



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

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Governor

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Secretary

**BOARD MEETING
OF THE
FLORIDA BUILDING COMMISSION**

**PLENARY SESSION
July 15, 2003**

PENDING APPROVAL

The meeting of the Florida Building Commission was called to order by Chairman Raul Rodriguez at 8:35 a.m. on Wednesday, July 15, 2003, at the Rosen Plaza Hotel, Orlando, Florida.

COMMISSIONERS PRESENT:

Nick D'Andrea, Chairman
Chris Schulte
Jeffrey Gross
Michael McCombs
Craig Parrino
Herminio Gonzalez
John Calpini
Leonard Lipka
Christ Sanidas
Richard Browdy
Stephen Corn
Dale Greiner
Do Y. Kim
Ed Carson
Suzanne Marshall

Steven Bassett
Randall Vann
Dr. Diana Richardson

COMMISSIONERS ABSENT:

Karl Thorne
Doug Murdock, Adjunct Member

OTHERS PRESENT:

Rick Dixon, Executive Director
Ila Jones, DCA
Jim Richmond, Legal Advisor
Tim Dennis, Legal Advisor
Jeff Blair, FCRC

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WELCOME

Acting Chairman D'Andrea welcomed members of the Commission stating Chairman Raul Rodriguez was ill and would not be attending the meeting. He then directed the Commission to Mr. Blair for a review and approval of the 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 Lipka moved approval of the agenda. Commissioner Calpini seconded the motion. Vote to approve the motion was unanimous. Motion carried.

REVIEW AND APPROVAL OF MAY 15, 2003 MEETING MINUTES

Chairman D'Andrea opened for review and approval of the May 15, 2003 Florida Building Commission meeting minutes.

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

REVIEW AND UPDATE OF COMMISSION WORKPLAN

Mr. Dixon directed the Commission to the workplan which appeared in each Commissioner's agenda packet. He began on page 4 of the agenda packet concerning the meeting dates for 2004 Florida Building Commission meetings. He requested Commission approval or amendment to the schedule.

Commissioner Greiner moved approval of the 2004 Commission meeting schedule. Commissioner Parrino seconded the motion.

Commissioner Parrino inquired about a discussion concerning traveling to South Florida and possibly the panhandle for Commission meetings.

Mr. Dixon responded stating rates in South Florida had been researched and dates and times are being considered along with affordability for South Florida. He continued stating there would be additional discussion regarding changing the locations after the amendment cycle and other time constraints had been reviewed and considered.

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

Mr. Dixon then directed the Commission to page 5 of the workplan concerning added and amended items which will be discussed at a later time during the meeting. He noted under the 2004 Update of the Florida Building Code, the schedule had the

Commission slated to review TAC recommendations on amendments to the Code during the August meeting with the Code going into effect July 1, 2004. He continued stating the TACs had not completed their work during the June meeting resulting in non-compliance for the 45-day postings of recommendations on the website prior to Commission review in August. Mr. Dixon then suggested rescheduling Commission review of TAC recommendations to the October meeting.

Mr. Dixon further stated the 2005 annual interim amendments process had been added to the workplan as Code changes must be initiated a year or more in advance. He noted a schedule has been provided which repeats with the current schedule for submittal of proposed amendments then for TAC and Commission consideration and finally for the follow-up rule making.

Mr. Dixon then directed the Commission to the next item under Adopt/Revise Chapter 34 for Provisions for Existing Buildings specifically concerning the exemption for certain procedures for adoption of the replacement Chapter 34. He stated the Commission requested exemption from procedural requirements necessary to put the replacement into effect by September 2003. However, this was not authorized by the Legislature so the issue will be considered as an amendment to the 2004 Florida Building Code.

Mr. Dixon addressed page 6, Voluntary Standards for Building Departments Accreditation stating a contractor had been selected and the project is underway to draft standards for building department accreditation. He stated it is anticipated that a product would be available before the end of the year to be included in the 2004 Report to the Florida Legislature.

Mr. Dixon directed the Commission then to page 7, the implementation of the Alternative Plans Review and Inspections, Private Plan Review and Inspection system which was adopted by the Legislature. He stated the law requires a report provided by the Commission concerning the implementation of the private inspection system. He continued stating it was recommended that the professional groups involved be contacted and asked to survey their members, develop testimony, and participate in a workshop scheduled in October to report their findings. He stated the Commission's report would then be based on the information gained at the workshop.

Commissioner Greiner suggested inviting to the workshop the committee who originally developed the private inspection system.

Commissioner Bassett asked if the cut-off date for submittal of amendments be extended to 8:00 am Monday morning rather than Friday.

Open discussion ensued resulting in the cut-off date being changed to Monday, April 18, 2004 at 8:00 am.

Commissioner Calpini moved approval of the workplan as amended. Commissioner Lipka seconded the motion. Vote to approve the motion was unanimous. Motion carried.

CHAIR'S DISCUSSION ISSUES AND RECOMMENDATIONS

Chairman D'Andrea stated the first item for discussion concerns a new contract with the ICC for the 2004 Florida Building Code to cover pricing and other issues. He then directed the Commission to Mark Johnson, a representative of the International Code Council.

Mark Johnson, Vice President of Publishing/Product Development for the International Code Council

Mr. Johnson stated the International Code Council was the result of a consolidation of three regional code groups; i.e., BOCA, Building Officials and Code Administrators International, SBCCI, Southern Building Code Congress International, and ICBO, International Conference of Building Officials. He continued stating ICC offers a staff of 360 with a national presence and 11 resource centers as well as 3 regional offices and their headquarters. Mr. Johnson stated the 2003 International Codes were released in February 2003 and are the most technically up-to-date available resulting from years of scrutiny and application. He noted the advantages of the 2003 codes as referencing the latest design and industry standards. He stated the codes are a family of codes correlated and compatible allowing for innovative uses of new materials and methods of construction through the Alternate Materials and Methods of Construction provisions. Mr. Johnson continued stating the International Building Code is used in 45 states with approximately 20 states adopting the code at the state level.

Mr. Johnson further stated the International Code Council has a membership that is more than 50,000 and is composed of code officials, designers, contractors, and other industry representatives. He stated there are more than 100 chapters supporting the adoption and efforts of the International Codes. He assured the Commission ICC is responsive to the needs of state and local government.

Chairman D'Andrea opened for Commission clarifying questions and directed the Commission to Mr. Blair for direction through the discussion.

Mr. Blair explained only clarifying questions and public comment would be received during this portion of the meeting. He stated opinions and discussion would be received during the August meeting where additional public comment would be invited as well.

Mr. Richmond asked whether the International Code Council intended to proceed with another test case on the copyright issue.

Mr. Johnson replied the Supreme Court has chosen not to hear the case. He stated the 5th Circuit Court's decision will stand.

Commissioner Greiner asked which 8 states Mr. Johnson was specifically involved with in terms of assisting with customizing state specific codes.

Mr. Johnson responded stating he is currently involved with the states of New York, Ohio, Arkansas, Minnesota, Oregon, Indiana, North Carolina, and Georgia.

Commissioner Bassett asked whether Mr. Johnson had begun using the Florida Building Code in the building inspector training courses in Florida.

Mr. Johnson replied training courses based on the Florida Building Code have been developed and offered.

Commissioner Bassett countered it was his understanding individuals studying for the course were required to study the ICC Code.

Mr. McMann approached to respond to Commissioner Bassett's question stating the training courses would be a function of the Building Code Administrator's Inspection Board. He stated there was recently a request to enter rule making for the development of a course and test on the Florida Codes which was defeated.

Commissioner Marshall asked Mr. Johnson how training and code interpretations at the local level are managed.

Mr. Johnson responded stating currently code interpretations are provided for the base documents. He continued stating interpretations based on state or local provisions remain in the state and local jurisdictions. He added interpretations are provided to ICC members free of charge via telephone, email, and in writing. Mr. Johnson then addressed the training issue stating ICC works with state and local entities to develop state specific and local training as needed.

Chairman D'Andrea interjected a comment stating throughout the states, ICC works with the state chapters and provide a free training day for those chapters. He continued stating the state of Florida's local chapters participate in the free training day in addition to coordinating with fellow chapters in order to provide training for all interested parties.

Commissioner Marshall offered comment stating one of the complaints received recently was local interpretations differ in adjacent communities.

Commissioner Browdy asked for clarification in terms of the term custom codes and how state specific issues are incorporated into the model code. He also requested information regarding how the ICC works with state promulgating agencies such as the Florida Building Commission to create custom codes.

Mr. Johnson responded stating there are two forms of custom codes. He stated some custom codes are a complete integrated document as well as a base document

which has replacement or amendment pages integrated into the document. Mr. Johnson added the preferred document currently is a fully integrated, complete, custom document. Commissioner Marshall asked if cost had been considered.

Mr. Blair then called for public comment regarding the printing and distribution of the Florida Building Code.

Ralph Hughes, Florida Engineer's Construction Products Corporation, Tampa

Mr. Hughes offered comment stating it is inherently wrong for any entity to have the exclusive right to publish, sell, and profit from a legal document that must be purchased by public and private entities. He stated he appreciated the courts taking action which was in agreement with that policy. Mr. Hughes suggested the publishing and sale of code publications be opened for all entities deemed qualified to provide the service. He continued stating he was certain members of the Commission would have no objection to directing staff to develop a recommendation for opening the bid process. He further stated there is reason to believe there would be a savings of approximately \$1 million to the user.

Commissioner Lipka asked if competitive bidding had been considered during the process of code development.

Mr. Richmond replied it had most likely been a sole source contract in the past.

Commissioner Lipka then suggested it may behoove the Commission to entertain competitive bidding for the publishing and sale of the Code. He then expressed opposition to the sole sourcing for such.

