



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

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Secretary

BOARD MEETING OF THE FLORIDA BUILDING COMMISSION

PLENARY SESSION
August 26, 2003

PENDING APPROVAL

The meeting of the Florida Building Commission was called to order by Chairman Raul Rodriguez at 8:45 a.m. on Wednesday, August 26, 2003, at the Rosen Plaza Hotel, Orlando, Florida.

COMMISSIONERS PRESENT:

Raul Rodriguez, Chairman
Christopher Schulte
Hamid Bahadori
Michael McCombs
Craig Parrino
Herminio Gonzalez
George Wiggins
Leonard Lipka
Christ Sanidas
Karl Thorne

Nick D'Andrea
Richard Browdy
Steven Corn
Dale Greiner
Jeff Gross
Do Kim
Ed Carson
Suzanne Marshall
Dr. Diana Richardson
Stephen Bassett

COMMISSIONERS ABSENT:

John Calpini
Doug Murdock, Adjunct Member

OTHERS PRESENT:

Rick Dixon, Executive Director
Ila Jones, DCA
Al Bragg, Legal Advisor
Jim Richmond, Legal Advisor
Richard Shine, Legal Advisor
Jeff Blair, FCRC

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100
Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781
Internet address: <http://www.dca.state.fl.us>

CRITICAL STATE CONCERN FIELD OFFICE
2796 Overseas Highway, Suite 212
Marathon, FL 33050-2227
(305) 289-2402

COMMUNITY PLANNING
2555 Shumard Oak
Boulevard
Tallahassee, FL 32399-
2100
(850) 488-2356

EMERGENCY MANAGEMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 413-9969

HOUSING & COMMUNITY DEVELOPMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-7956

WELCOME

Chairman Rodriguez welcomed Commissioners, DCA staff, and the public to the Plenary Session of the Florida Building Commission. He announced the Commission would be making decisions on issues relating to the adoption and implementation date for the current cycle of proposed Code and local amendments and the 2004 Code updates. He then extended gratitude to Commission D'Andrea who served as Chairman for the July Commission meeting.

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

REVIEW AND APPROVAL OF July 15, 2003 MEETING MINUTES

Chairman Rodriguez called for approval of the July 15, 2003 minutes of the Florida Building Commission meeting.

Commissioner Browdy moved approval of the July 15, 2003 Commission meeting minutes. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Chairman Rodriguez then called for approval of the August 4, 2003 telephonic Commission meeting. Commissioner D'Andrea moved approval of the meeting minutes. Commissioner Greiner 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 workplan which concerned the Commission meeting dates. Mr. Dixon stated the October meeting had been slated to be held for an extended date through the 15th, however he announced the hotel could not be arranged for the extended time leaving the meeting dates October 12, 13, and 14. He explained TAC meetings would be held Sunday, October 12, with the Plenary Session scheduled for Monday and Tuesday, October 13 and 14, 2003. Mr. Dixon then stated the Commission review of TAC recommendations would be held during the October meeting.

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

Commissioner Greiner recommended the Commission make decisions and take action regarding any Legislative changes that would be desired. He then asked how Legislative changes would be approached.

Mr. Dixon responded stating there has been inquiry concerning Legislative initiatives for 2004. He stated the policies and requests which were submitted last year would again be submitted as a placeholder. He further stated the lobbyist for DCA as well as the Commission attorneys have advised against the Commission attempting to write statutory language. Mr. Dixon continued stating when the language for policy and recommendation implementation has been developed it will be brought before the Commission for review and comment prior to presentation before the Legislature. He explained then DCA's process for development of Legislative initiatives in terms of timelines and procedures.

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

CHAIR'S DISCUSSION ISSUES AND RECOMMENDATIONS

Chairman Rodriguez recognized the founding past Chairman of the Florida Building Commission, Steve Pfieler, who was present at the meeting. He then recognized new Commission members Chris Schulte and Randall Vann along with Jeff Gross. Chairman Rodriguez extended welcome to the new Commissioners explaining the Commission is purposely designed to represent each interest group involved in the industry. He stated members of the Commission trust one another and trust each other's interest in the common good resulting in reaching consensus in a collective way. Chairman Rodriguez then recognized former Commission members Dan Shaw and Peggy Patterson praising their hard work on the Commission. He presented each of them with a plaque expressing appreciation for their involvement and dedication to their respective industries.

Former Commissioner Dan Shaw addressed the Commission stating it had been his honor to represent the plumbing industry on the Commission. He expressed gratitude to the participants involved in each meeting and to DCA staff. Mr. Shaw stated he had been a plumbing contractor, a plumber in the field, and finally had the opportunity to represent the industry by serving on the Florida Building Commission.

Former Commissioner Peggy Patterson then addressed the Commission stating representing the mechanical and roofing industry had been a challenge however successful through all the changes which had been undertaken. She thanked the Commission and staff for their help and involvement in her tremendous learning experience.

Chairman Rodriguez stated the Commission would be reviewing and considering the Florida specific local and statewide proposed amendments during the October meeting. He continued stating the Commission would then review and decide on proposed statewide and local technical Code amendments which have been reviewed

and recommended by the TACs. He stated a standing motion would be used for approval with the addition of a consent agenda, then directed the Commission to Mr. Blair for an overview of the process which had previously been adopted.

Mr. Blair then conducted an overview of the process for reviewing proposed Florida Building Code amendments. He stated there would be two consent agendas followed by a discussion agenda for each of the eight code areas. Mr. Blair explained the first consent agenda would be related to those issues which received a 75% or higher positive recommendation for approval by the respective TAC. He then stated the additional consent agenda would relate to those issues not receiving a second to the motion to recommend approval by the TAC. Mr. Blair further stated the discussion agenda would include: those items which received a second but did not reach the 75% approval threshold by the TAC, items which had been approved with TAC modifications, and any item pulled from the consent agendas by a commissioner.

