within Table 503. We also want to make the Commission aware that this table has come up for review at the annual meetings of the I-Codes during the code review cycle and to date the numbers have not been adjusted by the membership. Therefore the question that we must ask is why is Florida considering modifying the table? There has been no documented proof of the need to do this. There has been no less degree of life safety within the communities that have adopted the International Building Code and Table 503 shown to date. AIA Florida is a strong supporter of a uniform Florida Building Code with a minimum amount of amendments. We are aware of the concerns of the windload requirements for hurricanes and support the protection and the safety of the citizens of the state of Florida with a code that addresses this concern. But we cannot support a change without a documented need. AIA Florida will continue to work with the Florida Building Commission to establish a code that addresses the health, safety, and welfare of the citizens of Florida. If you have any*

*questions or we can be of any further assistance, please let us know.  
Thank you.*

*Jack Glenn, Florida Home Builders Association*

Mr. Glenn stated the Two Family Dwelling Code and the International Residential Code had no limits for R3 one and two family dwelling height and areas contained within them although the scooping was limited to three stories. He stated part of the staff review and proposal would impose height and area limits in the Florida Residential Code that are not justified.

*Jon Hamrick, State of Florida Building Official for Public Education*

Mr. Hamrick expressed concern regarding Section 507.8 which deals with unlimited size for public - - for educational occupancies. He offered opposition to staff's proposal to adopt the I-Code with Florida specific amendments explaining Florida has a very specific requirement by statute which does not effect other states. He stated Florida is required by statute to provide operable glazing in exterior walls of classrooms. Mr. Hamrick continued stating each classroom must have two exits with one directly to the outside. He further stated there has never been a child lost to fire in Florida in 200 years with one exit door to the outside. He explained with the 5% operable glazing requirement with the one door to the outside it would be impossible to add a second door to the outside. Mr. Hamrick then stated there would be confusion with the requirements being only for classrooms. He reminded the Commission classrooms are only a small portion of the instructional areas of schools and some of the other instructional areas, such as labs, are only 250 to 600 square feet leaving it impossible to add the second door to the outside.

*Carrie Hebrank, Florida Building Materials Association*

Ms. Hebrank stated there had been a letter submitted to the Commission expressing FBMA's position regarding the issue of fire protection. She expressed concern on behalf of FBMA regarding statutory criteria for code amendments not being followed during submittal and review of the proposed changes. Ms. Hebrank stated the proposed changes would be discriminatory against certain construction materials including lumber and wood products, directly conflicting with Florida statutes prohibiting discriminating against materials, products, or methods of construction. She continued stating the proposed changes would dramatically increase the cost of construction without any demonstrated need. Ms. Hebrank further stated the IBC and IRC are currently being used in 44 other states without any catastrophic fire loss. She stressed there is no data indicating the allowances being used created problems in terms of fire safety. Ms. Hebrank then respectfully requested the Commission adopt the International Building Code without amendments.

Steve Skalko.

Mr. Skalko offered rebuttal on behalf of the speakers who supported the proposed amendments to the IBC. He stated there was never any data submitted during the ICC process to support the proposed amendments. He urged the Commission not to make the same mistake that occurred during the development of the 2000 IBC. Mr. Skalko continued stating the Commission should not rely on data from a three year old code which was adopted in 2001 for the basis of life safety provisions. He further stated the ICC process is the best process in place but not necessarily the model that every state should follow. Mr. Skalko then stated the office of the state fire marshal of the state of California studied the NFPA 5000 and the IBC and concluded both codes were insufficient in terms of fire protection. He stated the recommendation was to retain the existing provisions in the California Building Code relating to fire protection including unit separations and the height and area tables.

Steve Pfeifer, Representing Florida Building Commission

Mr. Pfeifer first congratulated the Commission on the March 1, 2004 second Anniversary of the effective date of the Florida Building Code. He stated the Florida Home Builder's Association supported adoption of the International family of codes as the base codes for the Florida Building Code. He continued stating the Commission should not revise or amend provisions of the base code without a clearly articulated Florida condition which needs to be accommodated within the Code. Mr. Pfeifer explained there is currently no clearly articulated Florida condition that needs accommodation in the Code that has been identified in terms of the proposed amendments. He further stated two problems occur when the base code is amended without a Florida specific condition to support it: 1) glitches and inconsistencies in the base code resulting from the amendment that will not aid in compliance with building codes, rather the opposite effect will occur; 2) the further the base code travels away from the International family of codes, the ability to use the ICC education programs currently available will decrease due to the Florida specific building code. Mr. Pfeifer urged the Commission to adopt the International family of codes as they are written unless there is a clearly articulated Florida condition.

Commissioner Wiggins requested clarification regarding John Wiggins' comment concerning the change in the fire wall definition from the current four hour requirement to two hours.

Mr. Wiggins replied in the International Building Code the term fire wall is used to describe one-hour, two-hour, three-hour and four-hour walls that are actually occupancy separation or area separation walls. He stated if the change is made to increase the requirement to a four-hour fire wall, then all the one-hour, two-hour, and three-hour walls would be required to be four-hour walls which would drive the construction cost up drastically. Mr. Wiggins suggested changing the terminology from fire wall to fire resistance rated walls or suffer the increased construction cost.

Commissioner Kim offered comment stating there has been three years and two full code change cycles since the effective date of the Code. He stated there have been experts reviewing the codes and if there were a drastically wrong mistake in the table it would have been addressed. Commission Kim then offered support for the IBC as it is written.

Commissioner Sanidas explained the issue has been brought before the ICC committees for two consecutive years the vote has not been strong enough in percentage to overturn the committee. He stated the ICC is now planning to change the table because of problems resulting from the table the way it is written.

Mr. Blair conducted a non-binding straw poll on the Commission's preference to either adopt the IBC as it appears or to retain the current Florida Building Code provisions which would amend the IBC and be integrated into it.

Commissioner Gonzalez asked if the Fire TAC presented a recommendation concerning the Table 503 issue.

Commissioner D'Andrea, Fire TAC Chairman, responded stating the Fire TAC had not issued a recommendation on the issue.

Commissioner Greiner asked legal if the IBC was adopted and then the ICC changed the table, would the Commission then be able to change the Florida Building Code for consistency.

Mr. Richmond responded stating the issue could be considered by emergency rule as a life safety requirement although there may be roadblocks. He stated the process does not welcome emergency rules.

Commissioner Bassett recommended retaining the Florida requirements and delay the adoption until the table issue is resolved.

Mr. Blair then called for a vote to consider the straw poll issues. Straw poll vote resulted in 9 in favor of the IBC as it is written; and 9 in favor of the Florida Building Code as it is currently written.

Mr. Blair then requested direction from legal concerning consensus development.

Mr. Richmond responded stating the Commission has voted to review the 2003 International codes and to adopt them as updates to the Florida Building Code on a chapter by chapter basis. He continued stating the default value would be what is currently in the Florida Building Code.

Commissioner Browdy requested clarification stating the proposal is not an existing proposal, rather a new proposal so would not default. He then asked which proposal

would be a newer proposal stating if the intent of the Commission to move toward the IBC, then the IBC should be the default value.

Mr. Dixon interjected the issue had been before the Commission previously regarding the vote for the intent to move to the International Building and International Residential Codes and whether the codes had then been adopted by their action. He stated the Commission had not adopted the International Building Code by that action. Mr. Dixon then offered clarification stating Mr. Richmond advised there is a rule in place which adopts the Standard Building Code as the base code so the provisions of the Standard Building Code will remain in place unless the Commission proactively votes to change the provisions by accepting the section of the International Building Code dealing with height and areas.

Commissioner Lipka stated it appears the Commission is rushing to take action on the issue which requires more time for further review by the TAC.

Chairman Rodriguez requested comment from Fire TAC chair Commissioner D'Andrea.

Commissioner D'Andrea stated he could not speak for the TAC. He explained the TAC was given an opportunity to take a position on the issue and chose not to make a recommendation. Commissioner D'Andrea then offered support for Table 503 as it is written due to lack of substantiation supporting calculations for either IBC Table 503 or FBC Table 500. He continued stating the intent was to move toward a national code for all sections of the Code; i.e., mechanical, plumbing, fuel gas, etc., and to try to amend each section does a disservice to all involved.

Commissioner Bassett expressed concern stating the process had been changed. He reminded the Commission when prior amendments were presented there were accompanying TAC recommendations and supportive material. He stated in the past the Commission has relied on the TAC with staff then preparing the appropriate language based on the TAC action for review and consideration by the Commission.

Mr. Richmond stated the process is a different process because it is an update process, not an amendment process. He offered further clarification stating an update process incorporates certain amendments the Commission has previously considered.

Commissioner Parrino asked if the issue requires a 75% vote in order to move forward with the IBC.

Mr. Blair replied any Commission vote on any issue requires 75% favorable vote.

Chairman Rodriguez offered clarification regarding the Commission's split on the issue stating the decision is to adopt the International Building Code as it is written or retain the information as it appears in the 2001 Florida Building Code, or to accept the

International Building Code with the proposed changes, the latter of which appears to be the least favorable.

Commissioner Taglioni offered support for the International Building Code as it is written or retaining the current Code as it is written rather than trying to adopt and amend one or the other.

Commissioner D'Andrea explained by leaving Table 500 as it appears in the Florida Building Code would provide six construction types in the Code not correlated to the table at all which would create major problems for not only building officials but for designers and all involved in the construction process.

Mr. Richmond interjected stating the third column is the current standard of performance being integrated into the formatting of the IBC which would be the default value if the Commission does not take action.

Mr. Madani offered clarification explaining column one is current IBC language, column two is current FBC language, and column three is the integration of column two into the IBC retaining the type of construction in the IBC.

Commissioner Wiggins stated the more stringent current requirements for height and area have been integrated into the International Building Code utilizing the five construction types listed in the IBC versus the six construction types currently in the Florida Building Code. He then strongly urged the Commission for the purpose of uniformity with the International Codes and with the required consensus to adopt the International Building Code as it is written.

Commissioner Greiner reminded the Commission during the beginning of the Florida Building Code development and planning, the Florida Building Commission's desire then was to adopt the International Building Code however it was in draft form so could not be adopted. He stated the IBC has gone through a number of years of changes and the Commission has successfully adopted the ICC codes for the FBC subcodes with no integration problems. Commission Greiner recommended the Commission move toward the initial plan by adopting the International Building Code as it is written.

Mr. Blair explained the straw poll vote results stating 14 votes would be required to meet the 75% majority requirement. He then called for the Commissioners who voted against the IBC to briefly state objections to the IBC to reach consensus.

Commissioner McCombs stated his position may be on the side of the IBC without the Florida changes because the proposed change does not appear to be unique to the state of Florida. He then offered his support for the IBC as it is written rather than with the Florida specific amendment.

Commissioner Parrino stated his position was decided by the appearance of the

fire protection requirements being less stringent. He continued stating fire presents more danger in the state of Florida than wind, for which Florida is more restrictive than the IBC.

Commissioner Schulte concurred with Commissioner Parrino.

Commissioner Carson offered further support for Commissioner Parrino's comments.

Commissioner Bassett stated buildings have been being built in Florida with the current requirements resulting in no specific problems. He continued stating larger buildings that have sprinklers are not necessarily safer buildings. Commissioner Bassett expressed it is too early to support the IBC's fire protection provisions and recommended the two codes be integrated to reflect Florida's current fire protections standards.

Commissioner Kidwell offered support for Commissioner Parrino and Commissioner Carson's comments regarding the issue stating he could not support reducing requirements.

Commissioner Lipka concurred.

Commissioner Kim offered clarification stating the Florida Building Code standards in terms of wind requirements are not more restrictive than the IBC.

Commissioner Sanidas stated he was on the ICC committee in developing the current IBC requirements. He continued stating the issue was deliberated at length with the final result being agreement on developing a table for height and area that would not make any building built to the standards of any of the three codes illegal. Commissioner Sanidas explained choosing the less restrictive for the table was not necessarily the best solution and suggested the Commission review the differences and perhaps adjust the table for the various construction types.

Commissioner Bassett suggested the Commission recess and take the issue up during the second part of the plenary session.

Commissioner Gonzalez concurred with Commissioner Parrino in terms of less restrictive provisions then expressed his concern that the TAC did not present a recommendation stating he relies heavily on the TAC's input on issues.

Commissioner D'Andrea stated it appears many of the Commissioners do not wish to adopt a code that would be less restrictive. He then reminded the Commission of comments through the years from one individual opposing a more restrictive code without a proven need. Commissioner D'Andrea posed to the Commission what is the proven need. He continued stating the table had been compiled from square footages and height limitations appearing in the Uniform Building Code, the National Building Code, and the Standard Building Code. He reminded the Commission the three model codes have been

in effect for more than forty years with the tables being in effect for many, many years. He stated Table 503 is written based on the lack of a proven need to make it more restrictive.