EXPLANATION, DISCUSSION AND PUBLIC COMMENT ON 2004 FBC UPDATE

Chairman D'Andrea stated current plans call for adopted Code amendments and updates to be effective on July 1, 2004. He stated the TACs had been tasked with completing their review and recommendations of the amendments and Code updates by the June TAC meetings which was designed to allow for the 45-day posting requirement necessary for Commission review and decision during the August meeting. He added some of the TACs were unable to complete their reviews by the June deadline which results in the Commission not being able to consider the amendments during the August meeting. Chairman D'Andrea then stated the June 1, 2004 deadline could still technically be met by holding an additional Commission meeting in September, which would create budget constraints as well as strain the volunteer participants. He stressed the importance of the Code implementation date and explained how the July 1 date had been reached. He then suggested to the Commission selection of an implementation date which would be the most desirable from several perspectives.

Chairman D'Andrea stated a January 1, 2005 implementation date works well with the business cycle in light of December being a slower month for the construction industry. He stated it would as well provide a smooth transition period for Code changes to go into effect. He noted January 1 is also a logical date since it coincides with the calendar year under which most businesses operate. He added January would additionally allow extra time for printing, distributing, and training for approved Code changes and updates. Chairman D'Andrea then addressed the disadvantage of a January 1 date which would result in taking longer to catch up with the current editions of the model code updates and the national consensus standards development cycle.

Mr. Blair opened for Commission clarifying questions and then public comment.

Commissioner Bassett asked if the January date was selected would every effort be made to complete the cycle just as if the July date were still in effect.

Mr. Dixon responded stating January had been recommended by staff. He stressed the importance of the Code book being available for a sufficient amount of time for training on the amendments and updates before the 2004 edition goes into effect.

Commissioner Marshall asked what would be necessary to remain on track with the current Code implementation cycle.

Mr. Dixon replied stating currently the Florida Building Code is two editions behind the model codes on which it is based. He stated the Commission had previously discussed a target date for implementation of the 2004 Code and how to re-synchronize with changes to national model codes. He then stated staff's recommendation at that time was to implement the 2004 edition on January 1, 2004 so the Florida code would be roughly one year behind the model codes. Mr. Dixon further stated the date selected by the Commission, July 1, 2004, is roughly 18 months following the adoption of the 2003 model codes. He then recommended the Commission complete the resynchronization by scheduling the development of the 2007 edition of the Florida Building Code and implementing it within a time frame which will be not more than one year out of date with the national model codes. Mr. Dixon stressed the importance of keeping up to date with the national model codes to prevent companies, associations, and organizations from petitioning in Florida to have their standards updated on an annual basis creating inefficiencies for the manufacturers who have more than one state to lobby for standards to be updated.

Commissioner Sanidas offered comment stating some states adopt the current code and some states do not. He stated the idea of regularly updating is to allow industry the opportunity to reformat their procedures according to the updates that become available. Commissioner Sanidas continued stating other states do not conduct annual updates, rather, they adopt the model codes and evaluate the process as it develops.

Mr. Blair then called for public comment.

Dennis Braddy, Fenestration Manufacturer's Association

Mr. Braddy asked if October 1st was an option for the 2004 implementation date.

Mr. Dixon replied stating the Commission had decided previously on either July or January as the most appropriate dates for implementation of future updates and interim amendments. He stated the processes have since been conformed to satisfy those dates with all interested industry representatives knowing July 1 or January 1 of each year would be the time to expect changes or amendments to the Florida Building Code.

Mr. Braddy then asked if an option for an additional Commission meeting would be available.

Mr. Dixon responded stating there are budget constraints to consider. He suggested the meeting adjustments would best be made by canceling a meeting then rescheduling for a different time, keeping in mind ongoing business such as declaratory statement and accessibility waiver decisions would be delayed by moving a meeting. He added moving a meeting time would also impact the predictability and the repetitiveness being developed through the proposed schedule for the process of amendments to the Code.

Len Tilka, Secretary, Florida Home Builder's Association

Mr. Tilka offered his background information stating he was one of the original 27 commissioners from the governor's Building Code Study Commission and has been involved in the process for near 8 years. He stated he is also a registered professional engineer as well as a certified general contractor which provides him perspective from both points of view. Mr. Tilka offered comment regarding going forward with the process. He stated the job of the Commission and all involved is a very technical job then offered support for adopting the International Codes as a base code. He continued stating he has been involved in the adoption process through the National Association of Home Builders for which he serves on the Codes and Standards Committee. He noted through the process of development of the International Code, many code organizations and other groups were brought together to create consistency which is imperative for education and training. He further stated inconsistencies between jurisdictions in interpretations and education is significant in Florida. Mr. Tilka stressed the advantage of adopting the International Code stating there is a group of individuals involved in the code development process hundreds of times larger than the Florida Building Commission as well as the expertise and efficiency in the process by which they can move forward.

Jeffrey Stone, American Forest and Paper Association

Mr. Stone stated his organization is one of the major standards writing organizations in the U.S. in terms of wood construction. He stated there had been problems in the Southeast when states delayed adopting the latest version of the I-Codes resulting in delays in updating the standards. He encouraged the Commission to make

the process as timely as possible and as close to the IBC schedule in order to make available the most up-to-date standards.

Roland Temple, Velux America

Mr. Temple offered comment regarding the October date. He asked if it would be possible to use October just for the current year in order to get closer to the July date schedule.

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

Mr. Spooner stated it is the position of his association that the Florida Building Commission should not be in the code promulgating business, as presented in two documents from 1997 and 2000. He continued stating there are local Florida amendments which need to be considered but the base code should be a national code. Mr. Spooner noted the state's effort in code development is falling behind and will continue to do so as long as it continues to attempt code development on its own.

Lorraine Ross, Florida Building Code Alliance

Ms. Ross explained the Florida Building Code Alliance is an Ad Hoc group representing a number of product trade associations including the Alliance for the Polyurethane Industry, the Asphalt Roofing Manufacturer's Association, EIFS Industry Manufacturer's Association, Poly-ISO Insulation Manufacturer's Association, the Roof Coatings Manufacturer's Association, SPRI (Single Ply Roofing and Accessories Associations and others involved in residential and commercial construction in the state of Florida. (See *Florida Building Code Alliance* handout dated July 15, 2003 addressed to Raul Rodriguez, Chair.) She offered strong support for the 2004 Florida Building Code being based on the 2003 family of I-Codes.

Joe Crum, Building Official, City of Port Orange, Representing the Central Florida Chapter of BOAF ICC, Volusia County Chapter of BOAF ICC, Volusia County Unified Code Committee

Mr. Crum offered support for the adoption of the 2003 family of International Codes as a Florida base code for the 2004 version of the Florida Building Code. He expressed hope for getting on schedule with the 18-month cycle of the ICC then to involve the TAC members in the Code change process of the ICC code changes. He continued stating adopting the International codes could assist with the inconsistency in interpretations resulting from the ICC committees performing interpretations for the International codes.

Larry Schneider, Representing AIA of Florida

Mr. Schneider stated the architectural community strongly supports the 2003 family of International codes as the base document. He continued stating it would be beneficial for the design community and the building industry as a whole to work with just one

document as the base. Mr. Schneider further stated the International codes as a base promulgates information from all areas on a national basis of issues. He then stressed the importance of maintaining the current standards available.

Ralph Hughes, Florida Engineering and Construction Products, Tampa

Mr. Hughes offered comment stating only the special interest groups know the reasons why there would be an advantage to adopting the International codes as a base code. He expressed frustration with understanding why adopting the International codes as the base code is different from using the Florida Building Code being as a base code, which the state Legislature voted into effect, and incorporating into it any necessary sections from the International codes. Mr. Hughes encouraged the use of the Florida Building Code as a base code. He explained he had been a member of SBCCI for many years and participated in the code change process every year and the decision-makers of those entities are no more capable than the members of the Florida Building Commission.

Douglas Buck, Florida Home Builder's Association

Mr. Buck stated the adoption of the family of International Codes as the base code document would be the timeliest action for the Commission to take because of the existing training, education, and industry awareness. He stated further modifications or alterations to the codes takes a longer period of time and will be more expensive for developing the education and training as well as printing. Mr. Buck continued stating the timelines and the documents to be produced are not separate issues.

Mike Fisher, National Sunroom Association and the Window & Door Manufacturer's Association

Mr. Fisher stated the issue before the Commission is related to standards development and code development processes which makes it difficult for manufacturers to follow in order to make decisions for testing and product development. He urged the Commission to adopt the next cycle of codes as soon as possible. He then addressed the International code adoption issue stating the work of the ICC involves considerable expense for the construction industry. He stated the expenses effect the Code adoption date and the citizens of the state of Florida. He urged the Commission to look beyond the state of Florida and find a way to streamline the code adoption process as well as the standards adoption process. Mr. Fisher recognized the TACs and expressed appreciation specifically to the Structural TAC for adding an additional meeting to accommodate the schedule.

Mr. Blair posed to the Commission "what should be the implementation date be for adoption of the 2004 FBC update and the state and local amendment process?"

Commissioner Greiner asked how many days off the schedule are interfering with the July 1 date.

Mr. Dixon replied stating it was approximately one month behind.

Chairman D'Andrea offered clarification stating the task for the Commission is to select a date that will work best for the code adoption process.

Commissioner Lipka offered comment stating the Commission is bound by staff's ability to prepare the necessary materials. He offered support for staff's recommendation concerning selecting a date for the 2004 update.

Mr. Blair conducted a non-binding straw poll concerning the three options for the adoption of the 2004 FBC update. He listed the options as follows: 1) to support the current schedule which would require an additional Commission meeting involving budget constraints and stressing staff and volunteer resources; 2) to select a January 1, 2005 date which was staff's recommendation; or 3) to select an October date which would be the next possible dates outside the January or July dates.