Mr. Blair stated the standing motion would be a move to approve the proposed amendment as presented to the Commission by the Technical Advisory Committee based on the following findings: the amendment has a reasonable and substantial connection to the health, safety, and welfare of the general public; does not degrade the effectiveness of the Code; either strengthens or improves the Code or provides for innovation or new technology by allowing equivalent or better products, methods, or systems of construction; and the amendment does not discriminate against products, methods, or systems of construction of demonstrated capabilities. He continued stating the amendments would have the following fiscal impact: the fiscal impact of enforcement imposed upon local government as indicated by the TAC review; the fiscal impact of compliance imposed upon property and building owners as indicated by TAC review; and the fiscal impact of compliance imposed upon industry as indicated by TAC review; and the amendment's outweighs the cost imposed.

Mr. Crum asked when the agendas would be available to the public.

Mr. Madani replied the agendas would be available by the end of the week.

Commissioner Gonzalez asked if it would be acceptable for a Commission member to pull an item from the consent agenda for discussion.

Mr. Blair responded a Commission member may pull any item from any consent agenda.

Commissioner Lipka moved approval of the proposed process and standing motion to approve for the October 2003 annual Code review process. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Chairman Rodriguez stated DCA had requested that the Commission provide the department with a preliminary list of Legislative issues for inclusion in the Commission's 2004 Report to the Florida Legislature. He added since the bills containing the Commission's 2003 Legislative issues did not pass, staff has recommended asking the

department to submit the Commission's 2003 list of issues for 2004. He then directed the Commission to Mr. Dixon for an explanation of the process and timing for submitting the list to the Legislature.

Mr. Dixon stated placeholders needed to be submitted to the department identifying the issues which needed to be addressed in law.

Chairman Rodriguez then asked if the Commission approved the motion to submit the list of 2003 issues, would the department contact any political liaisons.

Mr. Dixon responded stating the decision to actively lobby for the issues would come directly from the governor's office. He added the department does seek sponsors for the bills through Jim Richmond, who is the department's registered lobbyist and is authorized to contact Legislators.

Chairman Rodriguez asked if asking Secretary Castille to take the issues to the governor's office would be appropriate.

Mr. Dixon responded stating the Chairman communicating the situation regarding the issues to Secretary Castille would be appropriate.

Chairman Rodriguez then called for a motion to approve submitting the Commission's 2003 Legislative issues to the 2004 Legislature.

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

Chairman Rodriguez moved on to the next item of discussion which was to authorize initiation of rule making to amend Rule 9B-72, Product Approval. He stated the Commission needed to amend Rule 9B-72, Product Approval, by initiating rule making to recognize the equivalency between NAFS- 02 and AAMA-101 as well as the equivalency of two other standards currently adopted into the Code. He continued stating the Commission should also recognize the ICC's international evaluation services as an evaluation entity in the rule. Chairman Rodriguez then requested from the Commission authorization to begin the process in the form of a motion.

Commissioner Greiner moved approval for amending Rule 9B-72, Product Approval, to recognize the equivalency of standards and to recognize the ICC as an evaluation entity. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

CONSIDERATION OF ACCESSIBILITY WAIVER APPLICATIONS

Mr. Mellick presented each of the ten waiver requests as they appeared in each Commissioner's packet.

#1

Mr. Mellick explained the request had been deferred two Commission meetings prior and stated the Council had recommended denial of the waiver based on lack of required information.

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

#2 816 Commerce Street Building

Mr. Mellick explained the request was for a waiver from vertical accessibility to a second floor renovation. He stated the Council recommended approval of the waiver based on the provisions of 553.512 FS relating to the twenty percent disproportionate costs.

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

#3 Razzles Night Club

Mr. Mellick stated the request for waiver from providing vertical accessibility to various levels in the nightclub and explained the request had been deferred from the July Commission meeting. He stated the application indicated the alterations were limited to finishes and then advised the Commission the building official informed DCA staff that work had been performed prior to the waiver application without proper permits. Mr. Mellick then stated the Council recommended denial of the request based on lack of information regarding disproportionate costs as well as lack of information to indicate technical infeasibility.

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

#4 Congo River Golf

Mr. Mellick stated the request for waiver from providing vertical accessibility to all eighteen holes of a miniature golf course had been deferred from the July Commission meeting. He explained the applicant proposed to provide access to nine of the holes. Mr. Mellick stated the Council recommended approval of the waiver based on technical infeasibility and financial hardship with the condition that the nine holes would have alternate configurations for replay through moveable obstacles and alternate pin locations.

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

#5 Fat Boy Chili

Mr. Mellick explained the request was for waiver from vertical accessibility to a lower level small dining area. He stated the lot was sloped providing two levels accessible from the outside but internally not feasible. He continued stating the Council recommended approval of the request based on disproportionate cost provisions with the waiver specific to the lower level dining room and no other portion of the building.

Commissioner Corn moved approval of the Council's recommendation to approve the waiver specific to the lower level. Commission Richardson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#6 Ocean Drive Camera

Mr. Mellick stated the request was for waiver from vertical accessibility to the first floor of a retail center proposing \$2,000 in renovations. He explained the Council recommended approval of the waiver based on technical infeasibility and financial hardship.

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

#7 Horizons at Orlando by Marriott

Mr. Mellick explained the request was for a waiver from providing vertical accessibility to all eighteen holes of a proposed miniature golf course. He stated the Council recommended approval for the waiver based on technical infeasibility and financial hardship with the condition that alternate configurations for replay for the nine accessible holes through moveable obstacles and alternate pin locations.