Chairman Rodriguez asked what is less restrictive about the IBC in terms of fire protection.

Commissioner D'Andrea explained the requirements are different but may not be less restrictive. He then recommended the seven Commission members who offered comment that the IBC is less restrictive explain their position regarding the requirements.

Commissioner Wiggins stated testimony had been heard regarding the fire service and NFPA 5000 adopting Table 503. He continued stating the fire services have utilized the height and area tables provided so must not feel they are less restrictive or pose a greater fire safety hazard.

Commissioner Schulte asked if a building was built to any of the three model code standards prior to the codes being integrated would they still meet the requirements of the new codes.

Commissioner Wiggins responded stating the International Building Code requirements sprinklers are being used to offset other requirements and offered support for the IBC as it currently exists.

Commissioner D'Andrea offered comment stating the "less restrictive/more restrictive" mindset should be replaced with what is an acceptable level of safety. He stated the committee that developed the table was reviewing and considering at great length height and area requirements from three model codes.

Commissioner Kim stated the insurance industry would be making their objections known if there were issues in terms of less restrictive requirements and to date, they do not have a problem with the fire safety provisions in the model codes.

Chairman Rodriguez offered comment stating if the building officials support the IBC and the insurance industry supports the IBC, as well as the Home Builder's Association and BOHMA, then it would be difficult to oppose it based on the less restrictive requirements issue.

Commissioner Lipka stated the Commission was in a similar circumstance in determining the wind velocity issues and the insurance industry was not aware of the considerations at the time.

Mr. Blair then conducted an additional straw poll concerning support for the IBC as written. Straw poll vote resulted in 13 in favor; 5 opposed.

Commissioner Sanidas asked if the passive clause could be added as was in the Southern Building Code to support the smaller communities who cannot sprinkler. He then stated he could support the IBC if the passive clause could be included.

Mr. Dixon responded stating staff intended to put forward as a recommendation the passive clause to be included and separate from the height and area limitation.

Commissioner Greiner stated Table 503 does not prohibit the Commission from adding the passive items.

Mr. Blair then called for comment from opposing Commissioners.

Commissioner Parrino stated his concern remains the Fire TAC recommendation issue.

Chairman Rodriguez then called for comment from Fire TAC Commission members who were present.

Commissioner Gross offered comment stating he represents building owners and managers throughout Florida who hold many of the larger office buildings in the state and who are the third largest sales tax provider in Florida. He stated the building owners strongly support the adoption of the IBC as it is written. He continued stating Florida is out of sync with other states in the nation in terms of adopting the International Building Code. He relayed a brief story about the development of the time zone tables and the opposition at that time. Commissioner Gross then offered his support for the IBC and stated it is the best way to put Florida in sync with the rest of the country.

Commissioner Lipka stated the Commission getting deadlocked over Table 503 would be prohibitive to the process. He offered his support for the IBC then moved to approve adoption of the IBC including Table 503 as written. Commissioner Wiggins seconded the motion. Vote to approve the motion resulted in 14 in favor; 4 opposed. Motion carried.

### **RECESS**

Chairman Rodriguez called a plenary session recess at 7:00 p.m.

**Tuesday, March 02, 2004**

### **WELCOME**

Chairman Rodriguez called the meeting to order at 8:07 a.m. He first extended appreciation to Commissioner D'Andrea who served as Commission Chairman for the January meeting. Chairman Rodriguez then welcomed new Commissioner Tagliorini who has filled the vacant architect position on the Commission. He stated during the meeting

the annual Report to the Legislature would be reviewed and finalized. He continued stating the Rule Development Workshop on Rule 9B-3.047 would be reconvened at 10:00 a.m. Chairman Rodriguez encouraged all members of the public who wish to speak during the workshop to sign up on the public comment sheets as well as those who wish to speak to accessibility waivers or declaratory statements. He then directed the Commission to Mr. Blair for a review and approval of the meeting agenda.

### **REVIEW AND APPROVAL OF AGENDA**

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

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

### **REVIEW AND APPROVAL OF JANUARY 13, 2004 MEETING MINUTES**

Commissioner Greiner moved approval of the January 13, 2004 Commission meeting minutes as amended. Commissioner Wiggins seconded the motion.

Chairman Rodriguez called for additions or corrections to the minutes.

Commissioner Gonzalez noted the first page indicated the meeting was called to order by Chairman Raul Rodriguez and Commissioner D'Andrea served as Chairman in January.

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

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

Mr. Dixon referenced page 4 of the workplan noting the June 2004 meeting had been rescheduled for June 13, 14, and 15 at the Baypoint Marriott Hotel in Panama City due to conflicts with the Building Official's Association of Florida's annual education conference. He then conducted a review of the workplan as it appeared in each Commissioner's packet.

Commissioner Wiggins moved approval for initiation of rule making to make changes to Rule 9B-3. Commission D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

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

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

Chairman Rodriguez announced the appointment of Bill Dunbaugh to the Code Administration TAC.

### **DISCUSSION OF ALTERNATIVE PLANS REVIEW AND INSPECTIONS TASK GROUP RECOMMENDATIONS**

Chairman Rodriguez stated the Commission had voted to approve a work group tasked with reviewing issues relating to the implementation of Legislation authorizing the use of private providers to conduct plans review and inspections. He continued stating the Commission had adopted a plan that would address the issue in phases. He explained phase one focused on identifying and agreeing on consensus recommendations to enhance the systems efficacy in the short term. Chairman Rodriguez stated the recommendations resulting from phase one would be presented to the Commission during the current meeting then forwarded as a Commission recommendation to the 2004 Legislature. He then extended appreciation to the work group members citing them by name: Commissioner Kim; Commissioner Wiggins; Barry Ansbacher; George W. Dixon; Allen Douglas; Bill Donbaugh; Gary Elswig; Jack Glenn; Doug Murdock; Robert Nagen; Mike Rodriguez; Ronnie Spooner; and Jim Shock.

Mr. Blair referenced the facilitator's report which was distributed to each Commission member. He conducted a brief review of the actions and decisions of the work group. (See *Florida Building Commission Alternative Plans Review and Inspections Work Group Facilitator's Report of the February 18, 2004 Phase 1 Meeting Attachment*.)

#### **Direct versus Contract Labor (duly authorized representative)**

Commissioner Greiner moved approval of the work group's recommendation to clarify in 553.791(7) that a duly authorized representative means an employee of the private provider. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#### **Issue M-Job Site Notification**

Commissioner Browdy moved approval of the work group's recommendation to amending 553.791(6) to require that a private provider must post contact information on the job site permit board. Commissioner Greiner seconded the motion.

Commissioner Schulte requested clarification concerning whether contact information would be posting for site inspection and permit services.

Commissioner Wiggins responded stating the intent was to have on the job site information regarding the private provider and the contact information so the public as

well as the building department would know immediately who to contact.

Commissioner Browdy restated his motion to include posting notification for both private plans review and site inspection. Commissioner Greiner seconded the amended motion. Vote to approve the motion was unanimous. Motion carried.

Issue Q-30 Business Days versus 30 Calendar Days to start permit clock

Commissioner Lipka moved approval of the work group's recommendation to support Legislative efforts to retain the 30 business day provision. Commissioner Wiggins seconded the motion. Vote to approve the motion resulted in 1 opposed (Bassett). Motion carried.

Issue E-Valid Permit Application

Commissioner Wiggins stated the language currently exists in the law. He then moved approval of the work group's recommendation to amend 553.791(1) to read as submitted. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Issue K-Insurance Tail Coverage

Mr. Blair directed the Commission to Mr. Richmond for discussion.

Mr. Richmond referenced House Bill 911, page 26, line number 728. He explained what appears is an amendment that implements the recommendation by the work group. He stated tail coverage has been widely discussed with the Department of Insurance becoming involved stating it is unavailable. Mr. Richmond then stated one of the members of the work group has obtained tail coverage so it is potentially available. He defined tail coverage as insurance that provides an extended window for people to file claims covered under a particular policy which would apply to a claims-made coverage policy where the claims must be made during the policy period or the claim would not be covered. He then defined occurrence-based coverage as covering all claims made for a negligent act made during a policy period. Mr. Richmond stated the work group was very close to reaching consensus on the issue but did not reach the 75%. He then recommended the Commission support the Legislation and the changes reflected in Section 15 of the bill.

Commissioner Lipka asked if it affects the liability of the private provider.

Mr. Richmond replied it does not affect the liability of the private provider.

Commissioner Lipka moved approval of Sub-Issue (1). Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Greiner moved approval to adopt the recommendations just approved and present them to the 2004 Legislature. Commissioner Wiggins seconded the motion.

Mr. Dixon offered clarification stating the recommendation was submit the approved recommendations to Mr. Richmond, Commission's lobbyist, to be presented to the Legislature.

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

### **CONSIDERATION OF ACCESSIBILITY WAIVER APPLICATIONS**

Mr. Mellick presented the waiver applications which were recommended for approval:

#2, #4, #6, #9

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

Mr. Mellick then presented the waiver applications which were recommended for approval with conditions:

#5 Sunset Harbor Marine

Mr. Mellick explained the Council unanimously recommended approval with the condition that the applicant voluntarily install an accessible intercom at grade level with an accessible plaquard as well as a canopy over the location.

Commissioner Browdy moved approval to accept the Council's recommendation. Commissioner McCombs seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#7 Cadet Hotel

Mr. Mellick stated the Council recommended approval with the condition the applicant must meet ADAG historical preservation minimum requirement to provide an accessible route to the accessible entrance, an accessible entrance, at least one accessible toilet facility, and at least one accessible route from the accessible entrance to all publicly used spaces on the level of the accessible entrance.

Commissioner Lipka moved approval of the Council's recommendation. Commissioner McCombs seconded the motion. Vote to approve the motion was

unanimous. Motion carried.

#8 Cinema World Theatres

Mr. Mellick stated the Council recommended approval with the condition the applicant provide agreed upon companion seats as submitted to the Council and provided the applicant presents the revised plans to staff.

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

Mr. Mellick then presented the waiver applications the Council recommended to deny:

#1 World Jet, Inc.

Mr. Mellick explained the case had been deferred by the Commission to allow the applicant time to provide additional information. He stated the applicant did not provide additional information and was not present for the review during the Council meeting.

Commissioner Greiner moved approval to accept the Council's recommendation to deny. Commissioner McCombs seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#3 Flagler Holding Group

Mr. Mellick stated the case was deferred from the last meeting of the Commission in order to allow time for the applicant to provide a second estimate for providing vertical accessibility as well as to allow legal to research the issues relating to allowable accessible costs to be considered for disproportionate costs. He explained counsel and the applicant disagree with regard to primary function areas specifically. Mr. Mellick stated the Council sided with accessibility and recommended denial based on inability to make cost determination.

*Robert Fine, Attorney, Representing Flagler Holding Group*

Mr. Fine stated the request for a waiver is in regards to vertical accessibility to the second story of a small historic building in the Buena Vista district of Miami. He explained the building is approximately 3,800 square feet total with the second floor the primary concern being about 1,600 square feet. Mr. Fine stated there was a disagreement over which elements of the building were part of the area containing a primary function in terms of adding to the cost of the project, as well as the applicant submitting one cost estimate with the Council and the Commission requesting a second estimate. He stated he has provided that second cost estimate and it is in the record. Mr. Fine continued

stating the Commission's legal counsel asked for more time to research and review the information that had been submitted on the appropriate way to calculate the numbers and look at disproportionate costs. He directed the Commission to the material which has been provided for review and conducted a detailed review of the cost analysis presented. Mr. Fine then quoted Florida law: "If the applicant for the waiver demonstrates that its economic hardship is in accordance with 28CFR, 36.403F1, a waiver shall be granted.

Mr. Shine then identified staff's position on the case. He addressed the issue of primary function area, and the inclusion of a brand new stairwell, which he stated is clearly an interpretation issue. He then provided a breakdown of his cost analysis as presented in each Commissioner's packet and advised the Commission that the issue is a very close call. Mr. Shine reminded the Commission that the rule, as well as the federal law, provides guidance to the rank order of items that should be included stating it is not mandatory language. He added the rank order as an accessible entrance, an accessible route to the altered area, at least one accessible restroom, accessible telephones, and accessible drinking fountains stating those items must be provided.

Commissioner McCombs moved approval of the Council's recommendation. Commissioner Wiggins seconded the motion. Vote to approve the motion resulted in 2 opposed (Browdy; Gross). Motion carried.