Commissioner Kim asked if it would be an option to move the October meeting ahead one month to meet the timeline for the July implementation.

Mr. Dixon responded stating there is an October rule development workshop and November rule adoption hearing which would remain with the January implementation date.

Commissioner Bassett offered support for the January deadline stating it would be unlikely to complete the process without a challenge. He then moved approval of the January date with every effort to stay on track to meet the current schedule as closely as possible. Commissioner Lipka seconded the motion.

Commissioner Parrino directed to staff the question of why the October 2004 date would not work.

Mr. Dixon responded October could be selected. He explained the staff recommendation for January is based on the Commission's discussion at an earlier meeting in which the Commission decided January or July would be the best dates to create consistency and predictability of code change implementation for the industry and the public.

Mr. Blair called for a vote on the motion to approve the January date and stay on the current schedule as closely as possible. Vote resulted in 12 in favor and 6 opposed. Motion failed.

Mr. Madani offered comment stating the date for implementation of the 2004 code updates should be based on Commission action during the August meeting in terms of

proposed code changes from the International Building Code and how they will be integrated. He recommended deferring the Commission action regarding the date until the August meeting.

Commissioner Lipka moved approval to defer Commission action on the issue until the August meeting. Commissioner Parrino seconded the motion. Vote to approve the motion was unanimous. Motion carried.

**RULE ADOPTION HEARING ON NOTICE OF PROPOSED CHANGES TO
RULE CHAPTER 9B-72**

Chairman D'Andrea directed the Commission to Mr. Richmond for the rule adoption hearing process.

Mr. Richmond explained a Notice of Proposed Change had been published. He then opened for public comment.

Terry Mullin, Thermatru Door Corporation

Mr. Mullin expressed opposition to the proposed change to Rule 9B-72 to certify pre-hung door shops throughout Florida. He stated the proposed changes would result in additional costs to customers and to the manufacturers. He then distributed an engineer's certificate describing how the door unit was constructed as well as the design pressures and tests which have been performed on the door. (See *R W Building Consultants, Inc. Engineer's Notice of Evaluation #PSO-202F Attachment.*)

Lorraine Ross, Florida Building Code Alliance

Ms. Ross offered comment concerning the Product Approval Rule. She expressed concern that the regulatory costs for the product approval program had not yet been revealed. She stressed the importance of knowing what the impact will be to the product manufacturers. (See *Florida Building Code Alliance* handout dated July 15, 2003 addressed to Jim Richmond.)

Ralph Hughes, Florida Engineer's Construction Products Corporation, Tampa

Mr. Hughes offered comment stating the cost benefit of the product approval system is tremendous. He stated product manufacturers can now be approved statewide by submitting information stating that the product being manufactured meets the requirements of the Florida Building Code. Mr. Hughes explained the information would include performance tests, rational design analysis, or a quality assurance program. He stated there are entities using evaluation reports which are merely opinions leaving the approval of the product in the local jurisdiction. He then stated the problems experienced

after *Andrew* resulted from inferior workmanship and inadequate enforcement of the Code. He further stated there were no failures caused by Hurricane Andrew where the Code that was in existence at that time was followed and enforced. Mr. Hughes continued stating with the product approval system in place now there will be no doubt that a product approved in its category, it will meet the requirements of the Florida Building Code at minimum expense and maximum benefit.

Doug Buck, Florida Home Builder's Association

Mr. Buck concurred with Mr. Hughes stating no products failed from *Andrew*, rather inferior construction and poor inspections. He stated the system by which the Florida Building Commission was created was education and increased enforcement. He then suggested the Commission should be seeking the least regulatory and costly product approval system for the manufacturers.

Phil Acres, Jeldwin

Mr. Acres stated his company has spent near \$1 million for product testing to sell their products in the state of Florida. He addressed the issue of the doors his company manufacturers stating the cost imposed on the customers due to the third party certification inspections should not have to be implemented.

Jaime Gaston, Miami-Dade County Product Control Division

Mr. Gaston offered comment concerning a validation step be maintained through the process when the statewide product approval system is implemented. He stated evaluation reports requires a more thorough analysis for quality assurance and product identification purposes.

Dennis Braddy, FMA

Mr. Braddy addressed two issues stating the costs resulting from the product approval system have not been adequately defined. He then stated the option of using the certification bodies and the listings currently accepted nationwide are still available to eliminate the bureaucracy being established by the product approval system. He expressed support for the product approval system however using national groups which are already established and have been approved by the Commission.

Mr. Richmond advised the Commission that technical changes had been recommended by the Joint Administrative Procedures Committee. He explained most of the changes were punctuation changes and changing plurals to singulars which will require a Notice of Technical Change be published.

Commissioner Lipka stated comments were made indicating no product failure rather incorrect installation. He explained incorrect installation is product failure and the Commission is attempting to avoid those failures by implementing the statewide system.

Commissioner Parrino stated there is currently a Product Approval Rule in effect and this rule is an update to that rule.

Mr. Richmond responded stating the current series of changes has lowered the cost to manufacturers of the product approval system significantly. He then offered clarification regarding the cost issue. Mr. Richmond stated neither the Commission nor the Department of Community Affairs had received a request for a Statement of Estimated Regulatory Costs with regard to the Product Approval Rule which would trigger the Commission to conduct an accounting analysis.

Commissioner Browdy expressed concern regarding the Product Approval Rule as it currently exists. He stated the Commission had worked very hard to create a unified building code while incorporating current national standards while also addressing local jurisdictional issues. He continued stating the Commission had been very specific regarding local requirements which may exceed the promulgated code to keep the Florida Building Code uniformly enforced throughout the state. Commissioner Browdy explained statewide uniform enforcement includes product approval. He then stated preferential or inconsistent treatment of a particular product or manufacturer creates unfair competition posing a disservice to contractors who are using approved products which meet all the requirements. He offered comment stating the Product Approval Rule precludes a manufacturer from appearing before the Commission seeking a binding opinion on product compliance. Commissioner Browdy further stated the rule should be changed to allow a product manufacturer to appear before the Commission for a binding opinion for use in a local jurisdiction.

Mr. Richmond responded stating all products are subject to product approval by a local building official or the optional state system as defined in the rule, rather than the rule itself.

Chairman D'Andrea then opened for a motion to conclude the hearing for Rule 9B-72 by publication of a Notice of Technical Change integrating the JAPC comments and filing a rule. A motion was entered. The motion was seconded. Vote to approve the motion resulted in 15 in favor and 1 opposed.

CONSIDERATION OF ACCESSIBILITY WAIVER APPLICATIONS

Mr. Long stated there were 10 requests for waiver all of which pertained to vertical accessibility. He then presented each request for waiver in the order they appeared in each Commissioner's packet.

Mr. Long stated there were 2 withdrawals:

#1 Holme, Newman & Associates

Withdrawn

#8 Congo River Golf

Withdrawn

Note: Withdrawn following the Council's recommendation.

Mr. Long then stated there were 4 deferrals:

#2 Econo Lodge

Deferred

Note: Second deferral. Application will be denied if no representative appears for the next review.

#5 816 Commerce Street Building

Deferred

#6 Dazzle Nightclub

Deferred

Note: Will be submitting a new application.

Mr. Long addressed 3 waiver requests which the Council voted to recommend approval:

#3 LeDash Terrace, Orlando

Mr. Long stated the Council recommended approval of the request for waiver. Commissioner Browdy moved approval of the Council's recommendation to approve the waiver. Commissioner Richardson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Long noted the recommendation imposed a condition that within 4 years the applicant would provide accessibility.

Commissioner Browdy entered a motion to reconsider. Commissioner Richardson seconded the motion. Vote to approve the motion was unanimous. Motion to reconsider carried.

Commissioner Browdy moved approval of the Council's recommendation to approve the waiver subject to the condition therein. Commissioner Richardson seconded the motion. Motion carried.

#7

Mr. Long stated the Council recommended approval of the request for waiver. He stated the Council divided the application into 2 parts. The first part pertains to a classroom of 109 seats. Mr. Long stated the Council recommended approval of the request for waiver. He continued stating the second part concerns 3 classrooms for which the Council requested a better distribution of the seating plan which the applicant agreed to revise and resubmit.

Commissioner Bassett requested further explanation of the modifications to be made to the seating plan.

Mr. Long responded stating the original plans positioned all the accessible seating on the lower level on a slant and the revised plans reflected the Council's request that the floor be level and the seating distribution be positioned throughout.

Mr. Dennis added the applicant indicated there may be further revision which will negate the requirements for a waiver.

Chairman D'Andrea offered clarification stating there was no Commission action needed at this time.

#4 First Guarantee

Mr. Long stated the Council recommended approval with conditions that the applicant provide accessibility within 4 years including installation of an elevator.

Steve Pfifer, Attorney Representing Applicant

Mr. Pfifer stated he agreed to the condition to provide accessibility to the second floor within 4 years. He explained the project will undertake another phase of construction in approximately 3 years. Mr. Pfifer then stated there may be conditions

involving litigation which may prevent the applicant from beginning the second phase of renovation as soon as they would like. He requested the condition be modified to provide vertical accessibility in connection with phase 3 of the renovation project rather than within 4 years.

Mr. Long responded the Council had provided the condition of installing an elevator within 4 years as well as providing accessibility to the break room.

Mr. Pfifer stated the break room would be made accessible in the current phase of renovation.

Commissioner Richardson moved approval to grant the waiver with the condition that the elevator be installed in conjunction with phase 3 of the renovation and accessibility be provided for the break room in conjunction with the current renovation. Commissioner Corn seconded the motion.