Commissioner Richardson moved approval of the Council's recommendation to approve the waiver with conditions. Commissioner D'Andrea seconded the motion.

Commissioner Richardson expressed praise for the applicants for miniature golf courses in their efforts to offer reconfiguration of the nine accessible holes. She stated the reconfigurations serve as a good solution to a complex problem.

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

#8 The Copy Plaza Hotel

Mr. Mellick explained the request for waiver resulted in a very emotional discussion concerning the automatic waiver based on twenty percent proportionality for vertical accessibility. He stated a building owner can perform a large amount of alterations to a

building in areas requiring vertical accessibility and further stated there is a flaw in the Florida specific vertical accessibility requirements in the Code. He continued stating the request was divided into three parts: a) the first request concerned the rear three-story building requesting a waiver from vertical accessibility to the first and second floors as well as the rooms for the third floor. Mr. Mellick explained there is elevator access from the first building over to the third floor of the rear building. He then stated each room is elevated six inches which would require elevating the entire lobby area of the third floor. He stated the Council recommended approval of the first part of the waiver request based on twenty percent disproportionality.

Commissioner Richardson moved approval of the Council's recommendation to approve the waiver for the first request. Commissioner Lipka seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Mellick then addressed the second part of the waiver request: b) concerning the actual area of alteration which is adjacent to the ground lobby area where there is an elevator providing access to the second and third floors of the building. He explained the historic significance of the lobby area prohibited relocation of the walkway to allow elevator access on the first floor. Mr. Mellick stated the Council recommended approval of the second part of the request based on disproportionate cost.

Commissioner Richardson moved approval of the Council's recommendation to approve the second part of the waiver request. Commissioner Lipka seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Mellick presented the third part of the request: c) concerning the proposed gym area which is located in the basement. He stated the Council recommended approval of the waiver request based on disproportionate cost as well as technical infeasibility.

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

#9 Miami-Dade County Parks

Mr. Mellick stated the request was for waiver from vertical accessibility to all five rows of bleacher assemblies used throughout the county parks. He explained the request was specific to a five row, ten person per row seat assembly. Mr. Mellick stated the Council recommended approval based on technical infeasibility and financial hardship with four conditions: 1) the waiver is specific to a five-row, ten-person per row bleacher assembly; 2) an accessible route complying with the Code will be provided to each location of the bleacher assemblies; 3) a clearly defined wheelchair accessible space will be located on each side adjacent to the lowest row of the bleachers; and 4) delineation of the companion seats by signage which attaches to the bleachers.

Commissioner Richardson moved approval of the Council's recommendation to grant the waiver with four conditions as stated. Commissioner Greiner seconded the

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

#10 World Jet, Inc.

Mr. Mellick stated the request was for waiver from providing vertical accessibility to a second story, 2,992 square feet addition to a hanger. He explained the applicant was not present and Council could not determine financial hardship or technical infeasibility so recommended to defer the request until the next Commission meeting to give time for the applicant to appear.

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

LEGAL REPORTS:

Petitions for Declaratory Statement:

Second Hearings-

DCA03-DEC-106 by Ricco Longo of Collier County

Mr. Bragg presented the declaratory statement stating the Commission has no authority to interpret the Florida Fire Prevention Code, or to define the authority of the Department of Education, or to enter a declaratory statement having general applicability. He stated the recommendation is to deny the petition based on Section 423.7.7 of the Building volume of the Florida Building Code.

Commissioner Greiner moved approval of the recommendation to deny the petition for declaratory statement. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

DCA03-DEC-133 by C. R. Willis

Mr. Bragg stated the declaratory statement was originally dismissed, the Commission has since acquired adequate information to recommend, based on Section 105.6(4) and Section 105.7.1 of the Florida Building Code, the building official has the authority to determine the timing and sequencing of inspections and Section 104.3.2 allows for other alternatives for demonstrating compliance with the Code.

Commissioner Greiner moved approval of the declaratory statement. Commissioner Wiggins 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. Bragg stated Sections 1015.1 and 1015.2 of the Florida Building Code

generally require that balconies higher thirty inches from the finished grade be protected by a 42-inch high guardrail.

Commissioner Greiner moved approval of the declaratory statement. The motion was seconded. Vote to approve the motion was unanimous. Motion carried.

DCA03-DEC-138 by Joe Schubiger of Charlotte County

Mr. Bragg stated Section 1804.1.3 of the Florida Building Code states the bottom of a foundation shall extend no less than twelve inches from finished grade. He continued stating based on that information, the recommendation is that foundations are required to extend at least twelve inches below finished grade, unless an alternate or equivalent is authorized by the building official.

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

First Hearings

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

Mr. Bragg stated the petition involves seven questions: 1) Section 412.5(2) of the Florida Building Code offers a mode of compliance for fully sprinkled buildings that require no mechanical air handling system to remove the products of combustion, is this correct? Mr. Bragg stated the Mechanical TAC's recommended answer is yes. 2) & 7) When complying under the Florida Building Code, Section 412.5.2 and Section 403.6.42, no smoke testing is required, is this correct? Mr. Bragg stated the TAC's response was yes, unless the building official requires it under Section 301.4.3 of the Mechanical volume. 3) Does the Code require mechanical air handling systems for the removal of the products of combustion where there are interior spaces that have fewer interior doors than those defined by Section 412.5(1) for the exterior? Mr. Bragg stated the TAC recommended and answer of no. 4) Does the Code require a mechanical air handling system for the removal of the products of combustion in an open garage in a fully sprinkled, high rise building that has fewer interior doors than those defined by Section 412.5(2)? Mr. Bragg stated the TAC's response was no. 5) Is it the intent of Section 412.5 to require mechanical smoke control in a fully sprinkled high-rise building where the building meets the letter of Section 412.5 and the operable windows are behind closed doors? Mr. Bragg stated the TAC's recommended the answer no. 6) Does Section 403.6.4(2) offer a mode of compliance for fully sprinkled buildings that would require no mechanical air handling system to remove the products of combustion? Mr. Bragg stated the TAC answered yes.