### **REVIEW PENDING BUILDING CODE LEGISLATION**

Mr. Richmond stated there had not been significant Legislative activity since the January meeting. He stated he had distributed copies of the bills relating to building code issues. Mr. Richmond continued stating House Bill 911 will be presented before local government and the Veteran's Affairs Committee on March 3 which is the equivalent to Senate Bill 494, which was also provided to each Commissioner. He opened for questions from the Commission regarding either of the bills or other Legislative matters.

Commissioner Schulte expressed concern regarding proposed Legislation by Senator Constantine, 22-150A-04, proposing to add a swimming pool contractor as an option along with a roofing contractor to the Commission.

Mr. Richmond responded stating swimming pool contractors have been very active and have sought a voice on the Commission for quite some time. He continued stating the roofing industry would most likely be very active in pursuing the seat as well. Mr. Richmond explained the bill provides authority to the Chairman to appoint adjunct members to the Commission who would be nonvoting representatives of currently unrepresented groups who are not subject to travel and reimbursement by the state.

Commissioner Carson requested clarification concerning the same bill. He referenced page 4, line 5, then asked if Mr. Richmond could explain the language.

Mr. Richmond responded stating the issue is authorization for adjunct membership

which would be expressly subject to the Chairman's review and appointment of those members.

Chairman Rodriguez concurred stating the language states "any organization that represents a building contracting specialty that is not represented on the Commission may have a representative appointed as a nonvoting member of the Commission." He expressed concern and requested clarification regarding the bill's origination.

Mr. Richmond replied stating the language was an "add-on" to the swimming pool contractor's request in order to provide them a seat on the Commission.

Commissioner Schulte suggested in the form of a motion the Commission express concern formally regarding adding the pool contractor to the roofing seat. Commissioner Parrino seconded the motion.

Chairman Rodriguez stated if the roofing seat on the Commission would not be the appropriate place for the swimming pool contractor the Commission would certainly invite a pool contractor to attend as a nonvoting member.

Commissioner Browdy expressed concern with a formal action by Commission vote against placing a swimming pool contractor in a seat on the Commission. He stated he would be satisfied with the Chairman drafting a letter to Representative Constantine expressing concerns on behalf of the Commission.

Chairman Rodriguez responded stating he would contact Senator Constantine with the message that the Commission would prefer to retain the roofing contractor seat rather than seating a swimming pool contractor. He continued stating if the message would be misinterpreted by the swimming pool industry or by Senator Constantine he could make verbal contact if it would be the desire of the Commission.

Commissioner Schulte expressed preference in the message being supported by the full Commission.

Commissioner Bassett suggested since swimming pools has been a contentious issue a Swimming Pool TAC may be appropriate in response to their request for a seat on the Commission.

Mr. Richmond offered support for Commissioner Browdy's recommendation. He stated the context is in line with many specialty groups seeking through Legislation additional seats on the Commission. He continued stating a Commission of 23 seats is a large body and any additional seats would be appointed by the governor's office. Mr. Richmond expressed concern with any opposition to Senator Constantine's bills due to his support for the Commission in the past. He recommended the Commission merely express concern knowing there would be additional meeting time prior to the end of session.

Commissioner Wiggins asked if the bill has a House companion bill.

Mr. Richmond replied the bill does not have a companion bill at this time then stated there are many House targets that could be amended to provide a companion bill.

Commissioner Lipka requested a straw poll be conducted for Commission position on the issue.

Mr. Blair explained the straw poll would be two parts; whether the Commission would desire to express in formal motion the preference to leave the current roofing position as is; or the Chairman be authorized to write a letter expressing the Commission's concern regarding the issue.

Straw poll vote resulted in 12 supporting a formal motion expressing the Commission's preference on the issue. Straw poll resulted in 7 supporting authorizing the Chairman to write a letter expressing the Commission's concern.

Chairman Rodriguez called for further discussion on the issue.

Mr. Blair suggested combining the motion to approve the Chairman to send a letter immediately then by the April meeting if there has been no change the preference of the Commission could be considered again.

Commissioner Schulte then amended his motion to approve authorizing the Chairman to send a letter to Senator Constantine expressing preference that the roofing and sheet metal contractor seat will remain then by the April meeting the Commission consider further preference if no change results from the letter.

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

#### **LEGAL REPORTS AND CONSIDERATION OF PETITIONS FOR DECLARATORY STATEMENT:**

##### **Second Hearings-**

##### **DCA03-DEC-309 by Van Gladfelter, P.E., Center for Innovative Structures**

Mr. Shine stated the petitioner requested clarification regarding Section 1606.1.4. He stated the TAC recommended neither the Florida Building Code nor ASCE 7-98 provide for design standards or requirements specific to the impact of overpressurization of interior partitions and ceilings due to the designing for a higher internal pressures.

Commissioner D'Andrea moved approval of the TAC recommendation.

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

**First Hearings-**

DCA03-DEC-326 by Gregory Harris of Capri Engineering, Inc.

Deferred

DCA03-DEC-030 by Palm Beach County BCAB Building Code Advisory Board

Mr. Shine explained the petitioner requested clarification regarding accessibility to a dwelling attic by a scuttle or pull-down stair only. He stated the TAC recommended according to Section 101.4.9 of the Florida Building Code Table 1604.1 requirements supercede those of ANSE TPI 1-95 Appendix B with the requirements of ANSE TPI 1-95 are advisory, not mandatory.

Bob Voyer, Palm Beach County Building Department, Codes Product and Training

Mr. Voyer asked that the declaratory statement number be corrected to read DCA04-DEC-030.

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

DCA03-DEC-334 by Gerald L. Hill

Mr. Shine stated the petitioners requested an interpretation of Section 311.2 of the Florida Building Code for clarification regarding whether the building in question should be classified as R1 or R3 occupancy; then additionally request an exception to the requirement of a second exit from their privately used third floor attic bedroom and permission to use an egress related swinging window as egress to an external staircase leading to the ground if the exception is denied. He stated the TAC recommended as Chapter 2 definition of rooming house the building in question should be classified as R3 in accordance with Section 311.2 of the Florida Building Code. He continued stating the TAC recommended as per Section 1005.4 and the building in question will be equipped with an approved automatic sprinkler system the emergency exit escape would not be required which negates the need for the swinging window.

Gerald Hill

Mr. Hill introduced himself and opened for any questions from the Commission.

Commissioner Browdy moved approval of the TAC recommendation.

Commissioner Greiner seconded the motion.

Commissioner Wiggins requested clarification regarding an emergency egress window from the third floor sleeping room.

Commissioner D'Andrea stated the issue was whether the building was classified R1 or R3. He stated if the building is R1 it would require a second exit, which the TAC determined it was R3 so the second exit was not required. He explained the second part of the petition was the emergency escape window if the building is fully sprinklered which would not be required since the building is fully sprinklered.

Commissioner Wiggins proposed amending the motion to provide egress from the third floor.

Commissioner Browdy did not accept the amendment to his motion.

Commissioner Kim asked the petitioner through the Chairman his opinion of the amendment to require third story egress.

Mr. Hill responded stating the swinging window has already been purchased and cannot be returned. He expressed issue with the staircase requirement then stated he would be willing to install the egress swinging window.

Commissioner Browdy accepted Commissioner Wiggins' amendment to require the egress.

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

DCA03-DEC-022 by Adolf Amrhein

Mr. Shine stated the petitioner requested a formal interpretation of Section 411.7.8.3 of the Florida Building Code asking what type of fire rating should be used for the ceiling for the type of construction being built. He stated the TAC recommended Section 411.7.8.3 is an exception to Table 704.1, Occupancy Separation Requirements, Table 704.1 may be used to determine the fire separation requirements for the project in question.

Commissioner D'Andrea offered clarification stating the TAC required the use of Table 704.1 suggesting the word "may" be changed to "shall". He then moved approval for the TAC recommendation. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

DCA03-DEC-034 by Borjen Yeh, P.E. of APA

Mr. Shine explained the petitioner requests clarification regarding whether glued, laminate, timber products manufactured in accordance with ANSE AITC A190.1, an American National Products Standard, meet the intent of the Florida codes and should be exempt from the product approval under the Florida Building Code product approval system. He stated the TAC recommended Sections 2301 and 2314 of the Florida Building Code provide for specification standards for structural glued laminate timber and require that such products must be manufactured inspected and marked. He continued stating the TAC further recommended in accordance with Section 553.842 (5) F.S. local approval of structural glued laminate timber may be achieved through building plan review and inspected provided that such products are inspected by an approved inspection agency.

Commissioner D'Andrea asked if the product then would be required to go through the Florida Building Code product approval process.

Mr. Dixon responded stating the issue is not required to go through 9B 72 proceedings. He then advised there should be further discussion concerning the issue which could be considered during the second hearing.

Commissioner D'Andrea then moved approval to accept the TAC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

**Appeals-**

Case No. 03-2524 by I cynene, Inc., vs. City of Miami Beach and Miami-Dade County

Withdrawn

DCA03-BC-330 Dragonmirecky v. Town of Ponce Inlet Petition for Formal Administrative Hearing

Mr. Shine explained the case has been subject of great dispute then provided a brief background regarding the issue. He provided written material to each Commissioner for review. (See *State of Florida, Florida Building Commission Order to Dismiss with Leave to Amend, No. DCA04-BC-330* Attachment.) He stated the construction of the project preceeded the March 1, 2003 effective date of the Florida Building Code with certain actions occurring after the effective date of the Code. Mr. Shine recommended dismissal with leave to amend in order that the petition provides accurate jurisdictional issues to be considered before the Commission.

Deborah Andrews, Representing Martin Dragonmirecky

Ms. Andrews stated the petition has been filed for Administrative Hearing. She acknowledged Mr. Shine's request for clarification of the issues relating to the petition that fall under the jurisdictional timeline of the Commission which would be after the effective date of the Florida Building Code. Ms. Andrews distributed written material to each Commission member then requested the Commission start the referral process to DOAH where an amended petition can be made if necessary. (See *Photograph DCA 03-BC-330* and *Town of Ponce Inlet, Florida Board of Adjustments and Appeals Case No.: 03-10-C Attachments.*)

Mr. Richmond offered comment clarifying procedural process stating there are some issues relating to the petition which could fall under the jurisdiction of the Commission as well as issues relating to the petition that clearly do not fall under the Commission's jurisdiction. He recommended until a pleading fully within the Commission's jurisdiction is entered the Commission delay referring the case to DOAH to allow the issues to be defined.

Mike Dyer, Attorney, City of Ponce Inlet

Mr. Dyer stated he is accompanied by Chief Building Official Adrian Marks and offered comment regarding the case. He stated the case started with Mr. Dragonmirecky obtaining permits in 1998 which were issued under the 1994 Standard Building Code, Plumbing Code, Mechanical and Housing Codes, and the 1993 National Electric Code. He continued stating the structure was not intended at the time to be built under the Florida Building Code. Mr. Dyer explained the City of Ponce Inlet has a history of working with Mr. Dragonmirecky to ensure proper construction as far back as April 2002 where an agreement was reached providing the petitioner 180 days to complete the structure in compliance with the 1998 codes. He stated Mr. Dragonmirecky failed to comply then the city initiated demolition action under the Standard Unsafe Building and Abatement Code, which is not part of the Florida Building Code. Mr. Dyer stated the Order rendered by the Abatement Board clearly designates the building a dangerous structure, dangerous to human life and identified in detail 101 code violations under which the structure was subject to complying.

Commissioner Browdy asked if there is a precedence for the Commission to act as successor to the Board of Building Codes and Standards.

Mr. Shine stated there is a Florida Statute that relates to the issue.

Mr. Richmond interjected the Commission essentially is the Board of Building Codes and Standards.

Commissioner Browdy then stated the Board of Building Codes and Standards was not authorized to grant binding opinions under the then prevailing codes, particularly

issues relating to the 1994 Standard Code and the 1997 Standard Code.

Mr. Richmond concurred stating the appellant authority is relatively new taking effect in conjunction with the Florida Building Commission which is one reason the case is recommended for dismissal without prejudice.

Commissioner Wiggins moved approval of legal's recommendation to dismiss with leave to amend. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Richmond stated the Joint Administrative Procedures Committee forwarded comments to the Commission concerning Rule 9B 70, relating to building code education specifically those related to editorial or minor technical changes or corrections. He requested Commission authority to publish a Notice of Proposed Change on the rule in order to move forward with the corrections. (See *Department of Community Affairs Florida Building Commission Notice of Change* and *The Florida Legislature Joint Administrative Procedures Committee Letter Dated February 10, 2004 Attachments*.)