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

#10 Garden of Eden Lounge

Mr. Long stated the Council recommended approval of the waiver with the condition that the DJ booth and the dance floor be made accessible within a 3 year period of time.

Derek Junor, Owner

Mr. – appealed to the Commission regarding the DJ booth and the dance floor stating the booth is designed for the occupancy of only 1 person to spin the CD's and to project a light show onto a stage. He stated the cost of providing a lift to the booth is prohibitive. He continued stating the stage area is approximately 28 inches from the floor. He explained it would be unrealistic for an individual in a wheelchair to dance on the stage.

Mr. Long responded stating there was a note from the local building official stating the applicant removed a ramp which made the staging area accessible. He continued stating the ramp was removed without a permit. Mr. Long then stated the DJ booth was positioned with adequate space for providing a lift or a ramp to which the applicant had agreed that a person with disabilities could be employed to work from the booth.

Commissioner Richardson moved approval of the Council's recommendation to approve the waiver with the condition that the DJ booth and the dance floor be made accessible within 3 years. Commissioner Corn seconded the motion.

Commissioner Bassett asked if the applicant had agreed to the Council's conditions.

Mr. Junor stated there was no other option than to concur.

Commissioner Browdy asked how enforcement would be implemented in 3 years to ensure compliance.

Mr. Dennis responded a copy of the waiver order is supplied to the local building official. He stated enforcement would be up to the local jurisdiction.

Mr. Long interjected the lounge was located in his neighborhood and he would personally inspect the building for compliance.

Chairman D'Andrea offered comment stating the City of Tampa would submit a special investigation permit with an inspection date in three years which would then appear on an inspector's route sheet.

Commissioner Greiner stated tracking in Lake County is performed through a database by property. He explained a note would be entered on the database requiring an inspection of that property in three years.

Commissioner Browdy suggested granting the waiver with a termination or expiration date in three years rather than exempt an applicant for a period of time.

Commissioner Sanidas offered comment stating the issue should be resolved now or it will go on and on.

Commissioner Greiner concurred with Commissioner Browdy stating asking what would be the option if in 3 years from now the applicant is not in compliance.

Mr. Long stated the Council had inquired about enforcement of conditions relating to waivers and it remains unclear with what authority the enforcement lies.

Mr. Dennis stated compliance becomes a local enforcement issue.

Mr. Richmond stated the CO becomes a conditional Certificate of Occupancy.

Commissioner Corn requested staff provide the proper language for the condition provide guidance for local authorities to enforce compliance.

Chairman D'Andrea called for a vote on the motion. Vote to approve the motion resulted in 12 in favor and 4 opposed. Motion carried.

#9 The Marana Grande / The Townhouses

Mr. Long stated the Council recommended granting the waiver based on structural infeasibility.

Robert Fine, Representing Applicant

Mr. Fine stated the applicant is in agreement with the recommendation of the Council.

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

Chairman D'Andrea expressed appreciation for the Accessibility Waiver Council's hard work on the applications for waiver.

BREAK

Chairman D'Andrea called a 10-minute break at 11:15 a.m.

LEGAL REPORTS:

Mr. Richmond advised the Commission of two Challenges to Local Amendments. He stated the Volusia County challenge would require Commission action and advised the Commissioners of reference material they should have received in the mail. Mr. Richmond addressed one correction to the memo leading the material stating the deadline for filing Exceptions is July 15th rather than July 14th. He then briefly reviewed the procedure which each case required and directed the Commission to the last page of the package which was a Recommended Order from the Administrative Law Judge. He noted the Recommended Order was composed of two parts; i.e., Conclusions of Law and Findings of Fact. Mr. Richmond addressed the Findings of Fact stating the Commission is authorized to amend the findings if there is no substantial evidence on the record to support the finding. He then addressed Conclusions of Law stating the Commission has substantive jurisdiction over the provision of law allowing it to deviate from the conclusion if the interpretation is found to be more reasonable than that entered by the Administrative Law Judge.

Commissioner Browdy requested clarification regarding the Administrative Law Judge's reasoning concerning the Florida Home Builder's Association not having standing to challenge amendments in Volusia County as an effected party.

Mr. Richmond responded stating the Administrative Law Judge looked at the membership count for the Florida Home Builder's Association compared to the number of home builders holding business addresses in Volusia County, finding the percentage was

too low to constitute a substantial effect. He continued stating the rationale was unclear but the standing was an issue outside of the substantive jurisdiction of the Commission.

Commissioner Greiner stated the case additionally involved the number of electrical contractors in the Home Builder's Association and whether they held licenses. He offered further comment stating an effected party is an effected party regardless of what type of contractor was involved.

Commissioner Browdy added comment stating in terms of local amendments individuals should have the right to be represented by their trade associations avoiding individual contractors dealing with a statewide issue. He expressed disappointment that the Florida Home Builder's Association did not received standing concerning this issue.

Mr. Richmond responded stating the local associations were involved as well as an individual petitioner.

Commissioner Bassett requested clarification regarding the challenge and the action requested by the Commission.

Mr. Richmond responded stating the judge was in the process of reviewing amendments to the Electrical portion of the Florida Building Code with provisions addressing wiring in terms of its location over swimming pools, the use of aluminum wiring and connectors, the requirement for plastic conduit in pool equipment rooms, the use of electrical metal tube for the connection to utilities, all based on two proported justifications submitted by City of Port Orange and South Daytona. He explained the crux of the order is in the Administrative Law Judge's interpretation of local need criteria for local amendments to the Florida Building Code, which is addressed in the Final Order on pages 4 and 5. Mr. Richmond further stated the Administrative Law Judge found that such justifications could not be regional or applicable throughout the state, rather conditions that were more local in nature.

Commissioner McCombs moved approval of the administrative law judge's ruling. Commissioner Corn seconded the motion. Vote to approve the motion was unanimous.

Mr. Richmond then stated a second challenge to amendments adopted by the Broward County Board of Rules and Appeals had been filed. He stated the Recommended Order by the Administrative Law Judge was included in each Commissioner's packet. He advised commissioners that additional time is required for responses to the recommended ord so this cannot be resolved today and then opened discussion on a time frame for a telephone conference during the first week of August.

Commissioner Lipka moved approval for scheduling the conference call the first week of October. Commissioner Calpini seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Chairman D'Andrea directed the Commission to Mr. Blair for a review of the declaratory statement process.

Mr. Blair conducted a review of the Commission's declaratory statement process as approved by the Commission.

Petitions for Declaratory Statement:

Second Hearings-

DCA03-DEC-005 by Edward Riley, Collier County Fire Control

Mr. Richmond reminded the Commission the petitioner had submitted a lengthy list of questions several pertaining to the Uniform Fire Safety Standards and the Florida Fire Prevention Code. He stated the Commission has no jurisdiction to answer the questions pertaining to the entities and the questions had been deferred then dismissed by the petitioner. Mr. Richmond then stated the petitioner referred to Sections 423.1 and 423.8.1 asking whether those sections of the Florida Building Code require compliance with the Uniform Fire Safety Standards in addition to the Florida Building Code. He stated the answer would be yes with no interpretation involved.

Mr. Richmond then addressed the second question stating it concerned cooking on residential ranges in schools and whether it constitutes a single family use. He stated the petitioner referenced residential cooking ranges in a child care classroom in a facility lounge. Mr. Richmond stated the spaces are permitted within the building code to utilize residential hoods if vented to the outside pursuant to Section 423.15.3 of the Code.

Chairman D'Andrea called for public comment. No one approached for public comment.

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

DCA03-DEC-078 by Vince La Porta, County of Charlotte

Mr. Richmond stated the petition referred to homes located within 1,500 feet of the mean high tide line in an area where there is no coastal construction control line defined. He stated the petitioner asked whether the subject areas can be classified as Exposure category C pursuant to Section 1606.1.8 of the Florida Building Code building volume. He stated Section 1606.1.8 defines Exposure category C as that area which lies within 1,500 of the coastal construction control line or within 1,500 feet of the mean high tide line, whichever is less. Mr. Richmond explained there is only one of the lines in this

particular situation as well as the evidence submitted to the TAC was that the surrounding terrain is most consistent with category C and inconsistent with the other categories described in the Code. He then stated Exposure category C can apply to the sites identified by the petitioner.

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

DCA03-DEC-086 by Robert LoPiano, United Fire Spray

Mr. Richmond stated the petition referred to a product called "FlameBar BW 11" fire rated duct work system and has been submitted to the Commission for approval as an alternative means of construction with regard to the requirements of Section 705.2.3 and 705.6 of the Florida Building Code. He explained the issue cannot be considered via declaratory statement and recommended dismissal.

Commissioner Bassett moved approval to dismiss DCA03-DEC-086. Commissioner Lipka seconded the motion. Vote to approve the motion was unanimous. Motion carried.

DCA03-DEC-091 by Paul A. Zilio, Bliss & Nitray, Inc.

Mr. Richmond stated the petition pertains to the design of masonry walls within the High Velocity Hurricane Zone pursuant to the Florida Building Code and whether the use of an allowable stress increase is permissible pursuant to Section 1621.1 of the building volume of the Florida Building Code. He stated he had itemized the conclusions resulting in the use of an allowable stress increase of one third when designing masonry walls on a project located in the high velocity hurricane zone is proper provided that load reduction of ASCE7-98 Section 2.4.3 is not applied.