Robert Andrews, Chief Mechanical Code Compliance Officer, Broward County Board of Rules and Appeals

Mr. Andrews first read a statement:

The staff of Broward County Board of Rules and Appeals believes

that is improper at this time to have the above-referenced declaratory statement based on the following reasons: 1) the job referenced applied for permit in the year 2002. The code in effect at that date of application governs the project, Section 104.1.5 of the Florida Building Code. At the time of permitting, Broward County had local amendments govern the installation of smoke control systems. Recently an administrative judge issued a recommended order in the Florida Building Commission, approved said order with a few minor changes, nothing in the order was ruled to be retroactive. Local amendments are still applicable to this project. Therefore a declaratory statement under sections of the Florida Building Code should not pertain to this project because the local amendments would prevail; 2) We are still in the thirty day timeframe of appeals of the Florida Building Commission order pertaining to the local amendment on smoke control; 3) There are other Code sections that apply to this issue such as but not limited to the Broward County local amendments to the Fire Prevention Code, the Florida Fire Prevention Code contained in NFPA 1 and NFPA 101, NFPA 98 and NFPA 92-A; 4) Petitioner refers to the Florida Building Code building Section 412.5. This project must also comply with the Mechanical Code of the Florida Building Code which is Section 403.6 which requires a smoke control system.

Mr. Andrews added the Broward County Board of Rules and Appeals acts very similar to the Commission body as authority having jurisdiction with additional jurisdiction over the Fire Code. He stated each case must be reviewed in terms of the Building Code and the Fire Code. He continued stating one item was not addressed in the declaratory statement, Section 403.6 of the Florida Building Code, which states "smoke control systems for selected occupancies shall comply with Section 403.6.1 through 403.6.7." He explained the design provided by the petitioner does not provide a smoke control system. Mr. Andrews stated there is more to a smoke control system than venting products of combustion through a window. He continued stating all codes, standards, and recommendations provide guides and requirements for smoke control systems with the primary purpose to provide a tenable environment for tenants to escape during the initial stages of a fire. He expressed concern that this was not being achieved on the building under review.

Mr. Andrews then addressed the smoke control testing issue as stated in the declaratory statement. He stated there are sections in the life safety code, 9.3, which clearly states if there are smoke control systems they shall be tested and maintained. He added Section 301.4.3 of the Florida Mechanical Code provides code officials the authority to require tests as evidence of compliance with the code.

Steve Feller, Engineer, Fort Lauderdale

Mr. Feller stated he had served as the chairman of the Broward County Board of

Rules and Appeals in the past. He stated over the past fifteen years he had designed hundreds of smoke control systems and believes they are essential in any high rise building where there may be a number of people trying get from an upper level to ground safety or other area of refuge within the building. Mr. Feller continued stating the Florida Building Code's allowance for cross ventilation or operable windows is unacceptable for a high-rise residential occupancy because smoke kills people very quickly. He stated not removing the smoke through mechanical means inhibits the means of egress out of the building where a venting system such as operable windows, as stated in the declaratory statement, is impractical in terms of how the windows will open or who will open the windows. Mr. Feller further stated in addition to a smoke control system there must be a method of testing.

Robert Fine, Representing Petitioner

Mr. Fine expressed objection to the reading of the letter addressing the declaratory statement. He stated the letter was discussed during the TAC meeting and legal had determined it was appropriate to hold discussions regarding the declaratory statement and reading the earlier letter was inappropriate. He then offered apology for the petitioner not being present for the Commission meeting.

Mr. Fine stated the Florida Building Code does allow operable windows of specific size and specific spacing, which was recognized by the TAC during discussions concerning the declaratory statement. He suggested if anyone has issue with the system it should be discussed in October during Code amendment review. Mr. Fine then addressed the testing issue stating historically the mode of testing has been to determine if the windows are in fact operable and if they are the correct size and spacing. He further stated the Code does not address an amount of smoke or length of time for smoke to be removed from a building.

Mr. Bragg interjected the result of the petition could be affected by the findings from the Fire Marshal's office. He stated it is still appropriate to proceed with discussion and decision since this is the first hearing on the declaratory statement.

Commissioner Marshall asked about the Fire Code requirements in relation to the declaratory statement.

Mr. Bragg responded the Commission has no authority to interpret the Fire Code and would seek counsel from the Division of the State Fire Marshal.

Commissioner Greiner asked if the speakers on the declaratory statement were present during the TAC meeting discussions and whether a declaratory statement had been requested from the Florida Fire Prevention Code.

Mr. Andrews stated he was present at the TAC meeting and then stated he had not

requested declaratory statements from the Florida Fire Prevention Code. He added a meeting is scheduled later in the day for the Structural / Fire TAC will be holding a joint meeting with the state Fire Marshal's Fire Committee and will address the items.

Mr. Madani stated the declaratory statement would be discussed during the joint Fire TAC which consists of the Fire Marshal's Advisory Council and the TAC for the Commission. He added the TAC can only answer the questions regarding the Florida Building Code, not the life safety issues.