Commissioner Wiggins moved approval to authorize legal to publish a Notice of Change relating to Rule 9B 70. Commissioner Browdy seconded the motion. Vote to approve the motion was unanimous. Motion carried.

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

Commissioner Carson directed the Commission to the matrix which was prepared by staff for reference during the product approval process. (See *Florida Building Commission Product Approval Applications Attachment*.) He then directed the Commission to Mr. Blair for the product approval applications to be conducted on a consent agenda basis.

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 consent agenda groups according to Code Compliance Methods:

#### **Certification Mark or Listing:**

##### Recommended Approval

Product #'s 814, 1468, 1481, 1483, 1486, 1491, 1500, 1501, 1502, 1509, 1518, 1533, 1535, 1537, 1539, 1541, 1542, 1543, 4560, 1562, 1563, 1564, 1565, 1575, 1576, 1579, 1580, 1584, 1589, 1591, 1592, 1601, 1608, 1614, 1616, 1632, 1639, 1640, 1641, 1646, 1647, 1648, 1659, 1660, 1661, 1665, 1667, 1668, 1669, 1697, 1698, 1700, 1719, 1722, 1723, 1724, 1742, 1744, 1743, 1746, 1747, 1748, 1756,

1758, 1759, 1761, 1772, 1773, 1775, 1780, 1782, 1783, 1785, 1787, 1788, 1789, 1790, 1807, 1808, 1810, 1813, 1819, 1821, 1823, 1824, 1825, 1832, 1834, 1842, 1843, 1844, 1845, 1852, 1854, 1858, 1859, 1860, 1862, 1863, 1864, 1865, 1866, 1870, 1872, 1875, 1880, 1883, 1887, 1897, 1898, and 1900

Commissioner Lipka moved approval of the consent agenda as recommended by the POC. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Recommended to Defer

Product # 1315

Commissioner Lipka moved approval to defer as recommended by the POC. Commissioner McCombs seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Recommended Approval

Product # 1397

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

Recommended to Defer

Product # 1499

Lorraine Ross, DyTech Consulting

Ms. Ross requested the Commission identify the reason for the deferral.

Commissioner Carson offered no comment stating there was no listing on the certification agency's website.

Ms. Ross stated during the POC meeting there was a tracking chart projected on the screen so the Committee could know the manufacturer and reasons for deferral or denial. She suggested the information would be helpful during Commission action as well so the Commission and the public are better informed.

Commissioner D'Andrea moved approval to defer as recommended by the POC. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Recommended Conditional Approval

Product # 1557

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

Recommended Approval

Product # 1876

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

**Evaluation Report from a Florida Registered Architect or Florida Registered Engineer**

Recommended Approval

Product #'s 338, 917, 1025, 1033, 1377, 1391, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1522, 1527, 1528, 1532, 1534, 1538, 1540, 1546, 1547, 1588, 1618, 1650, 1672, 1696, 1701, 1707, 1708, 1709, 1710, 1717, 1728, 1767, 1791, 1793, 1800, 1801, 1803, 1804, 1805, 1822, 1840, 1850, 1899

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

Recommended to Defer

Product #'s 1540, 1552, 1317, 1544, 1606, 1621, 1626, 1652, 1654, 1677, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1754, 1766, 1768, 1769, 1778, 1794, 1802, 1838, 1861

*Lorraine Ross, DyTech Consulting*

Ms. Ross asked if the applications were deferred due to independence of certification on the part of the PE or RA.

Mr. Blair replied that was correct.

Ms. Ross then stated if the list of products had been submitted during the last meeting they would have been approved. She continued stating there was a new ruling

from legal staff preventing a PE or RA from validating their evaluation report. She stated the question has been asked repeatedly whether a PE or an RA can validate their own work since the validation act is merely an administrative check rather than a technical review and the answer has always been yes. Ms. Ross then asked how the new Commission action was initiated and then asked what will be done about all the products that have previously been approved using the PE or RA validation method.

Mr. Richmond responded to Ms. Ross' concerns expressing disagreement with the characterization that the validation issue is a new ruling. He read the language of the ruling:

*The Florida architect or professional engineer performing an evaluation does not have nor will acquire a financial interest in any other entity involved in the approval process of the product. Validation is a part of the approval process of the product.*

Mr. Richmond added an architect nor engineer can certify that they have no financial interest in themselves. He stated the language in the ruling has not changed and stated whether the intent has been applied consistently appears to be the issue. He continued stating the most positive response to the ruling is to inform manufacturers whose products may have been approved in error to provide an opportunity for them to comply with the product approval rule.

Ms. Ross added Section 9B 72.110, the criteria for certification of independence, is not limited to the actions of a PE or RA. She stated the language contains an "or" stating "certification of independence shall be provided by a Florida registered engineer or architect or by any officer of the entity, agency or laboratory who is responsible for operation of that group." Ms. Ross stated the same interpretation could be made with regard to a laboratory.

*Carrie Hebrank, Florida Building Materials Association*

Ms. Hebrank expressed concern regarding the validation issue stating it is becoming a real problem. She urged the Commission to take action to resolve the issue.

*Dennis Braddy.*

Mr. Braddy concurred with Ms. Ross and Ms. Hebrank stating there are other entities involved in other processes which could be held to the same language which will create a tremendous problem.

Commissioner Lipka moved approval for the POC recommendation to defer. Commissioner Wiggins seconded the motion.

Commissioner Browdy offered comment stating the issue seems to be more an

administrative and legal issue rather than a technical issue for the POC. He expressed concern stating a deferral will simply delay any action which would require immediate resolution. He then expressed opposition against the deferral.

Chairman Rodriguez suggested deferring the issue to allow legal to further research the issue and provide time for further communication between the parties involved. He stated the reason for the POC consideration is to allow time for any discussion or arguments.

Mr. Richmond added the issue is solely a part of the rule adopted and written by the Commission. He stated the Commission is currently going through a process of reviewing 9B 72 to both address long term and short term revisions to the rule. Mr. Richmond stated the issue at hand could certainly be considered through that process for changes or clarification.

Commissioner Wiggins asked if the Commission can interpret the rule under approved validation entities to allow architects or engineers to validate their work.

Mr. Richmond responded stating his reading is clear but is subject of course to further interpretation. He added there are different requirements that apply to entities who apply through the system to become approved entities in the state of Florida while architects and engineers who are approved is a matter of law to perform the functions.

Ms. Ross asked what the affect on the applicants who have used the validation method and requested clarification regarding the Commission's next action concerning the issue.

Chairman Rodriguez stated the Commission intends to defer the matter based on counsel's recommendation then based on legal's interpretation if the Commission decides to change the rule the authority is provided.

Ms. Hebrank asked if the product approval application fees could be waived for those applications that have gone through this process in error.

Chairman Rodriguez responded stating the Commission could consider the cost issue and stipulate that in discussions.

Commissioner Bassett asked how long it would take to change the rule.

Mr. Richmond replied the process could be lengthy depending on the Commission, Notices of Change, potential challenges. He stated the process would take a minimum of 90 days.

Mr. Dixon added Commissioner Carson will provide as part of his report a plan which was approved at the POC which has an expedited rule making to address quick fix

issues that need to be made to the rule.

Chairman Rodriguez called for a vote on the motion. Vote to approve the motion resulted in 2 opposed (D'Andrea; Browdy). Motion carried.

Ms. Ross requested an explanation regarding the course of action resulting from the vote.

Mr. Blair stated the motion the Commission approved was to take the POC recommendation to defer action on the issue. He continued stating staff will contact the manufacturers for notification of the requirement for additional/non-additional third party independents. Mr. Blair further stated in the interim the POC will institute a process that would include an expedited rule making so the issue can be addressed in a timely manner.

Commissioner Wiggins asked if the Commission could determine the products that have been approved then move forward with a re-examination of the interpretation.

Mr. Dixon responded stating one of the issues raised at the Product Approval Workshop was how manufacturers update their applications. He stated it is an issue that will be considered and discussed with a methodology in place authorized by rule to allow the amendment of the application.

Recommended Conditional Approval

Product # 1572

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

Recommended Conditional Approval

Product # 1901

Lorraine Ross, DyTech Consultants

Ms. Ross requested clarification regarding the mechanism in the rule allowing validation entities to obtain approval from the Commission. She asked if an entity has been approved to provide validation work why would the application which has been validated be required to have the engineer within the entity to provide the validation.

Commissioner Parrino stated the application was validated by an engineer who was employed by the engineering company that performed the evaluation.

Commissioner Carson interjected the application was recommended for conditional approval and staff will contact the applicant for clarification.

Commissioner Bassett asked if the engineer works for the company would he not have a financial interest in the company providing the evaluation to be validated.

Commissioner Parrino retracted his previous comments stating the applicant listed a validation entity and the validation entity is not listed as an approved entity. He then moved approval of the POC recommendation. Commissioner McCombs seconded the motion.

Ms. Ross requested a definition to delineate the difference between conditional approval and deferral.

Mr. Blair offered clarification regarding the process. He stated once there is a motion on the table there is no public comment on the issue except through the Chairman.

Mr. Richmond defined deferral as an issue to be considered during the next Commission meeting and conditional approval is provided the conditions are met the approval will be granted.

Commissioner Parrino added when there is a minor problem with an application the POC seeks conditional approval so the applicant will not need to attend the next Commission meeting.

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

Recommended Conditional Approval

Product # 1418

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

Recommended Conditional Approval

Product # 1441

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

Recommended Conditional Approval

Product # 1774

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

***Evaluation Report from a Product Evaluation Entity***

Recommended Approval for Consent Agenda

Product #'s 1061, 1062, 1140, 1163, 1476, 1478, 1479, 1487, 1503, 1512, 1520, 1545, 1548, 1549, 1551, 1555, 1561, 1566, 1573, 1587, 1602, 1609, 1612, 1630, 1649, 1675, 1706, 1711, 1745, 1777, 1833, 1888, 1889, 1890, 1895

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

Recommended Conditional Approval

Product # 1725

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

***Testing Report***

Recommended Approval for Consent Agenda

Product #'s 1421, 1716

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

Commissioner Bassett asked if the denials must also be approved.

Recommended Conditional Approval

Product # 489

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

Motion carried.

Recommended to Defer

Product # 1629

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

Recommended Approval / POC Denied

Product # 1552

Commissioner McCombs moved approval to deny. Commissioner Lipka seconded the motion.

Commissioner Parrino offered clarification regarding the appropriate motion in accordance with the POC recommendation.

Commissioner McCombs amended the motion to accept the POC recommendation. Commissioner Lipka seconded the motion as amended. Vote to approve the motion resulted in unanimous opposition. Motion failed.

Recommended Approval / POC Denied

Product # 1581

Commissioner D'Andrea moved approval of the POC recommendation. Commissioner McCombs seconded the motion. Vote to approve the motion was unanimously opposed. Motion failed.

Mr. Blair stated at the last POC meeting there was a negative role call voting against a product application on the basis that there was no NOA. He explained there was an NOA so requested the application be considered by the Commission as recommended by the POC.

Recommended to Deny / POC Requested Commission Action

Product # 1411

Commissioner Parrino explained the applicant submitted the application for product approval prior to the date of receiving the NOA. He stated the applicant did then receive the NOA and recommended deferring the application to the next Commission meeting.

Commissioner Parrino moved approval to change the status of the application from “denied” to “pending FBC approval”. Commissioner McCombs seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair explained the process requesting for the appropriate motion to be entered and considered.

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

Commissioner Parrino then moved approval to change the status of the applicant back to “pending FBC approval” with staff verification of the report. Commissioner McCombs seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Browdy stated it is essential to address relevant concerns being brought forth. He then moved approval of the following motion: Products that were previously approved utilizing an evaluation report from a Florida registered architect or engineer are deemed to remain approved notwithstanding certain procedural issues yet to be resolved by the Commission. Products approved through this method are approved until such time as such approvals are withdrawn by the Florida Building Commission.

Commissioner Wiggins interjected according to the rule there is no action necessary by the Commission at this time. He cited 9B 72.090 paragraph 1(d) stating no action would allow the products to remain until revocation procedures are taken by the Commission.

Commissioner Parrino concurred with Commissioner Wiggins stating the products are approved until the Commission institutes revocation procedures which would take an extensive amount of time.

Commissioner Browdy stated he does not disagree with the fact that the Commission is not required to take action on the issue and the fact that the approvals are in place as previously noted. He continued stating there are building officials who will utilize the minutes of the Commission meeting regarding the issue to discriminate against certain manufacturers and withhold product approval on those manufacturers until the issue has been resolved. Commissioner Browdy expressed his intent to assure there is no misunderstanding regarding the issue and stated if the minutes have validated the situation relating to the issue it should suffice.