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

First Hearings

DCA03-DEC-106 by Ricco Longo of Collier County

Mr. Richmond stated the petitioner requested a declaratory statement clarifying 423.7.7 specifically the circumstances that will permit the omission of smoke or heat detectors in rooms or spaces as outlined in 423.7.7. He stated the first question pertained to the authority of the Department of Education to render a formal interpretation regarding the requirements of 423.7.7 which is outside the criteria for declaratory

statements. Mr. Richmond explained the answer to the second question is that the Commission has no authority to interpret the Uniform Fire Safety Standards with the third question asking who has sole purview in the matter. He stated the answer is the Commission has authority to render a declaratory statement on the Code and that the Fire Marshall has the authority to render declaratory statements on the Fire Prevention Code. Mr. Richmond stated the fourth question asked whether all new schools permitted through a local building department and whose plans submittals to the local government code enforcement offices and the fire code official's office reviewed and complied with the requirements of the Florida Building Code Section 423.7.7. He stated the recommended response is that the question is general and falls outside the declaratory statement criteria.

Mr. Richmond continued stating the next question asked if there are any code standards, references or sections that permit the requirement for the automatic detector devices outlined in Section 423.7.7 to be omitted under any circumstances. He then stated the answer is the jurisdictional authority would be the building official for the school board who would have the authority under Section 103.7, Alternate Materials and Methods, to approve alternate materials and methods to the specific requirements of Section 423.7.7 if it has equivalent or greater quality, strength, effectiveness, fire resistance, durability, and safety. Mr. Richmond stated the answer is specific to the proposed project as depicted in the petition.

Mr. Richmond addressed question 6 stating it asks if the intent of 423.7.7 to require an engineer to comply with the applicable sections of NFPA 72 in determining which type of automatic detector, smoke detector or heat detector, would be appropriate for the type of room required to be protected under 423.7.7. He explained the answer is no with 423.7.7 providing for the type of automatic detectors to be used in unoccupied rooms and concealed spaces in question, however installation of such detectors must be in accordance with NFPA 72.

Mr. Richmond stated question 7 asks if once the choice of automatic detector, smoke detector or heat detector, as required and permitted by 423.7.7 is made by the engineer for a particular room or hazard, can either the smoke detector or heat detector be omitted if that particular room has a sprinkler head. He then stated the response is particular to the project referring the authority holding jurisdiction to 103.7, Alternate Materials and Methods, allowing that authority to approve any alternate material or method that is equivalent to or greater in quality, strength, effectiveness, fire resistance, durability, and safety. Mr. Richmond then explained that in this case a sprinkler head may be used as an alternative to either the smoke detector or the heat detector as substantiated to be equal in performance as per Section 103.7. He added caution stating the answer merely states it "can" be, leaving final authority with the local building official.

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

Mr. Madani offered clarification stating the recommendation was from staff. The motion was modified to reflect staff recommendation.

DCA03-DEC-128 by Joe Vincenti of Koolduct Inc.

Mr. Richmond stated the request pertains to approval of a product, Koolduct, that is seeking approval by the Commission. He explained the Commission is legally constrained from approving products through the declaratory statement process and recommended the petition be dismissed.

Commissioner Browdy moved approval to dismiss the declaratory statement. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

DCA03-DEC-131 by Alfonso Fernandez-Fraga of Initial Engineer

Mr. Richmond stated the declaratory statement was deferred at the request of the petitioner.

Deferred; no action required.

DCA03-DEC-132 by Mike Deegan of Clearwater Gas System

Mr. Richmond stated the issue was deferred to a local appeals board due to the petition pertaining to a fire code issue rather than a building code issue.

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

DCA03-DEC-133 by C. R. Willis

Mr. Richmond stated the petitioner asked the question if the authority having jurisdiction require a dry-in and flashing inspection leaving the interior of the residence unprotected for another 24 hours. He stated the recommended answer was yes, the inspections are required by the Florida Building Code under Section 105.6 and the building official is the authority to determine the time and sequence of the inspections. Mr. Richmond then stated Section 104.3.2 allow for other alternatives for demonstrating compliance with the Code.

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

DCA03-DEC-134 by Tim Krebs of T. A. Krebs Architect, Inc.

Mr. Richmond stated the petitioner asked the question whether the 36-inch minimum guard rail height is applicable for the lanai as described in the petition. He stated the TAC recommendation was Section 1026.5.1 allows guardrails within and outside one and two-family dwellings and within individual dwelling units to be a minimum of 36-inches in height. He continued stating guardrails on the outside; i.e., balconies, lanais, decks, walkways, of buildings containing individual dwelling units must be at least 42-inches high as required by Section 1015 or other applicable sections of the Code. Mr. Richmond therefore concluded the answer to the petitioner's question is no, a 42-inch minimum guardrail height is required which is consistent with BOAF's advisory opinion report #2139.

Chairman D'Andrea offered clarification regarding the TAC meeting where there was no quorum stating the sense of the TAC members who were present was to approve the staff recommendation. He then stated the motion on the declaratory statement would pertain to staff's recommendation.

Commissioner Corn moved approval of staff's recommendation. Commissioner Parrino seconded the motion. Vote to approve the motion was unanimous. Motion carried.

DCA03-DEC-138 by Joe Schubiger of Charlotte County

Mr. Richmond stated the petitioner asked if the requirements set forth in the Florida Building Code 1804.1.3 apply to aluminum structures as defined in two specific projects. He explained the answer is yes where both projects are concerned then stated the building official would be authorized to use alternate methods and materials as authorized by the Code.

Commissioner Parrino moved approval of the TAC recommendation. Commissioner /Lipka seconded the motion. Vote to approve the motion was unanimous. Motion carried.

DCA03-DEC-139 by James Scott of J. Scott Drafting

Mr. Richmond stated the recommendation was to defer the petition to the local appeals board.

Commissioner Lipka moved approval to defer. Commissioner Browdy seconded the motion. Vote to approve the motion was unanimous. Motion carried.

DCA03-DEC-173 by Superior Aluminum Insulation

Mr. Richmond called for a motion to dismiss for lack of a specific set of facts and circumstances.

Commissioner Lipka moved approval to dismiss. Commissioner Browdy seconded the motion. Vote to approve the motion was unanimous. Motion carried.

DCA03-DEC-179 by Wilson Window Glass and Mirror

Mr. Richmond stated the recommendation was to defer the petition to the local appeals board.

Commissioner Lipka moved approval to defer the declaratory statement. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Richmond offered clarification regarding TAB B-5 stating the alternatives for demonstrating compliance for the Code were pursuant to the equivalent language of Section 103.7.

COMMITTEE REPORTS AND RECOMMENDATIONS

Chairman D'Andrea stated the June TAC reports and recommendations will be posted on the website in approximately a week's time. He then reminded the Commission of the TAC report process.

Accessibility TAC

Commissioner Richardson reviewed the Accessibility TAC report and recommendations. (See *Accessibility TAC Report Attachment*.)

Commissioner Richardson stated the TAC had discussed the possibility of developing a Technical Assistance Guide and sought direction from legal in terms of the TAC's role in the development of the guide.

Mr. Richmond expressed concern regarding any item requiring Commission endorsement must be adopted by the rule process which carries with it stringent limitations. He explained if the TAC chooses to enact the guide by rule and it can be defended as a rule the development of the guide would fall under the Sunshine law as far as TAC participation is concerned.

Commissioner Browdy moved approval of the TAC report. Commissioner Calpini seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Education TAC

Commissioner Browdy presented the report of the Education TAC. (See *Education TAC Report Attachment*.)

Commissioner Browdy stated four applications had been approved as follows and entered a motion for approval for each:

Robert J. Koening, Approved as Accreditor

Commissioner Browdy entered a motion to approve Mr. Koening as an accreditor subject to the submittal of particular areas of expertise.

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

Tom Richey, Approved in Building, Structural, Accessibility, and Code Administration

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

James Enstis, Approved

Commissioner Browdy entered a motion to approve Mr. Enstis' application contingent upon applicant specifying areas qualified to accredit.

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

Robert S. Tannanbaum, Approved

Commissioner Browdy entered a motion to approve Mr. Tannanbaum's application contingent upon the applicant specifying the areas qualified to accredit.

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

Commissioner Browdy then presented the updated technical core courses for action by the Commission and entered in the form of a motion approval for each of the following:

Administrative Core Course Update

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

Building Structural Core Update

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

Building Fire Core Course

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

Commissioner Corn moved approval of the report. The motion was seconded. Vote to approve the motion was unanimous. Motion carried.

Fire TAC

Chairman D'Andrea stated there was no Fire TAC meeting due to a quorum not being present. (See *Electrical TAC Report Attachment*.)

Plumbing TAC

Commissioner Greiner presented the report and recommendations of the Plumbing TAC. (See *Plumbing TAC Report Attachment*.)

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

Mechanical TAC

Commissioner Bassett presented the report and recommendations of the Mechanical TAC. (See *Mechanical TAC Report Attachment*.)

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

Structural TAC

Commissioner Parrino presented the report and recommendations of the Structural TAC. (See *Structural TAC Report Attachment*.)

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

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

Commissioner Carson presented the report and recommendations of the PAPBMB POC meeting. (See *Product Approval / Prototype Buildings / Manufactured Buildings Programs Oversight Committee Minutes Attachment*.)

Commissioner Carson sought Commission action on the following recommendations in the form of a motion to approve each:

Recommendation to Accept the Following Information from ARA Letter dated June 6, 2003

Item #2: Fee schedule

Item #3: Paragraph E in the scope of work and a request for audit schedule referenced in the body of the letter.

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

Commissioner Carson then presented two product approval entities for action by the Commission in the form of a motion to approve each:

Intertech Testing Services - ETL, Quality Assurance Entity

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

PFS Corporation, Quality Assurance Entity

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

Commissioner Carson then entered in the form of a motion the TAC recommendation to extend the first entity approval renewals to October 1, 2004 to avoid penalizing companies already in process.