Commissioner Bassett stated the Mechanical TAC made it clear to the petitioner that only issues relating to the Florida Building Code would be addressed; not Florida Fire Code issues which could take precedent. He explained the TAC discussions addressed only building code related concerns not whether the building would be safe for the general public. He further stated there would be modifications concerning the issue during the October amendment cycle. Commissioner Bassett then moved approval of the TAC's recommendation. Commissioner Corn seconded the motion. Vote to approve the motion was unanimous. Motion carried.

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

Mr. Bragg stated the TAC recommendation was to table the request until the October meeting.

Commissioner Greiner moved to defer the petition. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous.

DCA03-DEC-179 by James E. Agen of Wison Window Glass & Mirror

Mr. Bragg stated the TAC recommendation was to table the request until further information was received.

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

DCA03-DEC-196 by Grant E. Tolbert of Hernando County Dev. Dept.

Mr. Bragg stated the petitioner requested clarification regarding whether it is the intent of Section 410.1 of the Florida Building Code to nullify the minimum number of plumbing facilities, specifically drinking fountains, required under Table 403.1 in a 4,000 square feet, five-unit building intended for office space. He stated the TAC recommended the response as follows: Section 410.1 of the Florida Building Code does not nullify the requirement for drinking fountains however provides that bottled water dispensers are an acceptable alternative to the drinking fountain requirement on a one-for-one ratio.

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

DCA03-DEC-214 by B. Parks Wilson of Wilson & Company, Inc.

Mr. Bragg stated the TAC recommended the request be deferred to the local Board of Adjustment and Appeals.

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

DCA03-DEC-217 by William S. Flowers of Martin Mechanical Services, Inc.

Mr. Bragg stated the TAC recommended dismissal of the request for declaratory statement due to failure to comply with the requirement to address a specific project.

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

DCA03-DEC-219 by Peter K. Coleman of Weathermaster Building Products, Inc.

Mr. Bragg stated the petitioner is seeking clarification of Section 2406.2 of the Florida Building Code asking if it is sufficient to provide to the building official acceptable engineering documentation such as detailed shop drawings, specifications, and rational analysis prepared by engineers experienced in such work, or is it the intent of the Florida Building Code to authorize each jurisdiction to determine if product testing will be required in addition to or in lieu of the engineering documents.

Mr. Bragg stated the TAC recommended the answer as follows: According to Section 2406.2 of the Florida Building Code, the project in question but for mitered glass windows, a special cased glass window which may be designed in accordance with acceptable engineering practices; the engineering design shall be in accordance with the applicable provisions of Chapter 16, Structural Loading, and Chapter 24, Glass and Glazing; such engineering, design and documentation are subject to the building official's review and approval; further the building official may require part or all of the window assembly to be tested and should the engineering documentation submitted be deemed insufficient by the building official for demonstrating compliance with the Code.

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

unanimous. Motion carried.

DCA03-DEC-221 by John Bosanek of NDS

Mr. Bragg stated the TAC recommended dismissal of the petition due to the Commission having no authority to approve equivalent products as well as the failure to address a specific project.

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

DCA03-DEC-222 by Suzanne T. Graham of American Pest Control Management

Mr. Bragg stated the petitioner is seeking clarification regarding Section 1816.1 of the Florida Building Code concerning termite protection and asked the following question: 1) Is the intent of the Code that builders choosing termite baiting systems using termiticides registered in Florida and labeled for use as new construction termite control be required to contract for five years of service to comply with the Code? He continued stating the TAC recommended response as yes however the Florida Building Code does not require prepayment. 2) Is it the intent of the Code that the standard contract wording required by the Department of Agriculture and Consumer Services, FS Chapter 482, providing for one year of service and guaranteeing the property owner the option to renew service for no less than an additional four years, complies with the Code? Mr. Bragg stated the TAC recommended the response as the Commission has no authority to interpret Chapter 482 of the Florida statutes. Contracts for the prevention of subterranean termites in new construction must meet the requirements in Chapter 482, Florida Statutes, and in Chapter 5E-14, Florida Administrative Code.

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

DCA03-DEC-223 by Leonard A. Tylka, Jr. of LTL Associates, Inc.

Mr. Bragg stated the petition would be considered during the Fire Technical Advisory Committee following the Commission meeting. He stated the petition raises issues under Section 1014.1 of the Florida Building Code. Mr. Bragg explained staff is recommending the answer be that the breezeway is not required to comply with Section 1014.1.1.

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

WORKSHOP ON 2004 FBC UPDATE - REVISED SCHEDULE, BASE CODES,

AND PROCESS

Chairman Rodriguez explained the issues concerning the 2004 Florida Building Code update. He then directed the Commission to Mr. Blair for an overview of the process for Commission discussion and decision.

Mr. Blair conducted an overview of the Commission discussion and actions desired for the workshop. He referenced two colored documents for conducting the evaluation for the template for the Florida Building Code and the discussion for a separate residential volume.

Chairman Rodriguez introduced the first issue - whether to use the family of International Codes as a template for the Florida Building Code. He stated the first update for 2004 is the appropriate point to reflect from where the Code has come and the path the Code appears to be taking. Chairman Rodriguez then reviewed briefly the history of the Florida Building Code for the benefit of the new members of the Commission. He advised the Commission of the requirement to go through the review process with the Commission's goal of maintaining the Florida specific requirements and standardize a template to the national model codes and standards. Chairman Rodriguez stated the Commission's decision on the issue will be a policy decision of where it wants to be at the end of the update of the Code with regard to the International family of codes and the IBC. He stressed the Commission would not be deciding on the specifics of which parts of the IBC to adopt into the Florida Building Code, merely to review the differences between the Florida Building Code and the IBC chapter by chapter and determine what to integrate into the Florida Building Code.