Commissioner Carson then presented the POC recommendations for entity approvals:

FM Approvals – Certification Agency

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

AITC – American Institute of Timber Construction – Quality Assurance Entity

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

CEL Consulting – Quality Assurance Entity

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

CI Professional Services, Inc. – Quality Assurance Entity

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

Testing Engineers, Inc. – Test Laboratory

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

TimberCo, Inc. dba TECO – Test Laboratory

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

APA - The Engineer Wood Association – Validation Entity

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

FM Approvals – Test Laboratory

Commissioner Kidwell moved approval of the POC recommendation. Commissioner D'Andrea seconded the motion. Vote to approve the motion was

unanimous. Motion carried.

Radco Inc. – Conditional Approval for Quality Assurance Entity

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

Commissioner Carson then stated the POC had held a meeting two to three weeks ago to identify issues with the product approval program. He continued stating during the meeting there were many issues discussed and the POC invited further comment on additional issues to be sent to the POC within 7 to 10 days. He further stated there were at least 120 comments received and a short term solution as well as long range solutions have been developed for Commission consideration. He then directed the Commission to Mr. Dixon for discussion.

Mr. Dixon stated the list of over 100 items relating to the Building Code Information System and substantive issues with regard to the rule has been reviewed and evaluated to determine which issues can be quickly resolved and which issues will require longer term resolution. He explained staff has proposed a two-stage plan, one to resolve the near term solutions then for the issues that require further research a second rule making would be implemented. Mr. Dixon stated if the Commission would authorize staff to initiate rule making there would be a rule development at the next Commission meeting to clarify the scope of the rule to apply to the proponents in cladding and the main windforce systems for the building, as well as the rule applying to products and construction systems that are used in occupyable and habitable buildings. He continued stating the list of subcategories that are in the rule would be carried down for better weather protection and windload resistance explanations. He further stated if there are other issues that could be addressed and consensus gained in one workshop any of those issues would be brought forward. Mr. Dixon explained the process stating it would be the quickest way to meet the state Chapter 120 processes which must be adhered.

Commissioner Carson stated in the form of a motion the POC recommends the plan of action as explained by Mr. Dixon as well as recommending opening the rule and holding a rule development workshop at the next Commission meeting. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Bassett moved approval to accept the report. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

**ACCESSIBILITY TAC**

Mr. Shine stated there was no Commission action required from the Accessibility

Technical Advisory Committee. (See *Accessibility Technical Advisory Committee Meeting Report March 1, 2004* Attachment.)

### **CODE ADMINISTRATION TAC**

Commissioner Wiggins stated there was no meeting.

### **FIRE TAC**

Commissioner D'Andrea stated no Commission action was required. (See *Fire Technical Advisory Committee Meeting Report March 1, 2004* Attachment.)

### **STRUCTURAL TAC**

Commissioner Parrino stated there was no Commission action required. (See *Structural Technical Advisory Committee Meeting Report March 1, 2004* Attachment.)

### **BREAK**

Chairman Rodriguez called a 20-minute break at 11:40 a.m.

### **RECONVENE RULE DEVELOPMENT WORKSHOP ON RULE 9B-3.047, FLORIDA BUILDING CODE**

Chairman Rodriguez reminded the Commission the workshop is a consensus building process which is fundamental to the Commission's decision-making process. He stated there would be an attempt to address the concerns of the minority during the voting process. Chairman Rodriguez stated Commissioner Sanidas had expressed concerns regarding the IBC Fire and Life Safety requirements offering his support if passive fire resistant measures could be utilized. He asked the Commission to consider addressing Commissioner Sanidas' concerns.

Mr. Blair conducted a brief review of the process and explained the Commission's first action would be to complete the Fire supplement section. He then directed the Commission to Mr. Madani for specific items requiring action.

Mr. Madani referenced the Fire supplement identifying sections requiring Commission action. He stated the following sections should be considered by the Commission: 403.3.1, 403.15, 503.1.1, 503.1.2, 504.1, 507.8, 507.9, 507.1, Table 601, 705.3, 705.4, 704.4, 708, 716.5.2, 716.5.4, and Table 1004.3.2.1.

Mr. Blair called for public comment on the sections identified.

### **PUBLIC COMMENT**

John Hemrick, Department of Education

Mr. Hemrick reiterated his concerns previously expressed regarding 507.8. He requested the Commission consider retaining the requirements in the Florida Building Code.

Jeffrey Stone, American Forest and Paper Association

Mr. Stone offered comment regarding support for the IBC, and requested the Commission consider specifically Sections 503.1.1, 503.1.2, 504.1, 507.9, 507.1, Table 601, 705.3, 705.4, 716.5.2, 716.5.4, Table 1004.3.2.1.

Mr. Blair then requested identification of all sections to be addressed during public comment.

Joe Belcher, JDB Code Services, Representing Florida Concrete Products Assoc

Mr. Belcher expressed support for some of the amendments entered by staff, specifically to Sections 403.3.1, Table 601 and 602, Table 705.4. He then stated the International Building Code, in Section 403.3.1, in conjunction with Table 601, will allow up to a 12-story building without 1-hour fire rated columns. He continued stating buildings above 12-story will allow 2-hour columns. He further stated the FCPA requests the Commission to retain the current Florida Building Code requirements which are 3-hour columns. Mr. Belcher then addressed Table 602 stating the IBC reduces the fire rating for building separation from other buildings and requested the Commission retain the current Florida Building Code requirements. He referenced Table 705.4 stating staff recommended striking the table entirely and state fire walls would be 4-hours. He explained fire walls in the International Building Code are different from the Florida Building Code. Mr. Belcher stated the IBC identifies fire walls as the walls that create fire areas. He proposed the Commission retain Table 705.4 adding a footnote to the table stating fire walls that create separate buildings must be 4-hour fire walls. He clarified the existing IBC language allows a 2-hour fire wall which can be reduced to 1-hour then recommended the Commission consider his suggestions.

Jeffrey Stone, American Forest and Paper Association

Mr. Stone concurred with Mr. Belcher stating his association does not oppose increasing the fire retention ratings for Table 601, retaining the footnotes, and Section 403.3.1.

Vicky Lovell, Building Code Consultant, InterCode, Inc.

Ms. Lovell stated she represents industries with interest in the fire resistant features which were removed from the International Building Code but retained in the Florida Building Code. She expressed support for all of the amendments as proposed.

Carrie Hebrank, Florida Building Materials Association

Ms. Hebrank expressed support for the International Building Code and the fire protection provisions in the code. She then expressed opposition to the changes proposed relative to educational facilities. Ms. Hebrank stated schools can be built from wood if they are sprinklered.

Steve Randall, Florida Fire Sprinkler Association

Mr. Randall recommended the Commission retain all the footnotes contained in Table 601. He noted the fire loss history in Florida has occurred mostly in residential and single family homes which are not addressed in the portion of the code being discussed.

Frank Fraile, Pinellas County Schools

Mr. Fraile expressed opposition to Section 507.8.

Mr. Blair then called for Commission discussion.

507.8 Group E Buildings

Commissioner Wiggins posed a question concerning 507.8 asking if the stated alternative fire areas resolves the problems in terms of schools and educational occupancies.

Mr. Hemrick responded stating his concern regards the requirement of two doors to the outside. He stated the position of DOE has been for many years that one door directly to the outside it satisfies egress requirements and is the safest form of egress.

Commissioner Wiggins then asked if the alternative to providing two egress doors is new language.

Mr. Madani responded stating Section 503.4.2 of the Florida Building Code provides an alternative which was carried over to the IBC.

Commissioner D'Andrea interjected 507.8 basically states "...the area shall not be limited when the following criteria are met..." which requires that all three of the criteria be met. He stated the Florida Building Code states the areas are not limited if two criteria are met; if an approved sprinkler system is used and the area is surrounded on all sides by not less than 60 feet, and the area is divided into the 30,000 square feet with a one-hour fire resistance. He added the new section states "...when the following criteria are met..." which includes the two means of egress which was not there previously.

Mr. Hemrick noted there may have been a typographical error in terms of the word

“and” which was changed to “or”.

Mr. Madani stated Commissioner D’Andrea is correct in terms of the requirement to meet all three criteria. He added the “or” is within the first criteria which means the option is within that criteria.

Commissioner Greiner offered clarification stating the first criteria can be met one of two ways, the two means of egress “or” the smoke barriers. He stated the other two criteria are separate and must be met as written.

Commissioner D’Andrea stated currently in the Florida Building Code there is no reference to two means of egress out of a classroom. He continued stating the requirement for the automatic sprinkler system has been eliminated and substituted it with the two means of egress “or” the one-hour fire resistant smoke barrier.

Commissioner Browdy requested clarification regarding what the procedure or motion would be in terms of Commission action concerning the issue. He suggested the discussion leads to writing the Code or amending the integration rather than merely integrating the Florida Building Code into the International Building Code, which would be the appropriate procedure for Commission action with regard to the issues.

Mr. Richmond responded stating the process should be an integration process and any other amendments would be subject to the 45-day, 45-day amendment process.

Mr. Blair suggested if there is an issue which needs further correction, the item should be noted and considered under an amendment process rather than discussed during the workshop.

Commissioner Kim echoed Commissioner Browdy’s concerns and recommended the Commission take additional time to review the items under discussion. He stated he had discovered a myriad of changes that were never considered by the TAC.

Commissioner Wiggins stated there may be some question in terms of the appropriate integration of the Florida modifications with the International Building Code. He continued stating by not adopting the Florida modifications, there will be times when language will be more or less stringent in terms of requirements in the IBC.

Commissioner D’Andrea added the issue with the educational occupancies is resolved by the TAC adding the “or”, which is identical to the Florida Building Code current language. He then moved approval to accept the integration as proposed concerning Section 507.8. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#### 403.3.1 Type of Construction

Greiner moved approval to accept the integration as proposed. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#### 403.15 Smoke Control

Commissioner Greiner moved approval to accept the integration as proposed. Commissioner Schulte seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#### 503.1.1 Basements

Commissioner Schulte moved approval to accept the integration as proposed. Commissioner McCombs seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#### 503.1.2 Special Industrial Occupancies

Commissioner Greiner moved approval to accept the integration as proposed. Commissioner Schulte seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Bassett asked if there were sections which need to be deleted then suggested Commission action would be in order.

Mr. Madani stated no action is required when substitute language is adopted in another section.

Mr. Richmond added the comment relating to Group A and E basements was numbered 503.1.2. He referenced page 4 stating the existing 503.1.2 which has a recommendation that special industrial occupancies be deleted in its entirety without substitution which would require a separate Commission action.

Commissioner Bassett moved approval to remove Section 503.1.2 in the International Building Code. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#### 506.4 Area Determination

Commissioner Bassett then moved approval to delete Section 506.4. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#### 504.1 General

Commissioner Calpini moved approval to accept the integration as proposed. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#### 504.2 Automatic Sprinkler System Increase

Commissioner D'Andrea moved approval to remove Section 504.2. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#### 507.9 Motion Picture Theaters

Commissioner D'Andrea moved approval to remove Section 507.9. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#### 507.1 Nonsprinklered One Story

Commissioner D'Andrea moved approval to remove Section 507.1. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#### Table 601

Commissioner Greiner moved approval to revise Table 601 and Table 602. Commissioner McCombs seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#### 705.3 Materials and 705.4 Fire-Resistance Rating

Commissioner Greiner moved approval to accept the integration as proposed. Commissioner McCombs seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Wiggins noted 705.4 Fire Resistance Rating additional language should be deleted to make the statement read properly.

#### Joe Belcher, JDB Code Services

Mr. Belcher offered clarification regarding Table 705.4 stating the proposal was to delete the entire table then requiring that all fire walls be four-hours. He stated retaining the table with a footnote would eliminate confusion.

Commissioner Greiner amended his motion to state Table 705.4 be retained with a footnote requiring a minimum four-hour wall separation between buildings. Commissioner

McCombs seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#### 704.4

Commissioner D'Andrea moved approval to add 704.4. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#### 708.1 Fire Partitions

Commissioner Greiner moved approval to accept the integration as proposed. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#### 716.5.2 Fire Barriers

Commissioner Vann moved approval to revise Section 716.5.2. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#### 716.5.4 Fire Partitions

Commissioner Wiggins moved approval to accept the integration as proposed. Commissioner McCombs seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#### Table 1004.3.2.1 Corridor Fire Resistance Rating

Commissioner McCombs moved approval to accept the integration as proposed. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair the called for a motion to integrate the approved provisions into the Fire Supplement Chapter of the 2003 edition of the International Building Code for adoption as the 2004 edition of the Florida Building Code.