Commissioner Corn seconded the motion. Vote to approve the TAC recommendation was unanimous. Motion carried.

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

PUBLIC COMMENT

Chairman D'Andrea called for public comment. No one approached to speak.

**REVIEW COMMITTEE ASSIGNMENTS AND ISSUES FOR AUGUST 2003
COMMISSION MEETING**

Mr. Blair conducted a review and discussion of the workplan and committee assignments for the August meeting.

SUMMARY REVIEW OF MEETING WORK PRODUCTS

Chairman D'Andrea stated the Commission had reviewed and updated the Commission workplan; considered and decided on the Chair's discussion issues and recommendations; considered explanation, public comment, and discussion on the 2004 Florida Building Code update; conducted a Rule Adoption Hearing for Rule 9B-72; considered and decided on Accessibility Waiver Applications; heard and considered legal counsel's report and recommendations; considered and decided on Accessibility, Education, Fire, Plumbing, Structural TAC's reports and recommendations; considered and decided on Product Approval/Prototype Building/Manufactured Buildings/ Program Oversight Committee's report and recommendations; and reviewed assignments and issues for the August Commission meeting.

ADJOURN

No further business discussed, meeting adjourned at 12:31 p.m.

FLORIDA BUILDING COMMISSION

ATTACHMENT TO THE JULY 15, 2003 MINUTES

FACILITATOR'S REPORT OF THE JULY 15, 2003 COMMISSION PLENERARY SESSION

Orlando, Florida

Meeting Design & Facilitation By



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This document is available in alternate formats upon request to Dept. of Community Affairs, Codes & Standards, 2555 Shumard Oak Blvd., Tallahassee, FL 32399, (850) 487-1824.

FLORIDA BUILDING COMMISSION

Attachment to the July 15, 2003 Minutes

OVERVIEW OF COMMISSION'S KEY DECISIONS

TUESDAY, JULY 15, 2003

COMMISSION PLENARY SESSION

Agenda Review and Approval

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

Review and Approval of May 14, 2003 Meeting Minutes

The Commission voted unanimously, 17 - 0 in favor, to approve the minutes as presented for the May 14, 2003 Commission meeting.

Review and Approval of Commission's Updated Workplan

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

Amendments:

2005 Annual Interim Amendments schedule changes:

All ~~2003~~ dates should be 2004 dates

Amendment submittal cutoff date changed from ~~4/16/04~~ to 4/18/04

Commission Meeting Dates for 2004

The Commission agenda packet unanimously, 17 - 0 in favor, to approve the meeting dates as presented in the workplan.

(Attachment 3—Workplan)

Chair's Discussion Issues/Recommendation

Note: Nick D'Andrea served as meeting Chair at the request of Chairman Rodriguez.

Discussion on new contract with the ICC for the 2004 FBC

Commissioner D'Andrea explained that with the imminent need to publish and distribute the 2004 edition of the Florida Building Code, the Commission needs to make a decision relative to a new contract (covering copyright issues, price, etc) with the ICC. Commissioner D'Andrea further explained that at today's meeting (July 15, 2003) the Commission would hear a presentation, ask questions for clarification, and take public comment; and then, discuss and make a decision in a facilitated consensus-building exercise at the August 2003 meeting. Mark Johnson, representing the ICC made a presentation to the Commission regarding the need to contract for the publication, printing, and distribution of the 2004 Florida Building Code. Following the presentation

and questions from Commission members, the public was provided with an opportunity to address the Commission on this issue.

Explanation, Public Comment, and Discussion on 2004 FBC Update

Overview

As a result of TACs not having completed their review and recommendations on proposed code amendments, local amendments, and 2004 code updates at the special June TAC meeting, thereby providing the 45 day window for review and comment period required prior to FBC consideration, the Commission will not be able to consider proposed amendments at the August 2003 meeting as originally scheduled. This delay presents logistical, technical, and cost impediments to meeting the currently scheduled July 1, 2004 implementation date for the 2004 version of the FBC.

The Commission was asked to consider the implications of several proposed dates and make a decision on the implementation date. The following three dates were considered as viable options: July 1, 2004, October 1, 2004, and January 1, 2005. Following a brief review of potential pros and cons for the options, members of the public were provided with an opportunity to address the Commission on the proposed implementation date. Eleven members of the public addressed the Commission, primarily in support of adopting the International family of codes (I-Codes) as the new base code for the Florida Building Code. Staff advised a workshop will be held at the August meeting to further explore the implications of moving to the I-Codes as the basis for the FBC. Following public comment, the Commission discussed the 2004 code implementation date issue and ultimately agreed to postpone consideration to the August 2003 Commission meeting. Commission actions are summarized below.

Commission Actions:

Motion—The Commission voted 12 - 6 in favor, to make January 1, 2005, or sooner if complete, the implementation date for the 2004 edition of the Florida Building Code.

Motion failed as a result of not achieving the 75% in support approval threshold.

Motion— The Commission voted unanimously, 18 - 0 in favor, to table/postpone discussion on this issue for the August 2003 meeting.

Rule Adoption Hearing on Notice of Proposed Changes to Rule 9B-72—

Product Approval Rule

Following public comment on proposed changes to Rule 9B-72 and discussion by the Commission, the Commission took the following action:

Commission Actions:

Motion—The Commission voted 15 - 1 in favor, to conclude rulemaking regarding rule 9B-72 by publication of a notice of Technical Change integrating JAPC comments and subsequently filing the rule with the Department of State.

Consideration of Accessibility Waiver Applications

The Commission reviewed and decided on the Waiver applications submitted for their consideration.

Recommended Order on Volusia County Local Amendments

Motion— The Commission voted unanimously, 18 - 0 in favor, to adopt the Administrative Law Judge's (ALJ) recommended order on Volusia County Local amendments.

Recommended Order on Broward County Local Amendments

Jim Richmond, DCA attorney representing the FBC, informed the Commission that there was 1 additional day allowed to file any motions, before the Commission could consider the ALJ's recommended order. He suggested that the Commission conduct a telephone conference in August to consider the issue.

Motion—The Commission voted unanimously, 18 - 0 in favor, to conduct a telephone conference on a date to be determined in first week of August 2003, for considering the recommended order on Broward County local amendments.

PETITIONS FOR DECLARATORY STATEMENTS

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

SECOND HEARINGS

DCA03-DEC-005 by Edward Riley, Collier County Fire Control

Motion— The Commission voted unanimously, by a vote of 18 – 0 in favor, to approve their previous action on the petition.

DCA03-DEC-078 by Vince LaPorta, County of Charlotte

Motion— The Commission voted unanimously, by a vote of 18 – 0 in favor, to approve their previous action on the petition.

DCA03-DCE-086 by Robert LoPiano, United Fire Spray

Motion— The Commission voted unanimously, by a vote of 18 – 0 in favor, to dismiss the petition.

DCA03-DEC-091 by Paul A. Zilio, Bliss & Nitray, Inc.

Motion— The Commission voted unanimously, by a vote of 18 – 0 in favor, to approve their previous action on the petition.

FIRST HEARINGS

DCA03-DEC-106 by Ricco Longo of Collier County

Motion— The Commission voted unanimously, by a vote of 17 - 0 in favor, to approve the staff recommendation on the petition as presented.

DCA03-DEC-128 by Joe Vincenti of Koolduct Inc.

Motion— The Commission voted unanimously, by a vote of 18 – 0 in favor, to dismiss the petition.

DCA03-DEC-131 by Alfonso Fernandez-Fraga of Initial Engineer

Deferred by the petitioner.

DCA03-DEC-132 by Mike Deegan of Clearwater Gas System

Motion— The Commission voted unanimously, by a vote of 18 – 0 in favor, to defer the petition to the local appeal board of fire board as appropriate.

DCA03-DEC-133 by C. R. Willis

Motion— The Commission voted unanimously, by a vote of 18 - 0 in favor, to approve the TAC recommendation on the petition as presented.

DCA03-DEC-134 by Tim Krebs of T.A. Krebs Architect, Inc.

Motion— The Commission voted unanimously, by a vote of 18 - 0 in favor, to approve the staff recommendation on the petition as presented.

DCA03-DEC-138 by Joe Schubiger of Charlotte County

Motion— The Commission voted unanimously, by a vote of 18 - 0 in favor, to approve the TAC recommendation on the petition as presented.

DCA03-DEC-139 by James Scott of J. Scott Drafting

Motion— The Commission voted unanimously, by a vote of 18 - 0 in favor, to dismiss the petition.

DCA03-DEC-179 by James Agen for Wilson Window Glass and Mirror

Motion— The Commission voted unanimously, by a vote of 18 - 0 in favor, to dismiss the petition due to petition's lack of specific facts and circumstances.

DCA03-DEC-173 by Timothy J. Orie for Superior Aluminum Installations. Inc.

Motion— The Commission voted unanimously, by a vote of 18 – 0 in favor, to defer the petition to the local appeal board.

COMMITTEE REPORTS AND RECOMMENDATIONS

The Commission agreed that unless a TAC/POC required specific Commission action, the balance of the reports would be submitted into the record and approved as a part of the August's meeting minutes approval process.

Accessibility TAC Committee Report and Recommendations

Commissioner Richardson presented the committee's report and recommendations for Commission consideration. The Commission unanimously accepted the Committee's report by a vote of 18 - 0 in favor. (See Commission Minutes for Committee report)

Education TAC

Commissioner Browdy presented the committee's report and recommendations for Commission consideration. The Commission unanimously accepted the Committee's report by a vote of 18 - 0 in favor. (See Commission Minutes for Committee report)

Commission Actions:

Approval of Voluntary Course Accreditor Applications

Motion— The Commission voted unanimously, by a vote of 18 – 0 in favor, to approve Robert J. Koning to accredit for the FBC contingent upon applicant specifying subject areas qualified to accredit for.