Mr. Dixon conducted a review of the *Summary of TAC Overview Comparison of IBC to FBC* document which was distributed to each Commissioner.

Mr. Blair then summarized and reviewed the Commission's options for the 2004 update. He stated the options as follows:

a) accept IBC as template for the building volume of the Florida Building Code, keep Florida-specific amendments, and decide which IBC provisions to eliminate; or

b) not accept IBC as template, review differences, decide which IBC provisions to adopt into the Florida Building Code.

Commissioner Browdy asked if one agrees with option a) would one also be agreeing with the TAC's recommendations **excepting** Chapters 11, 13, 20, and 27.

Mr. Blair responded stating first the Commission is developing the bigger principal. He stated the TACs would be asked to review the issues and bring them back to the Commission for consideration.

Commissioner Wiggins suggested as an option accepting the IBC and the IRC as the template for the Building Volume.

Mr. Blair stated the IRC is very complex with five possible options already being generated. He then recommended the options be kept separate for discussion as separate issues.

Commissioner Bassett asked if the Commission will be able to make changes to the Mechanical Code.

Mr. Dixon responded stating changes to the Mechanical Code would be considered through the second phase of the Code update process. He explained phase 2 of the process requires consideration of changes to the base model codes together with further consideration of Florida specific requirements have already been adopted. He stated the decisions made during phase 2 of the process will then be included in the final version of the Code which will be proposed at the end of the Chapter 120 rule adoption process.

Commissioner Bassett then offered a third option for consideration. He proposed Option c) the Commission would accept the South Florida Building Code as the template code.

Commissioner Greiner offered comment supporting Commissioner Bassett's concern. He stressed the importance for everyone to understand if option a) is chosen many Florida specific items will be incorporated into the IBC and there may be items which will need to be eliminated as well as added.

Commissioner Bahadori requested clarification regarding the term template. He asked if the Commission would be starting from scratch with IBC or build from where the Code is currently.

Mr. Dixon responded stating the term template means the foundation document or model which founds the primary basis for the Florida Building Code. He stated how the document is developed is more of the process decision.

Chairman Rodriguez offered further clarification stating if the IBC is used as a template and the language already exists meeting the Florida specific requirements, it will be left as is. He continued stating if the language needs to be amended, then the template will be used but made to be more Florida specific.

Commissioner Sanidas requested clarification regarding using the Florida Building Code as a template.

Mr. Blair responded stating that is an option labeled Option b), which would be not to accept the IBC as a template but review the IBC for differences between it and the Florida Building Code then make decisions on which provisions from the IBC to move into

the Florida Building Code.

Commissioner Browdy recommended an option which would be to use Option b) with the IRC.

Mr. Blair then included Commissioner Wiggins earlier suggestion for accepting Option a) with the IRC labeled Option d), as well as Commissioner Browdy's Option b) with IRC, labeled Option e).

Commissioner Lipka suggested further discussion regarding the IRC before selecting Options d) or e). He then asked if there would be any advantage for choosing Option a) over Option b).

Mr. Blair responded a "pros and cons" discussion would be conducted following the current discussion.

Mr. Dixon stated the terminology used in law defines the term "template" as "base". He continued stating in the initial adoption of the Florida Building Code, the law speaks to a model code as a base or template for the Florida Building Code then during the update cycle, reviewing and considering the changes to the template and selecting appropriate items for inclusion in the Florida Building Code. Mr. Dixon further stated the Florida Building Code is technically not a template, identifying the Standard Building Code and the International Building Code as templates.

Public Comment

Ralph Hughes, Florida Engineering and Construction Products, Tampa

Mr. Hughes stated there have always been members of the Commission and staff members who would prefer the International Building Code as the base code for the state of Florida. He continued stating lengthy discussions have been held concerning the base code issue and it had been decided the Florida Building Code would be the base code for Florida. Mr. Hughes explained the 1997 Standard Building Code had been adopted as the base code in 1998 and from that base code the Florida Building Code was developed and became the base code which was signed into law by Governor Jeb Bush. He stated Representative Lee Constantine, who was responsible for initiating the bill before the Legislature, stated the Florida Building Code is the code of Floridians, by Floridians, and for Floridians and that the Florida Building Code is the base code. Mr. Hughes further stated all codes should be reviewed and any requirements or provisions which would be beneficial to Florida should be added to the Florida Building Code. He then expressed strong support for Option b).

Nora Reagans, President Elect, BOMA Orlando

Ms. Reagans expressed on behalf of BOMA International, BOMA Florida support for the International Building Code as the base code for Florida. She stated BOMA had

produced the International Code Adoption Resources Library to assist state and local officials with access to the international codes. Ms. Reagans continued stating it is the belief of the members of BOMA Orlando as well as BOMA Florida that the adoption of the International Building Code modified to achieve the windstorm concerns will better benefit building owners and managers, be more cost efficient, be better facilitated and better understood between building owners, tenants, architects, contractors, and building officials.

Jeffrey Stone, Southeast Regional Manager, American Forest & Paper Association

Mr. Stone stated the American Forest & Paper Association encourages the adoption of the 2003 International Building Code and coordinated set of I-codes including the International Residential Code as the next edition of the Florida Building Code, which would be Option d). (See *American Forest & Paper Association letter addressed to Raul L. Rodriguez dated August 21, 2003 Attachment.*)

Ronnie Spooner, President, Building Officials Association of Florida

Mr. Spooner complimented Mr. Stone in terms of the comments he made. Mr. Spooner added an additional point concerning the base code for the Florida Building Code. He stated the base code was the Standard Building Code primarily because the 2000 International Building Code did not exist at the time. Mr. Spooner expressed concern with basing the Florida Building Code on an outdated code stating the I-Codes would serve as better template codes and would provide building officials more flexibility in terms of including the Florida specific changes in the International Building Code. He then expressed support on behalf of the Building Officials Association of Florida for Options a) and d) in order to have a correlated family of codes on which the Florida Building Code would be based.