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

#### PUBLIC COMMENT

#### *Deborah Ausley, Representing Fulton Meadows, Landscape Architect*

Ms. Ausley addressed language proposed in Modification 702, Section 106.1, stating the profession of landscape architecture as a regulated occupation in the state of

Florida has historically been omitted from the Florida Building Code. She stated it had been proposed to the Commission to add language designating landscape architects as design professionals along with engineers and architects. Ms. Ausley expressed concern relating to the intent of the last full sentence in the modification proposed which is underlined in the 104.2.2 text. She stated the Commission is not authorized to change the definition of a regulated practice and expressed concern regarding to the specific language referencing landscape drawings/landscape specifications limits the definition of Chapter 481. She then requested action by the Commission to clarify the language by specifically referencing the definition in Chapter 481.303(6)a-d.

John Hemrick, Department of Education

Mr. Hemrick expressed concern regarding two sections. He stated in relation to Section 109.3.1 staff recommended to adopt the current language in the Florida Building Code as it relates to foundation inspections which does not require the installation of reinforcing and recommended adding that requirement to the section. He then addressed Section 423 stating he had submitted comments supporting his recommendation and requested the Commission consider his recommendations.

Commissioner Bassett noted the editorial changes to the introduction were not specific enough. He stated it references the 2003 edition rather than the 2004 edition and is not consistent throughout the Code in terms of designating mechanical, plumbing or Florida Building Code. He suggested a standard be used so consistency would be reflected throughout the document.

Commissioner D'Andrea requested Section 106.1 be selected for discussion.

Commissioner Greiner requested Section 109.3.1 be selected for discussion to add the items Mr. Hemrick submitted be added.

Commissioner D'Andrea moved approval of the remaining items in Chapter 1 for integration as proposed. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

106.1 Submittal Documents

Commissioner Browdy offered support for Ms. Ausley's comments and suggestions then moved approval to add the definition from Chapter 481 to the proposed language. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

109.3.1 Footing and Foundation Inspection

Commissioner Greiner moved approval to include reinforcement in the components for change to 109.3.1 and add necessary sections from 423 to the education

portion of Chapter 1. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair then called for a motion to integrate the provisions in Chapter 1 of the Building Volume of the 2003 edition of the International Building Code for adoption as the 2004 edition of the Florida Building Code.

Commissioner Wiggins moved approval as stated. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

## Chapter 2

### PUBLIC COMMENT

#### Lorraine Ross,

Ms. Ross noted an editorial error. She addressed Section 2 definitions, the term NOA, Notice of Acceptance, stating the term was slated for deletion because it no longer in conformance with the Product Approval System that went into effect October 1, 2003. She continued stating there are references to NOA in other chapters relating to high velocity hurricane zones. Ms. Ross noted NOA was defined specifically to compliance documents issued by Miami-Dade product control division. She concluded stating NOA should be removed from Chapter 2 and references to NOA in later chapters should be changed to product approval.

#### Jaime Gascon, Miami-Dade County Office of Code Compliance

Mr. Gascon countered NOA is defined as a Miami-Dade County NOA in HVHZ chapters and stated the definition in Chapter 2 should not be removed.

Ms. Ross then read the definition: "The approval document indicating compliance with the Florida Building Code of Building Section issued by Miami Dade Product Control Division for Construction Products and Assemblies. All items requiring product approval in the HVHZ must first obtain an NOA before they are installed or before a building permit is issued. The product approval rule that went into effect allow entities other than Miami-Dade Product Control Division to issue such compliance reports." She then stated to avoid conflict with an existing rule, NOA should be removed and replaced with the term product approval.

#### Jack Crum

Mr. Crum asked how the written comments would be addressed by the Commission.

Mr. Blair replied the Commission is aware of the comments and can consider them

at their choosing.

Carrie Hebrank, Florida Building Materials Association

Ms. Hebrank concurred with Ms. Ross regarding the term NOA.

Commissioner Bassett requested the NOA issue be selected for discussion.

Commissioner D'Andrea moved approval to accept into integration the remaining items in Chapter 2. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

NOA Issue

Commissioner Bassett moved approval to strike the NOA from the last sentence. Commissioner Wiggins seconded the motion. Vote to approve the motion resulted in 1 opposed (Gonzalez). Motion carried.

Mr. Blair then called for a motion to approve integration of the provisions approved into Chapter 2 of the 2003 edition of the International Building Code for adoption as the 2004 edition of the Florida Building Code.

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

Chapter 3

Mr. Blair called for public comment. He then called for Commission discussion.

Commissioner D'Andrea moved approval of the consent agenda for Chapter 3. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair then called for a motion to approve the approved provisions into Chapter 3 of the 2003 edition of the International Building Code for adoption as the 2004 edition of the Florida Building Code.

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

Chapter 4

Joe Belcher, JDB Code Services

Mr. Belcher addressed two items in Chapter 4. He stated the matrix stated there is

no related section in the Florida Fire Prevention Code addressing underground buildings. Mr. Belcher continued stating there is in fact a section in the FPC, Section 403.3 and recommended the Commission review the section to avoid further conflicts. He then stated Section 411.1 which is a definition for special amusement buildings that will create a conflict with the Florida Fire Prevention Code if it is not retained.

Commissioner Gross requested Section 419.2.1.1 be selected for discussion.

Commissioner Greiner noted items in 423 had already been addressed in terms of the educational occupancies portion of the chapter.

Commissioner Kim stated 411.1 was not on the matrix.

Commissioner Browdy moved approval of the remaining items for integration into Chapter 3 as modified. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#### 403.3

Mr. Dixon stated Florida law requires consistency with the requirements in the Fire Prevention Code and directed the Commission to act accordingly.

Commissioner McCombs moved approval to integrate the language in 403.3 into Chapter 4 to retain consistency with the requirements of the Fire Prevention Code. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous.

#### 411.1

Commissioner McCombs moved approval to integrate the language in 411.1 into Chapter 4 to retain consistency with the requirements of the Fire Prevention Code. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#### 419.2.1.1

Commissioner Gross stated the correction is a minor corrective issue referencing the Florida Administrative Code 4A 53 which no longer exists. He stated all fire marshal items were moved from 4A to 69A. He suggested that other references to 4A throughout the document be corrected as well.

Mr. Blair then called for a motion to integrate the approved provisions into Chapter 4 of the 2003 edition of the International Building Code for adoption as the 2004 edition of the Florida Building Code.

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

#### Chapter 5

Mr. Blair called for public comment. He then opened for Commission discussion.

Commissioner Dandrea moved approval to integrate the provisions of Chapter 5 as modified. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner D'Andrea then moved approval to integrate the approved provisions into Chapter 5 of the 2003 edition of the International Building Code for adoption as the 2004 edition of the Florida Building Code. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous.

#### Chapter 6

Mr. Blair called for public comment. He then opened for Commission discussion.

Commissioner Wiggins moved approval of the consent agenda as proposed. Commissioner McCombs seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair then called for a motion to integrate the approved provisions into Chapter 6 of the 2003 edition of the International Building Code for adoption as the 2004 edition of the Florida Building Code.

Commissioner D'Andrea moved approval as stated. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#### Chapter 7

Mr. Blair called for public comment. He then opened for Commission discussion.

Commissioner Greiner moved approval of the consent agenda as proposed. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair then called for a motion to integrate the approved provisions into Chapter 6 of the 2003 edition of the International Building Code for adoption as the 2004 edition of the Florida Building Code.

Commissioner D'Andrea moved approval as stated. Commissioner McCombs seconded the motion. Vote to approve the motion was unanimous. Motion carried.

## Chapter 9

Mr. Blair called for public comment.

### Joe Belcher, JDB Code Services

Mr. Belcher stated if the current 903.8 (new 903.6) into the Code there is an exception in the Florida Building Code which should be integrated. He then addressed 903.2.1.1 in the Fire Prevention Code and current Florida Building Code, there is an exception for sprinklers in assembly occupancies when the occupant load is greater than 300 when used strictly for worship. He noted the exception is not reflected in the International Building Code.

Chairman Rodriguez requested Sections 903.8 and 903.2.1.1 be selected for discussion.

Commissioner D'Andrea moved approval for the remaining items be integrated as proposed into Chapter 9. Commissioner Browdy seconded the motion. Vote to approve the motion was unanimous. Motion carried.

### 903.6 Add Florida specific Provisions

Commissioner Wiggins moved approval to retain the Florida Building Code exceptions in Chapter 9 for deleting sprinklers in telecommunications areas within telecommunications buildings. Commissioner McCombs seconded the motion. Vote to approve the motion was unanimous. Motion carried.

### 903.2.1.1

Commissioner Greiner moved approval to coordinate the exception for strictly worship use in the Florida Building Code with the Florida Fire Prevention Code. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair then called for a motion to integrate the approved provisions into Chapter 9 of the 2003 edition of the International Building Code for adoption as the 2004 edition of the Florida Building Code.

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

## Chapter 11

Mr. Blair called for public comment. He then opened for Commission discussion.

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

Mr. Blair then called for a motion to integrate the approved provisions into Chapter 11 of the 2003 edition of the International Building Code for adoption as the 2004 edition of the Florida Building Code.

Commissioner D'Andrea moved approval as stated. Commissioner McCombs seconded the motion. Vote to approve the motion was unanimous. Motion carried.

## Chapter 12

Mr. Blair called for public comment. He then opened for Commission discussion.

Commissioner Wiggins requested text requiring ceiling height being changed from one half to two-thirds of the area in Section 1208 be selected for discussion.

Commissioner D'andrea moved approval of the remaining items in Chapter 12 for integration. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

## 1208 Text

Commissioner Wiggins stated the Florida Building Code contained a provision that the prescribed ceiling height be required in two-thirds of the area with the International Building Code requiring the prescribed ceiling height in one-half of the area. He then moved approval to accept the requirements in the IBC. Commissioner D'andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair then called for a motion to approve integration of the approved provisions into Chapter 12 of the 2003 edition of the International Building Code for adoption as the 2004 edition of the Florida Building Code.

Commissioner D'Andrea moved approval as stated. Commissioner McCombs seconded the motion. Vote to approve the motion was unanimous. Motion carried.

## Chapter 13

Mr. Blair called for public comment. He then opened for Commission discussion.

Commissioner D'Andrea moved approval of the Chapter 13 consent agenda. Commissioner Browdy seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Bassett stated Chapter 13 is a subchapter and asked if it should be addressed as such. He stated the subchapters were initially to be considered later during the workshop.

Mr. Dixon concurred stating the Energy subchapters will be considered later during the workshop.

Commissioner Bassett moved approval to reconsider Chapter 13. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#### Chapter 14

Mr. Blair called for public comment. He then opened for Commission discussion.

Commissioner D'andrea moved approval of Chapter 14 consent agenda. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair then called for a motion to approve integration of the approved provisions into Chapter 14 of the 2003 edition of the International Building Code for adoption as the 2004 edition of the Florida Building Code.

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

#### Chapter 16

Mr. Blair called for public comment.

#### Seann Frazier, Florida Alliance for Construction Education

Mr. Frazier stated Section 1609.1.1 adopts the A8F Guide for aluminum construction into Chapter 16. He continued stating his organization opposes the guide on both legal and substantive grounds. Mr. Frazier then stated copies of the guide were not available when the notice was published and when members of the public attempted to obtain copies of the guide from staff and from the publisher and it remained unavailable until after the TAC had met. He stated one basis for finding a rule invalid under 120.5.2(8)(a) is the failure to adopt applicable rulemaking procedures. He recommended the Commission remove the amendment from the integration agenda and send it back to the TAC so proper public consideration may be attained.

#### Tom Tefelske, Building Contractor/Aluminum Contractor

Mr. Tefelske expressed opposition to the proposed modification because the guide was not available for review as required by Code. He stated there was industry input early in the process of creating the manual, however no input was considered on the final document. Mr. Tefelske stated he had requested the document on many occasions and was refused. He continued stating the document is not a consensus document of the industry and many less costly alternatives are available by which to build. He further stated the guide violates some provisions of the Florida Building Code.

Jack Johnson, Contractor

Mr. Johnson expressed opposition to the amendment.

James Moore, Aluminum Contractor

Mr. Moore concurred.

Fred Oppenheim, Aluminum Contractor

Mr. Oppenheim expressed opposition to the modification.