Motion— The Commission voted unanimously, by a vote of 18 – 0 in favor, to approve Thomas Ricci to accredit for building structural, accessibility, and code administration.

Motion— The Commission voted unanimously, by a vote of 18 – 0 in favor, to approve James Anstis to accredit for the FBC contingent upon applicant specifying subject areas qualified to accredit for.

Motion— The Commission voted unanimously, by a vote of 18 – 0 in favor, to approve Robert S. Tanenbaum to accredit for the FBC contingent upon applicant specifying subject areas qualified to accredit for.

Approval for Updated Administrative and Technical Core Courses

Motion— The Commission voted unanimously, by a vote of 18 – 0 in favor, to approve the Administrative Core course updated for 2003 amendments.

Motion— The Commission voted unanimously, by a vote of 18 – 0 in favor, to approve the Building/Structural Core course updated for 2003 amendments.

Motion— The Commission voted unanimously, by a vote of 18 – 0 in favor, to approve the Building/Fire Core course updated for 2003 amendments.

Fire TAC

Commissioner D'Andrea reported that there was not a quorum present and the TAC took no formal actions.

Plumbing TAC

Commissioner Greiner presented the committee's report and recommendations for Commission consideration. The Commission unanimously accepted the Committee's report by a vote of 17 - 0 in favor. (See Commission Minutes for Committee report)

Mechanical TAC

Commissioner Bassett presented the committee's report and recommendations for Commission consideration. The Commission unanimously accepted the Committee's report by a vote of 15 - 0 in favor. (See Commission Minutes for Committee report)

Structural TAC

Commissioner Parrino presented the committee's report and recommendations for Commission consideration. The Commission unanimously accepted the Committee's report by a vote of 15 - 0 in favor. (See Commission Minutes for Committee report)

Product Approval/Prototype Buildings/Manufactured Buildings Program Oversight Committee

Commissioner Carson presented the committee's report and recommendations for Commission consideration. The Commission unanimously accepted the Committee's report by a vote of 16 - 0 in favor. (See Commission Minutes for Committee report)

Commission Actions:

Motion— The Commission voted unanimously, by a vote of 16 – 0 in favor, to accept the following information contained in the ARA letter dated June 6, 2003: Item #2 related to fee schedule, item #3 related to paragraph "E" in the Scope of Work, and a requested audit schedule referenced in the body of the letter.

Action on Applications for Approval for Product Approval Entities

Motion— The Commission voted unanimously, by a vote of 16 – 0 in favor, to approve Intertek Testing Services as a quality assurance entity.

Motion— The Commission voted unanimously, by a vote of 16 – 0 in favor, to approve PFS Corporation as a quality assurance entity.

Motion— The Commission voted unanimously, by a vote of 16 – 0 in favor, to adopt October 1, 2004 as the date for approving the first entity approval renewals.

Public Comment

Acting Chair Nick D'Andrea provided members of the public with an additional opportunity to address the Commission.

Committee Assignments/Meetings Required

Accessibility Advisory Council and Waiver applications	Yes
Accessibility TAC	Yes
Code Administration TAC	TBD
Education TAC	TBD
Electrical TAC	No, unless Dec. statement
Energy TAC	No, unless Dec. statement
Fire TAC	Yes
Mechanical TAC	No, unless Dec. statement
Plumbing TAC	No, unless Dec. statement
Special Occupancy TAC	Yes (prior to next meeting)
Structural TAC	Yes
Product Approval/Prototype Buildings/Manufactured Buildings POC	Yes

Staff Assignments

Legal should provide guidance/recommendation to the Commission on enforcement authority for Commission approved conditional waivers.

Adjourn

Motion— The Commission voted unanimously, by a vote of 16 – 0 in favor, to adjourn the plenary session. Session adjourned at 12: 33 PM.

ATTACHMENT 1

**FLORIDA BUILDING COMMISSION
 July 14, 2003—Orlando, FL**

Meeting Evaluation Results

15 forms

INSTRUCTIONS: PLEASE USE A 0 TO 10 RATING SCALE WHERE A 0 MEANS TOTALLY DISAGREE AND A 10 MEANS TOTALLY AGREE. PLEASE PLACE YOUR RATING IN THE SPACE TO THE LEFT OF EACH QUESTION

1. Please assess the overall meeting.

_____The background information was very useful.											
10	9	8	7	6	5	4	3	2	1	0	Avg.
12	1	1	0	1	0	0	0	0	0	0	9.53
_____The agenda packet was very useful.											
10	9	8	7	6	5	4	3	2	1	0	Avg.
12	0	2	1	0	0	0	0	0	0	0	9.53
_____The objectives for the meeting were stated at the outset.											
10	9	8	7	6	5	4	3	2	1	0	Avg.
13	0	2	0	0	0	0	0	0	0	0	9.73
_____Overall, the objectives for the meeting were fully achieved.											
10	9	8	7	6	5	4	3	2	1	0	Avg.
10	3	2	0	0	0	0	0	0	0	0	9.53
_____Accessibility Waiver Applications											
10	9	8	7	6	5	4	3	2	1	0	Avg.
11	1	3	0	0	0	0	0	0	0	0	9.53
_____Chair's Issues and Recommendations											
10	9	8	7	6	5	4	3	2	1	0	Avg.
12	0	2	1	0	0	0	0	0	0	0	9.53
_____Rule Adoption Hearing on the Notice of Proposed Changes to Rule 9B-72											
10	9	8	7	6	5	4	3	2	1	0	Avg.
11	0	2	1	0	1	0	0	0	0	0	9.20
_____Rule Adoption Hearing on the Advisory Opinion System Rule 9B-3											
10	9	8	7	6	5	4	3	2	1	0	Avg.
9	0	2	0	0	1	0	0	0	0	1	8.54
_____Rule Development Workshop on Rationale Statement Requirements for Rule 9B-3											
10	9	8	7	6	5	4	3	2	1	0	Avg.
7	0	3	0	1	1	0	0	0	0	1	8.08

Declaratory Statements												
	10	9	8	7	6	5	4	3	2	1	0	Avg.
11	0	4	0	0	0	0	0	0	0	0	0	9.47

TAC/POC Reports and Recommendations												
	10	9	8	7	6	5	4	3	2	1	0	Avg.
9	1	3	2	0	0	0	0	0	0	0	0	9.13

2. Please tell us how well the facilitator(s) helped the participants engage in the meeting.

The participants followed the direction of the facilitator.												
	10	9	8	7	6	5	4	3	2	1	0	Avg.
11	2	0	2	0	0	0	0	0	0	0	0	9.47

The facilitator made sure the concerns of all participants were heard.												
	10	9	8	7	6	5	4	3	2	1	0	Avg.
15	0	0	0	0	0	0	0	0	0	0	0	10.00

The facilitator helped us arrange our time well.												
	10	9	8	7	6	5	4	3	2	1	0	Avg.
14	0	0	0	1	0	0	0	0	0	0	0	9.73

Participant input was documented accurately.												
	10	9	8	7	6	5	4	3	2	1	0	Avg.
13	1	1	0	0	0	0	0	0	0	0	0	9.80

3. What is your level of satisfaction with the meeting?

Overall, I am very satisfied with the meeting.												
	10	9	8	7	6	5	4	3	2	1	0	Avg.
11	3	0	0	0	0	0	0	0	0	0	0	9.79

I was very satisfied with the services provided by the facilitator.												
	10	9	8	7	6	5	4	3	2	1	0	Avg.
13	0	1	1	0	0	0	0	0	0	0	0	9.67

I am satisfied with the outcome of the meeting.												
	10	9	8	7	6	5	4	3	2	1	0	Avg.
11	3	0	0	0	0	0	0	0	0	0	0	9.79

4. What progress did you make?

I know what the next steps following this meeting will be.												
	10	9	8	7	6	5	4	3	2	1	0	Avg.
7	3	4	0	1	0	0	0	0	0	0	0	9.00

I know who is responsible for the next steps.												
	10	9	8	7	6	5	4	3	2	1	0	Avg.
8	1	4	2	0	0	0	0	0	0	0	0	9.00

5. Do you have any other comments that you would like to add? We are very interested in your comments. Please use the back of this page.

- Question [3 ("I am satisfied with the outcome of the meeting")] considered to be ambiguous and irrelevant.
- Good job by all.
- This was my first meeting of the full commission. I was impressed by the organization and how well Jeff kept us focused. Nick ran an excellent meeting. The Plumbing and Accessibility TAC meetings were excellent with very good participation.
- The 10 minute break was nice.

ATTACHEMNT 2

COMMISSION MEETING SCHEDULE

2003

January 12, 13 & 14	Orlando	Rosen Centre Hotel
February 23, 24 & 25	St. Petersburg	TradeWinds Hotel
April 6, 7 & 8	Orlando	Rosen Plaza Hotel
May 13, 14 & 15	Orlando	Rosen Plaza Hotel
June 16, 17, 18 & 19*	Orlando	Rosen Centre Hotel
July 13, 14 & 15	Orlando	Rosen Plaza Hotel
August 24, 25 & 26	Orlando	Rosen Plaza Hotel
October 12, 13 & 14 & 15	Orlando	Rosen Plaza Hotel
November 16, 17 & 18	Orlando	Rosen Plaza Hotel
December	No meeting	

* Special meeting of the TACs only to consider proposed 2004 Code amendments

2004

January 11, 12 & 13	Orlando
February 15, 16 & 17	Orlando
March 28, 29 & 30	Orlando
May 10, 11 & 12	Orlando
June 20, 21, 22 & 23	Orlando
August 29, 30 & 31	Orlando
October 17, 18 & 19	Orlando
December 5, 6 & 7	Orlando

ATTACHEMNT 3

COMMISSION UPDATED WORKPLAN

2003 Glitch Amendments:

Schedule for 2003 Glitch Amendments:

2004 Update of the Florida Building Code:

Amendment submittal cutoff (independent submittals)	4/18/03
Post on website (independent/base code updates/local amends)	4/23/03
TAC's consider	6/16-18/03
Post TAC recommendations on website	7/3/03
Commission considers	8/25-27/03
Rule development workshop	10/14/03
Rule adoption hearing	11/18/03
Effective date of first update	?