Rick Watson, Associated Builders and Contractors

Mr. Watson stated ABC is the association for commercial contractors comprised of both general contractors and subcontractors. He expressed support for Option a) as the template for the Florida Building Code.

Kari Hebrank, Florida Building Materials Association

Ms. Hebrank expressed support for the adoption of the International Building Code and the International Residential Code with Florida specific amendments. She stated implementing the most technologically up-to-date codes and standards benefits the industry as well as the consumer both economically and in terms of safety. Ms. Hebrank suggested getting on track with a definitive cycle of updates which would provide certainty to the construction industry. She then expressed support for Options a) and d) with Florida specific amendments.

Douglas Buck, Florida Home Builders Association

Mr. Buck posed the question to the Commission, if the Code does not get current with national model code will it ever. He asked if Florida would continue to stay in one place while the rest of the nation moves to another. Mr. Buck stated adopting the International family of codes does not diminish the work that has been accomplished to create a Florida Building Code that protects and enhances its citizens, on the contrary it adds credibility and enhances the work and provides time for focusing on Florida specific issues for full discussion and debate.

Chairman Rodriguez requested clarification regarding the Standard Building Code and how it relates to model code updates.

Mr. Buck responded stating Florida had always mandated to local governments to adopt and move forward. He continued stating the dilemma resulting in the development of the Florida Building Commission was there were local governments that did not progress.

Commissioner Sanidas asked Mr. Buck if he would agree that if the Commission adopts the ICC codes if they would be adopted without amendments.

Mr. Buck responded stating no one is suggesting adopt the International family of codes without amendments. He continued stating there will be discussion as to if the Florida specific amendments are needed and why, which is the debate that should be engaged rather than glitches or inconsistencies.

Joe Crum, Vice President, Building Officials Association of Florida

Mr. Crum encouraged the adoption of Option a) and Option d) stating if the I-Codes are not adopted there may be escalating insurance rates in Florida because the Code would not be based on the most current model codes. He stated adopting the I-codes would also be beneficial in terms of having only one code to reference throughout the U.S.

Mark Johnson, Vice President, Publishing and Product Development, International Code Council

Mr. Johnson explained the ICC was formulated to produce a template of codes to be used for state and local government with the advantages being economies of scale. He stated currently the IBC is used in 45 states with the IRC being used in 43 states. Mr. Johnson continued stating the ICC is present as a resource for the state of Florida and is available for assistance as needed. He stated the ICC is very experienced with customized codes having assisted 14 states produce customized codes including Florida. Mr. Johnson stressed an important factor in looking at a code is the support products which provide an efficient, state-of-the-art template of codes as well as a support system

with complete commentaries, educational services, checklists and plans review forms. He then announced the ICC had partnered with AF&PA, Portland Cement Association, American Concrete Institute, as well as others to develop support products and services for not only the base code documents, but the standards referenced in the code.

Commissioner Bassett asked if the ICC would remove the copyright notice from the Florida Building Code book.

Mr. Johnson responded the copyright in the Florida codes is the Florida copyright under a licensing agreement.

Nancy McNab, Architect, Regional Manager, NFPA Field Office, Dallas, Texas

Ms. McNab recommended the Commission consider the NFPA 5000 Building Construction and Safety Code as the template for the Florida Building Code. She stated building codes provide a safe, sound and solid environment for the future and further stated replacing the current Standard Building Code template with the International Building Code would be a mistake. Ms. McNab continued stating the development of construction regulations should include all stakeholders. She then stated recently the state of California's building commission recommended the adoption of NFPA's building code.

Brad Ware, Attorney, Representing ICC

Mr. Ware addressed Commissioner Bassett's concern regarding the copyright notice appearing in the Florida Building Code. He stated the copyright notice is for the protection of the copyright interest of the ICC with respect to the material that has been adopted by the state of Florida.

Steve Pfiefer, Former Florida Building Commission Chair

Mr. Pfiefer offered comment in support of Option a) stating the reason there is a Florida Building Commission and a Florida Building Code is compliance. He explained it has been recognized that uniformity in building codes enhances compliance with building codes. Mr. Pfiefer stated the International Building Code is more modern and is being followed throughout the nation. He continued stating training of personnel would be enhanced by adopting the International Building Code along with enhancing the ability of builders and building officials from other areas to come to Florida to do their work. Mr. Pfiefer added the Florida specific amendments are very important and the Commission as well as the Technical Advisory Committees have been created to develop and implement those amendments. He concluded stating the result of adopting the International Building Code with Florida specific amendments would be a Florida Building Code in step with the rest of the nation enhancing compliance.

Dennis Braddy, Fenestration Manufacturer's Association

Mr. Braddy offered comment supporting Options a) and d) pointing out that the technical aspect of the code involves small groups of experts relating to the appropriate issues. He stated there are thousands of experts from all over the world involved in the technical aspects of the International Building Code development process by which the Florida codes would be greatly enhanced.

Steve Strom, Oregon

Mr. Strom offered support for Options a) & d) because of the consistency it would offer.