David Duncan, Aluminum Contractor

Mr. Duncan expressed

Mike Gardner, Volusia County

Mr. Gardner

Robert Fine, Representing Florida Alliance

Mr. Fine stated

Joe Belcher, Aluminum Association of Florida

Mr. Belcher stated

Scott Myers, President, Aluminum Association of Florida

Mr. Myers expressed support for the guide stating the guide had been made available to the members of the association. He stated members were invited to attend any technical committee meeting where the guide was being discussed. Mr. Myers stated inclusion of the guide into the Code would benefit the aluminum industry.

Joe Crum, Chairman, BOAF Code Development Committee

Highlighted names were not included in recording.

Mr. Crum stated the code development committee recommended to the full BOAF board inclusion of the guide into the Code as a prescriptive method. He continued stating it is an alternate guide just as the SSE-10 or the Wood Frame Manual.

Rob Monseur, Rams Engineering, Dade County

Mr. Monseur expressed support for the modification stating he had been working on aluminum structures and has been a registered engineer since 1967. He stated there was three years involved in developing the A8F guide. Mr. Monseur continued stating every facet of the guide is in conformance with Florida Building Code. He offered comment stating many contractors are against the guide due to revisions in the spans allowed which are in compliance with the Florida Building Code.

David Johns, Certified General Contractor

Mr. Johns expressed support for the guide.

Mark Coleman, Aluminum Contractor

Mr. Coleman stated he is a second generation aluminum contractor serving the industry for 30 years and expressed support for the guide stating he looks forward to its implementation.

Jerry Wigham, Aluminum Contractor

Mr. Wigham expressed full support for the guide stating the meetings held to develop the manual were always open to the public and few members attended.

Richard Moore, Aluminum Specialty Contractor

Mr. Moore concurred with the supporters for the guide.

David Miller, Certified Building Contractor, Technical Chairman, Aluminum Assoc

Mr. Miller stated the association was scrupulous in terms of the process for developing the guide inviting input from members and expressed support for the guide.

Carl Holmberg, State Certified Aluminum Contractor

Mr. Holmberg expressed support for the guide.

Mike Fisher, Representing National Sunroom Association

Mr. Fisher stated the guide is the most comprehensive guide available and he

commended the creators of the guide. He expressed support for the guide and encouraged the Commission to implement it into the Florida Building Code.

Charlie Everly, Principal Author for the sections of the Florida Building Code pertaining to Aluminum Structures

Mr. Everly expressed support for the adoption of the manual stating the .77 importance factor is the appropriate factor for a structure which will not be occupied by human beings in a storm. He stated the research had been conducted by professionals at Virginia Tech and at Clemson University and the tests were extensive and accurate.

Seann Frazier

Mr. Frazier stated there was no blame applied in terms of the availability of the document rather an attempt at applying the law correctly according to the rule established by the Florida Building Commission which states the document must be published on the website 45 days prior to TAC consideration, which it was not. He continued stating there are other documents attempting to outline proper engineering for aluminum structures which are less costly.

Joe Belcher, JDB Code Services

Mr. Belcher stated the A8F guide is an alternate document, not the only methods available just as SSTD-10.

Chairman Rodriguez requested 1609.1.1 be selected for Commission discussion.

Commissioner Kim requested 1609.4.3 be selected for Commission discussion.

Commissioner D'Andrea moved approval of the remaining items in Chapter 16. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

1609.1.1

Commissioner Wiggins moved approval of 1609.1.1 as proposed. Commissioner Greiner seconded the motion.

Commissioner Kim offered comment stating he had reviewed the guide through the Structural TAC process and expressed confidence in the technical merit of the document. He continued stating he had called the AAF during the 45-day period requesting a copy of the manual and was told one could not be made available to him.

Commissioner Browdy asked if the document was available on the website within the required time frame.

Mr. Richmond responded stating the document was not available on the website since it was adopted as a reference document. He stated the Code amendment was available on the website and the referenced manual was available through Mr. Belcher who had made arrangements through Mr. Madani to make copies of the document available. Mr. Richmond then stated the Commission appears to have complied with the requirements of the law.

Mr. Madani added the documents were made available to TAC members and there was a copy at the staff office.

Chairman Rodriguez called for a vote on the motion. Vote to approve the motion resulted in 2 opposed (Kim; Browdy). Motion carried.

#### 1609.4.3

Commissioner Kim stated he had proposed the code change which was approved by the Structural TAC. He continued stating the intent was to eliminate exception #2 entirely. He then moved approval to strike exception #2 entirely. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair then called for a motion to approve integration of the approved provisions into Chapter 16 of the 2003 edition of the International Building Code for adoption as the 2004 edition of the Florida Building Code.

Commissioner Greiner moved approval as stated. Commissioner D'andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#### Chapter 17 Special Sections

Mr. Blair called for public comment.

#### Ted Burman, Miami-Dade County Office of Code Compliance

Mr. Burman expressed support for the IBC and Chapter 17 changes. He addressed section 1704 recommending the provisions remain as stated in the IBC.

Chairman Rodriguez requested 1704 be selected for Commission discussion.

Commissioner Wiggins moved approval of the remaining items for integration into Chapter 17. Commissioner D'andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Wiggins moved approval of 1704 as proposed. Commissioner

McCombs seconded the motion. Vote to approve the motion resulted in 1 opposed (Gonzalez). Motion carried.

Mr. Blair then called for a motion to integrate the approved provisions into Chapter 17 of the 2003 International Building Code for adoption as the 2004 edition of the Florida Building Code.

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

#### Chapter 18

Mr. Blair called for public comment. He then opened for Commission discussion.

Commissioner D'Andrea moved approval of Chapter 18's consent agenda. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair then called for a motion to integrate the approved provisions into Chapter 18 of the 2003 International Building Code for adoption as the 2004 Florida Building Code.

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

#### Chapter 19

Mr. Blair called for public comment. He then opened for Commission discussion.

Commissioner D'Andrea moved approval of Chapter 19's consent agenda. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair then called for a motion to integrate the approved provisions into Chapter 18 of the 2003 International Building Code for adoption as the 2004 Florida Building Code.

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

#### Chapter 20

Mr. Blair called for public comment. He then opened for Commission discussion.

Commissioner D'Andrea moved approval of Chapter 19's consent agenda.

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

Mr. Blair then called for a motion to integrate the approved provisions into Chapter 18 of the 2003 International Building Code for adoption as the 2004 Florida Building Code.

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

Commissioner Kim moved to reconsider Section 2002.2. Commissioner Browdy seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Kim moved to strike part 1-a and 1-b. Commissioner Schulte seconded the motion.

Commissioner Gonzalez stated the consideration of the Commission during the workshop is to integrate the two codes, not to make Code changes.

Mr. Dixon stated the language could be reviewed by legal for determination regarding whether it is a code change not integration of an existing Florida requirement.

Commissioner Kim amended his motion to state if the action is not a code change, strike part 1-a and 1-b and 1-b is verified. Commissioner Schulte seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair then called for a motion to integrate approved provisions into Chapter 20 of the 2003 edition of the International Building Code for adoption as the 2004 edition of the Florida Building Code.

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

## Chapter 21

Mr. Blair called for public comment. He then opened for Commission discussion.

Commissioner D'Andrea moved approval of Chapter 21's consent agenda. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair then called for a motion to integrate the approved provisions into Chapter 18 of the 2003 International Building Code for adoption as the 2004 Florida Building Code.

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

## Chapter 22

Mr. Blair called for public comment. He then opened for Commission discussion.

Commissioner D'Andrea moved approval of Chapter 22's consent agenda. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair then called for a motion to integrate the approved provisions into Chapter 18 of the 2003 International Building Code for adoption as the 2004 Florida Building Code.

Commissioner D'Andrea moved approval as stated. Commissioner McCombs seconded the motion. Vote to approve the motion was unanimous. Motion carried.

## Chapter 23

Mr. Blair called for public comment. He then opened for Commission discussion.

Commissioner D'Andrea moved approval of Chapter 23's consent agenda. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair then called for a motion to integrate the approved provisions into Chapter 18 of the 2003 International Building Code for adoption as the 2004 Florida Building Code.

Commissioner D'Andrea moved approval as stated. Commissioner McCombs seconded the motion. Vote to approve the motion was unanimous. Motion carried.

## Chapter 24

Mr. Blair called for public comment. He then opened for Commission discussion.

Commissioner D'Andrea moved approval of Chapter 24's consent agenda. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair then called for a motion to integrate the approved provisions into Chapter 18 of the 2003 International Building Code for adoption as the 2004 Florida Building Code.

Commissioner D'Andrea moved approval as stated. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#### Chapter 25

Mr. Blair called for public comment. He then opened for Commission discussion.

Commissioner Browdy moved approval of Chapter 25's consent agenda. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair then called for a motion to integrate the approved provisions into Chapter 18 of the 2003 International Building Code for adoption as the 2004 Florida Building Code.

Commissioner McCombs moved approval as stated. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#### Chapter 26

Mr. Blair called for public comment. He then opened for Commission discussion.

Commissioner D'Andrea moved approval of Chapter 26's consent agenda. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair then called for a motion to integrate the approved provisions into Chapter 18 of the 2003 International Building Code for adoption as the 2004 Florida Building Code.

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

#### Chapter 27

Mr. Blair called for public comment. He then opened for Commission discussion.

Commissioner Greiner moved approval of Chapter 27's consent agenda. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair then called for a motion to integrate the approved provisions into Chapter 18 of the 2003 International Building Code for adoption as the 2004 Florida Building Code.

Commissioner McCombs moved approval as stated. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

### Chapter 30

Mr. Blair called for public comment. He then opened for Commission discussion.

Commissioner Browdy moved approval of Chapter 30's consent agenda. Commissioner McCombs seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair then called for a motion to integrate the approved provisions into Chapter 18 of the 2003 International Building Code for adoption as the 2004 Florida Building Code.

Commissioner McCombs moved approval as stated. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

### Chapter 31

Mr. Blair called for public comment. He then opened for Commission discussion.

Commissioner Greiner moved approval of Chapter 31's consent agenda. Commissioner McCombs seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair then called for a motion to integrate the approved provisions into Chapter 18 of the 2003 International Building Code for adoption as the 2004 Florida Building Code.

Commissioner D'Andrea moved approval as stated. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

### Chapter 32

Mr. Blair called for public comment. He then opened for Commission discussion.

Commissioner Browdy moved approval of Chapter 32's consent agenda. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair then called for a motion to integrate the approved provisions into Chapter 18 of the 2003 International Building Code for adoption as the 2004 Florida Building Code.

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

#### Chapter 34

Mr. Blair called for public comment. He then opened for Commission discussion.

Commissioner D'Andrea moved approval of Chapter 34's consent agenda. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair then called for a motion to integrate the approved provisions into Chapter 34 of the 2003 International Building Code for adoption as the 2004 Florida Building Code.

Commissioner D'Andrea moved approval as stated. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#### Chapter 35

Mr. Blair called for public comment. He then opened for Commission discussion.

Commissioner D'Andrea moved approval of Chapter 35's consent agenda. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair then called for a motion to integrate the approved provisions into Chapter 35 of the 2003 International Building Code for adoption as the 2004 Florida Building Code.

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

#### Chapter 36

Mr. Blair called for public comment. He then opened for Commission discussion.

Commissioner D'Andrea moved approval of Chapter 36's consent agenda. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair then called for a motion to integrate the approved provisions into Chapter 36 of the 2003 International Building Code for adoption as the 2004 Florida Building Code.

Commissioner McCombs moved approval as stated. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#### Appendices

Mr. Blair called for public comment.

*Mike Fisher, Representing National Sun Room Association and the Window & Door Manufacturer's Association*

Mr. Fisher urged the Commission to include in the adoption of reference the Appendix I Patio Covers chapter.

Commissioner Bassett requested Appendix I be selected for Commission discussion.

Commissioner D'Andrea moved approval of the remaining items for integration into the Appendices. Commissioner Wiggins seconded the motion.

Commissioner Wiggins requested clarification regarding adopting the appendices.

Mr. Dixon stated staff had proposed not adopting the appendices since they are optional and not referenced in the body of the Code.

Mr. Madani offered clarification concerning staff's recommendation to adopt only Appendix X which appears in the current code.

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

Wiggins moved approval to delete Appendice I. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair then called for a motion to integrate the approved provisions of the Appendices into the 2003 edition of the International Building Code for adoption as the 2004 edition of the Florida Building Code.

Commissioner D'Andrea moved approval as stated. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#### HVHZ Section

Mr. Blair called for public comment. He then opened for Commission discussion.

Commissioner D'Andrea moved approval of HVHZ Section's consent agenda.

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

Mr. Blair then called for a motion to integrate the approved provisions into HVHZ Section of the 2003 International Building Code for adoption as the 2004 Florida Building Code.