2005 Annual Interim Amendments:

Amendment submittal cutoff (independent submittals)	4/16/03
Post on website (independent/base code updates/local amends)	4/30/03
TAC's consider	6/20-22/03
Post TAC recommendations on website	7/2/03
Commission considers	8/30-31/03
Rule development workshop	10/18-19/03
Rule adoption hearing	12/7/03
Effective date of first update	7/01/05

Adopt Revised Chapter 34 for Existing Buildings

Schedule:

Residential and Commercial building rehab committees established	Mar 2002
Draft code amendments completed	Dec 2002
Draft revisions to law completed	Dec 2002
Report to the Legislature completed (<i>recommended expedited adoption</i>)	Dec 2002

Bill did not pass/expedited adoption was not approved by the Legislature
 Adopt via the 2004 FBC Update Process (see schedule above)

Develop Code Commentaries:

Plan:

Identify commentary documents to reference from website and do not adopt by rule.
 Amend rules of procedure to require submittal of "rationale" for proposed amendments.
 Capture rationales for proposed amendments, declaratory statements and advisory opinions in BCIS to provide "commentary".

Schedule:

Initiate rule amendment to require submittal of rationale	Apr 2003
Revise BCIS to include provision for providing rationale	Apr 2003

Voluntary Standards for Building Departments [HB 4181/s.553.76(5), F.S.]

Plan:

Establish a joint development project with the state building officials association, (BOAF), with BOAF as lead.

Schedule:

Contractor selected	Apr 2003
BOAF/contractor development	Jun-Dec 2003
First edition of standards	Jan 2004

Appeals Procedures [98-287, LOF/ss.553.73 & .77 & 2000-141, LOF/s.120.80,FS]

Schedule:

Assign to Code Administration TAC for review	Sep 2002
Develop any necessary Code amendments and/or changes to law	Sep-Dec 2002
Submit for 2003 Code amendment cycle	Apr 2003
Effective date	Jul 2004

ISO Ratings Program for Building Departments [s.553.77(1)(n),F.S.]

Ongoing: Addressed by establishment of policy on updating the FBC. ISO ratings dependent upon building codes being kept current with national standards.

Building Code Training Program

Core Curricula:

Develop administrative core curricula

Ed TAC develops recommendations Apr-Jul 2003

Develop technical core curricula

Ed TAC meets with licensing board representatives to develop recommendations Apr-Jul 2003

Revise Building Code Training Program Rule 9B-70 to reflect core curricula and advanced code course criteria

Rule development workshop (after legislative session)	Oct 2003
Rule adoption hearing	Nov 2003
Rule effective	Dec2003

Report to Legislature Jan 2004

Coordinate with licensing boards on establishing building code specific CE hour requirements

Ed TAC meets with board representatives to develop Jan-Nov 2003

recommendations
 Boards approve Dec 2003
 Report to Legislature Jan 2004

Develop and implement voluntary accreditation program for building code courses

(Depends on program authorization by Legislature)

Finalize recommendation to 2003 Legislature Dec 2002
 System concept development Feb-Apr 2003
 Rule development workshop (after legislative session) May 2003
 Rule adoption hearing Jul 2003
 Rule effective Sep 2003
 Report to 2004 Legislature Jul 2004

Establish procedures for advisory opinions and adopt by rule:

Schedule:

Consider partnership with BOAF May 2002
 BOAF/Staff develop proposed procedures May-Jun 2002
 Approve procedures July 2002
 Procedure goes into effect (law allows effective before rule) Aug 2002
 RFP issued and contractor hired Dec 2002
 Rule development workshop May 2003
 Rule hearing Jul 2003
 Rule effective Sep 2003

Review the implementation of s.553.891, F.S., Alternative Plans Review and Inspections, and report to the Legislature on or before January 1, 2004:

Schedule:

Consider timing of study and determine whether to recommend additional time and/or authorize RFP *(Delay of report recommended to Leg)* Dec 2002

Fact finding public workshop Oct 2003
 Review report to the Legislature Nov 2003

Report submitted to Legislature “on or before January 1, 2004” Jan 2004

Establish standards and criteria for foundation permits and other “specialty permits”:

(CS/CS/SB 336 & 180, 2001)

Schedule:

Assign to Code Administration TAC Sep 2002
 Recommendations for criteria Feb 2003
 Submit for 2004 FBC edition amendment Apr 2003
 Effective (2004 edition of FBC) Jul 2004

Amend Product Approval Rule

Schedule:

TAC workshop 1	Nov 2002
TAC workshop 2	Dec 2002
Rule development workshop	Jan 2003
Rule adoption hearing	April 2003
Rule effective	May 2003
System mandatory as required by law	Oct 1, 2003

Code Amendment Schedule for 2004 Edition of the Florida Building Code

	April 18, 2003	Deadline for submittal of proposed amendments
	April 25, 2003	Proposals posted to web
45 days (min) ¹		
	Week of June 15-20, 2003	TACs consider proposals
	July 14, 2003	Structural TAC complete proposals review
	July 25, 2003	TAC recommendations posted to web
45 days (min) ¹		
	October 13-14, 2003	Commission considers proposals
	November 18-19, 2003	Commission conducts Rule Development Workshop
	January 13, 2004	Commission conducts Rule Adoption Hearing and votes to file the rule for adoption
	January 23, 2004	File Rule with DOS for adoption
6 months (min) ²		
	January 1, 2005	Code revision implemented

¹ Minimum waiting period required by Florida Statutes

² Minimum delay time for printing, distribution and printing of new codes established by Commission policy

Commission Policy on 2004 FBC Update, Voted Dec 2002:

1. The Plumbing, Mechanical and Fuel Gas Codes chapters of the Florida Building Code will be updated by:
 - Adoption of all or parts of the 2003 editions of the International Plumbing Code, International Mechanical Code and International Fuel Gas Code respectively. (s.553.73(6), F.S., triennial update procedure authorizing adoption of part of a new edition of a model code *)
 - Consideration of the chapters of the International Residential Code for adoption in the Florida Building Code. (s.553.73(6), F.S., triennial update procedure authorizing adoption of part of a successor model code *)

2. The Building chapters of the Florida Building Code will be updated by:
 - Consideration of the differences between the 2001 Florida Building Code and the 2003 International Building Code for adoption into the Florida Building Code, and
 - Consideration of the chapters of the International Residential Code for adoption in the Florida Building Code. (s.553.73(6), F.S., triennial update procedure authorizing adoption of part of a successor model code *)

*** Section 553.73(6), F.S., provides for “modification” of the new edition or successor model code according to the “technical amendments” procedure of s.553.73(7), F.S., which references s.553.73(3), F.S.**

Approved Modifications of Dec 2002 Policy on 2004 FBC Update:

1. Update the commercial buildings part of the Florida Building Code's Energy chapter by:
 - Adoption of all or parts of ASHRAE 90.1-2000 (s.553.73(6), F.S., triennial update procedure authorizing adoption of part of a successor model code)
2. As a backup in the event legislation authorizing quick adoption does not become law- Propose the adoption the new code for existing buildings (rehab code) to replace chapter 34 of the Florida Building Code by:
 - Adoption of all or parts of the International Existing Buildings Code with modifications approved in 2002 (s.553.73(6), F.S., triennial update procedure authorizing adoption of part of a successor model code)
3. Update of the Florida Building Code to Correlate with the Florida Fire Prevention Code by:
 - Adoption of parts of the 2002 editions of NFPA 1 and NFPA 101 which after consideration with the SFM should be adopted (s.553.73(6), F.S., triennial update procedure authorizing adoption of part of a new edition of a model code)

Approved Clarification of Dec 2002 Policy on 2004 FBC Update:

Update the Building chapters of the Florida Building Code by a combination of the following as recommended by staff.*

- Consideration of the differences between the 2001 Florida Building Code and the 2003 International Building Code for adoption into the FBC via the FBC update procedure (s.553.73(6), F.S. authorizing adoption of all or part of successor model code)
- Consideration of the chapters of the International Building Code for adoption into the FBC via the FBC update procedure. (s.553.73(6), F.S., authorizing adoption all or part of a successor model code)

*** Certain chapters have a different system approach where the consideration of individual differences does not make sense. Either the entire system is adopted or none of the differences are adopted.**

FBC UPDATE PROCESS SYNOPSIS:

Update:

By rule adopted pursuant to chapter 120, F.S., rule adoption procedures

Shall Consider:

- Changes made by the adopting entity of any model codes incorporated into the FBC

Shall Further Consider:

- Commission
 1. interpretations
 2. declaratory statements, and
 3. appellate decisions
- Approved statewide and local amendments

May adopt:

- All or parts of new editions of model codes incorporated in FBC or successor to those model codes
- Existing statewide amendments (to base model code) already approved and adopted in FBC
Note: Existing amendments have already been “approved” through the “technical amendments” procedures
- Newly proposed statewide amendments and local amendments after “approved” via the “technical amendments” procedures.

May modify base model codes:

“as needed to accommodate the specific needs of this state” (through “further” consideration and adoption of items Commission interpretations, declaratory statements and appellate decisions and “approved” statewide and local amendments)