Commissioner McCombs moved approval as stated. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#### Chapter 4: Special Detailed Requirements Based on Use and Occupancy

Mr. Blair called for public comment.

#### Joe Belcher, JDB Code Services

Mr. Belcher addressed Table 1019, Group D, Daycare Occupancy, the code calls for one-hour corridors which was taken out of the Florida Fire Prevention Code and moved into the Florida Building Code as well as into the International Building Code.

Mr. Madani stated the item is Table 704.2.4 FBC and Table 1016.1 IBC.

Commissioner Greiner moved approval of the remaining items for integration into Chapter 4. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#### Table 1016.1

Commissioner Greiner moved approval of the integration of Mr. Belcher's comment with regard to Table 1016.1 and the Fire Prevention Code. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair then called for a motion to integrate the approved provisions into Chapter 4 of the 2003 edition of the International Building Code for adoption as the 2004 edition of the Florida Building Code.

Commissioner D'Andrea moved approval as stated. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#### Chapter 7

Mr. Blair called for public comment. He then opened for Commission discussion.

Commissioner D'Andrea moved approval of Chapter 7's consent agenda. Commissioner Wiggins seconded the motion. Vote to approve the motion was

unanimous. Motion carried.

Mr. Blair then called for a motion to integrate the approved provisions into Chapter 7 of the 2003 International Building Code for adoption as the 2004 Florida Building Code.

Commissioner McCombs moved approval as stated. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.  
Unanimous

#### Chapter 9

Mr. Blair called for public comment. He then opened for Commission discussion.

Commissioner D'Andrea moved approval of Chapter 9's consent agenda. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair then called for a motion to integrate the approved provisions into Chapter 9 of the 2003 International Building Code for adoption as the 2004 Florida Building Code.

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

#### Chapter 10

Mr. Blair called for public comment. He then opened for Commission discussion.

Commissioner Greiner moved approval of Chapter 10's consent agenda. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair then called for a motion to integrate the approved provisions into Chapter 10 of the 2003 International Building Code for adoption as the 2004 Florida Building Code.

Commissioner D'Andrea moved approval as stated. Commissioner McCombs seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#### Chapter 13

Mr. Blair called for public comment. He then opened for Commission discussion.

Commissioner D'Andrea moved approval of Chapter 13's consent agenda. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair then called for a motion to integrate the approved provisions into Chapter 13 of the 2003 International Building Code for adoption as the 2004 Florida Building Code.

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

## Chapter 15

Mr. Blair called for public comment.

### Lorraine Ross

Ms. Ross requested the Commission consider 1507.4 Asphalt Shingles. She stated the original intention was to delete the reference to ice stamps which is not needed in Florida. She continued stating too much was deleted in terms of self-adhered membranes which should be included in the language. Ms. Ross then referenced page 26, Table 1507.2, and requested clarification regarding whether the table is being included in the language and if so, it needs to conform with the entire Section 1507.2.

Commissioner Greiner stated the table is the proposed change and would be included in the language.

Ms. Ross stated the table needs to conform to the requirements that are specified in each section of asphalt shingles.

Commissioner Schulte noted editorial changes to be made appearing in the referenced table and in other sections of Chapter 15 in terms of average temperature in January.

Commissioner Greiner requested Table 1507.2 and Section 1507.4 be selected for Commission discussion.

Commissioner D'Andrea moved approval of the integration of the remaining items into Chapter 15. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

### 1507.2.4

Commissioner Greiner requested clarification regarding the self-adhering pollen remodified bitumen sheath.

Ms. Ross responded stating the term should remain in the language.

Commissioner Schulte moved approval to include the language as written in the IBC. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair then called for a motion to approve the integration of the approved provisions into Chapter 15 of the 2003 edition of the International Building Code for adoption as the 2004 edition of the Florida Building Code.

Commissioner McCombs moved approval as stated. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#### Chapter 34: Existing Buildings

Mr. Blair called for public comment. He then opened for Commission discussion.

Commissioner Browdy moved approval of Chapter 34's consent agenda. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair then called for a motion to integrate the approved provisions into Chapter 34 of the 2003 International Building Code for adoption as the 2004 Florida Building Code.

Commissioner D'Andrea moved approval as stated. Commissioner McCombs seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#### Test Protocols for High Velocity Hurricane Zone

Mr. Blair called for public comment. He then opened for Commission discussion.

Commissioner D'Andrea moved approval of the Test Protocol's consent agenda. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair then called for a motion to integrate the approved provisions into Test Protocol Section of the 2003 edition of the International Building Code for adoption as the 2004 edition of the Florida Building Code.

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

#### Fuel Gas Volume

Mr. Blair called for public comment. He then opened for Commission discussion.

Commissioner Greiner moved approval of the Fuel Gas Volume's consent agenda. Commissioner Schulte seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair then called for a motion to integrate the approved provisions into the Fuel Gas Section of the 2003 edition of the International Fuel Gas Code for adoption as the 2004 edition of the Florida Building Code.

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

#### Mechanical Volume

Mr. Blair called for public comment. He then opened for Commission discussion.

Commissioner D'Andrea moved approval of the Mechanical Volume's consent agenda. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair then called for a motion to integrate the approved provisions into the Mechanical Volume of the 2003 edition of the International Mechanical Code for adoption as the 2004 Florida Building Code.

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

#### Plumbing Volume

Mr. Blair called for public comment. He then opened for Commission discussion.

Commissioner Greiner moved approval of the Plumbing Volume's consent agenda. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair then called for a motion to integrate the approved provisions into the Plumbing Volume of the 2003 edition of the International Plumbing Code for adoption as the 2004 Florida Building Code.

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

#### Residential Code

Mr. Blair called for public comment.

Jack Glen

Mr. Glen stated he had submitted comment in a document which was distributed to each Commissioner. He stated there is a recommendation to delete the definition for brace wall line because it is seismic, however the term should remain in the language because it is also relative to wind. He continued stating the following terms should be removed: cryps; floor fire door assembly; framework; garden mouseleum; height of threshold buildings; smoke layer interface; threshold building. Mr. Glen referenced Section R602.10.1 stating the table should be revised to delete the seismic reference but retain the wind provisions. He then addressed G2408.2 stating the language in the IRC is consistent with the Florida Fuel Gas Code and the IRC language should be retained. Mr. Glen then stated G2415.3 language should be retained and G2423.1 should be deleted. He further stated 2603.6 and 2803.6.1 provide the same level of protection in the Florida Building Code Plumbing Volume and IRC language should be retained for consistency. He then stated P2903.1 is not needed in its entirety and should be revised to retain lines 1 and 2 only and P3103.6 has blanks left for the dimension which should be 6 inches. He requested clarification regarding Section E3301.2 and recommended retaining the provisions of Appendix H which provides guidance for installation of patio covers.

Mr. Glenn continued stating Table 905.2.8.1 should be moved into the residential volume as Table 905.2.8.1 to avoid cross-references to the Florida Building Code. He concluded his comments by suggesting deleting entirely R905.7.3 as well as R905.8.3.

Mike Fisher, National Sunroom Association

Mr. Fisher addressed the patio cover issue Mr. Glenn referenced stating the NSA plans to submit a proposal to the ICC in August to include the language in the main body of the International Building Code. He expressed total support for including the language in the Florida Building Code.

D'Andrea moved approval of the consent agenda to include Mr. Glenn's recommendations into the Residential Code. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner McCombs addressed 3301.4 requesting clarification regarding what was revised.

Mr. Madani responded stating staff recommended deleting E3301.2 and limiting the code to NFPA70A National Electrical Code for one and two family dwellings.

Mr. Blair requested clarification concerning the motion which includes all of Mr. Glenn's recommendations.

Mr. Madani responded stating he had prepared comments to each of Mr. Glenn's

recommendations, which he presented via overhead projection and reviewed. He then noted he disagreed with Mr. Glenn's recommendation in terms of G2415.3 and P2903.1.

Mr. Glen addressed G2415.3 stating there was language deleted then more language added regarding the tracer referenced in the code. He explained the tracer language already exists in G2412 so it would be duplicative to include it in G2415.3. Mr. Glenn then addressed Table P2903.1 stating the table addresses pressures into the hundreds and in the residential section of the code only the first two pressures are necessary.

Commissioner D'Andrea moved approval of the consent agenda into the Residential Code provided staff reviews G2415.3 and P2903.1 and determine whether conflicts exist. Commissioner Browdy seconded the motion.

Commissioner Bassett requested clarification regarding the table in terms of whether it is the gas pressure table for calculating pressure drop.

Commissioner Wiggins requested clarification regarding Appendix H Patio Covers which had been recommended for deletion then included in Mr. Glenn's recommendations to be retained. He then offered an amendment to the motion to include Appendix H in the staff review.

Commissioner D'Andrea accepted the amendment.

Commissioner Bassett referenced Table P2903.1 stating he has used pressures higher than the first two lines in residential construction and advised careful consideration when reviewing the table and taking action to delete any pressures.

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

## Chapter 9

### Lorraine Ross

Ms. Ross requested consideration for R905.2.3 explaining it is the deletion of ASTM D1970 which should remain.

Commissioner Schulte requested 905.2.3, 903.4.1, and 905.7.3 be selected for consideration.

Commissioner Wiggins moved approval of the remaining items for integration into Chapter 9. Commissioner McCombs seconded the motion. Vote to approve the motion was unanimous. Motion carried.

905.2.3

Commissioner Schulte moved approval of 905.2.3 with Ms. Ross' recommendation included. Commissioner McCombs seconded the motion. Vote to approve the motion was unanimous. Motion carried.

903.4.1

Commissioner Schulte moved approval of 903.4.1 to include the allowance for overflow installation as currently in the Florida Building Code. Commissioner Vann seconded the motion. Vote to approve the motion was unanimous. Motion carried.

905.7.3

Schulte moved approval of 905.7.3 with the removal of the cold weather reference. Commissioner McCombs seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair then called for a motion to approve integration of the approved provisions into Chapter 9 of the 2003 edition of the International Building Code for adoption as the 2004 edition of the Florida Building Code.

Commissioner McCombs moved approval as stated. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Chapter 44

Mr. Blair called for public comment. He then opened for Commission discussion.

Commissioner Wiggins moved approval of Chapter 44's consent agenda. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair then called for a motion to integrate the approved provisions into Chapter 44 of the 2003 edition of the International Plumbing Code for adoption as the 2004 Florida Building Code.

Commissioner McCombs moved approval as stated. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Dixon called for a motion to approve providing staff authority to make necessary "clean-up" editorially to eliminate seismic or freeze protection requirements which may have been missed.

Commissioner Wiggins moved approval to authorize staff to make necessary

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

Mr. Dixon called for a motion authorizing staff to make necessary changes on those statements recommending consideration action for which staff will then bring back to the Commission for consideration after the rule adoption hearing.

Commissioner McCombs moved approval as stated. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair called for a motion to adopt the Residential Code provisions for integration into the 2003 edition of the International Building Code for adoption as the 2004 edition of the Florida Building Code.

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

Mr. Blair called for a motion to adopt the 2003 International Family of Codes subject to modifications by provisions considered and approved during the course of the Rule Development Workshop as the 2004 Florida Building Code.

Commissioner Greiner moved approval as stated. Commissioner Calpini seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair then called for a motion to proceed with rule adoption for Rule 9B3.047 adopted in the 2004 Florida Building Code effective January 1, 2005 including Publication of Notice in the Florida Administrative Weekly with a hearing to be held April 20, 2004.

Commissioner Greiner moved approval as stated. Commissioner Calpini seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Dixon extended great appreciation to the Commission, the public, Mr. Madani for remaining in the workshop and completing the rule development workshop.

### **PUBLIC COMMENT**

Chairman Rodriguez called for public comment.

Lorraine Ross

Ms. Ross

Bob McCormack, Building Official's Association of Florida

Mr. McCormack extended

Joe Crum, Vice President, BOAF

Mr. Crum stated

John Connor, Building Director, Marion County

Mr. Connor stated

Commissioner Browdy requested clarification concerning the

Steve Bassett, Member of Core of Engineering Society

Mr. Bassett

Jack Glen, Florida

Mr. Glen

Carrie Hebrank, Florida Building Materials Association

Ms. Hebrank stated

Jaime Gascon, Miami-Dade County Office of Code Compliance

Mr. Gascon stressed the fast track for rule change has not considered

Commissioner Bassett stated Kim

Commissioner Gross asked

Commissioner Bassett responded

Commissioner Schulte requested

Commissioner Browdy stated it would not

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

## **ADJOURN**

No further business discussed, meeting adjourned at 3:35 p.m.