Roland Temple, Velux America

Mr. Temple urged members of the Commission to visit the ICC website, iccsafe.org, to review the comments California made recognizing the deficiencies in NFPA 5000 while going ahead with the adoption of it. He stated the state of California additionally recommended adopting the IRC for one and two family dwellings. Mr. Temple then expressed support for Options a) or d) for the state of Florida because it provides manufacturers consistency across the nation.

Charlie Edwards, Independent Code Consultant, Building Code Solutions

Mr. Edwards expressed support for Option a) stating as a code consultant he refers to the IBC for support documentation and explanation.

Michael Goolsby, Building Code Compliance Office, Miami-Dade County

Mr. Goolsby offered support for Option b) concurring with Mr. Hughes' earlier comments.

PROS AND CONS

Option A

Pros

Mr. Blair then addressed the pros and cons of each option as presented before the Commission then conduct a ranking exercise.

Commissioner Sanidas suggested adding the NFPA 5000 template as an option.

Mr. Blair then added Option f) NFPA 5000 with Florida specific amendments.

Commissioner D'Andrea introduced his pros for Option A as follows:

- 1) IBC is based on the latest available information and technology
- 2) Benefit of technical input at the state, national, and international level
- 3) Benefit of using ICC code monograph identifying technical reasons for code changes
- 4) Easier correlation of code documents
- 5) Access to the International Code commentary for the FBC
- 6) ICC will provide a template for the FBC as it is requested
- 7) ICC will provide support system for interpretations, education and training, certification
- 8) National code cycle advantage by adjusting Florida code cycle for input
- 9) Florida specific amendments may be incorporated as necessary

Commissioner Thorne stated his pros for Option A as follows:

- 1) National and international reciprocity for registration and licensing
- 2) Easier transitioning from an International code than FBC
- 3) IBC as a base code document makes it no less of a Florida Building Code
- 4) Architectural profession endorses IBC as a template document

Commissioner Corn expressed support for Option a) stating the pros as follows:

- 1) 45 states have all or partial adoption resulting in more uniformity
- 2) Easier training
- 3) Companies operating in other areas will have less problems operating in Florida
- 4) Florida Building Commission's task will be easier due to IBC reviews, changes, and updates
- 5) More uniformity for manufacturers resulting in lower costs for consumers

Commissioner Marshall inquired whether the IBC is required to consult committees or commissions such as the Florida Building Commission when they have code questions and asked how long code interpretations would take.

Commissioner D'Andrea responded stating the ICC has a very good code interpretation process in place.

Mr. Johnson added the time for code interpretations are expeditious and are available in several forms. He stated phone interpretations could take five to ten minutes; written interpretations could take from a day to perhaps a week. Mr. Johnson explained the time frame would be dependent on the complexity of the question.

Commissioner Marshall asked how the fire code and the building codes would be

integrated.

Mr. Johnson replied the International Fire Code and the International Building Code is already correlated and coordinated between code development committees.

Commissioner Bassett offered clarification stating the International Fire Code had not been adopted resulting in the building code not being correlated with the fire code in the state of Florida.

Commissioner Richardson asked if there would still be a function for declaratory statements.

Commissioner D'Andrea responded stating the FBC has no real formal commentary or formal set of interpretations which is creating problems in the current use of declaratory statements. He explained the IBC's use of formal commentary and interpretations could alleviate the use of declaratory statements.

Commissioner Richardson then asked if any declaratory statements that may be submitted would be for Florida specific amendments only.

Mr. Dixon responded stating only the local Board of Rules and Appeals, a building official or the Florida Building Commission may issue a binding interpretation of the Florida Building Code. He explained in terms of the IBC, there would be much more documentation and technical assistance available to help develop interpretations.

Commissioner Browdy asked what would be the methodology for input of building officials, design professionals, and licensed professionals in Florida for inclusion into the International Code system.

Commissioner D'Andrea responded stating anyone in the state of Florida can submit a Code change. He explained once a Code change has been submitted and appears in the initial code change hearing there is an opportunity for comment when the committee has issued a decision.

Commissioner Bassett stated he would begrudgingly express a pro for Option a) stating the courses would coincide with the code for which they were written.

Commissioner Greiner offered comment stating the Commission had adopted the ICC for everything else and in the interest of consistency, correlation and conformity adopting the IBC would be the best decision.

Cons

Option A

Commissioner Bassett expressed concerns with Option a) as follows:

- 1) Issuing the changes to the Code in July 2004
- 2) International Codes do not follow the ANSI process
- 3) Inconsistencies in commentaries

Commissioner Parrino expressed concern regarding the correlation of the modifications the TACs recently submitted. He stated many of the modifications were based on the Florida Building Code language.

Commissioner Bahadori expressed concern regarding the IBC's correlation with the Fire Prevention Code.

Commissioner Sanidas suggested when adopting a code it should be a pure code. He stated the Florida Building Code could reference the IBC rather than creating all the amendments necessary to make the code more Florida specific.

Option B

Pros

Commissioner Parrino (statement was not captured on tape)

Commissioner Bahadori stated the Florida Building Code is already correlated with the Fire Prevention Code.

Commissioner Bassett stated using the FBC as the base would not create any further delays in the update cycle.

Commissioner Gonzalez stated the Code changes would be submitted and heard locally.

Chairman Rodriguez clarified the Code changes would still be heard in Florida.

Cons

Commissioner D'Andrea stated there would still be a maintenance issue.

Commissioner Kim stated the Commission does not have the resources to continue producing a building code.

Commissioner Corn stated everything the International Building Code is doing to keep the code updated would fall in the hands of the Florida Building Commission which would result in more time and resources.

Commissioner D'Andrea stated there would continue to be the same correlation

issues.

Option C

Pros

Commissioner Bassett offered comment stating there would be no royalties to be paid.

No one submitted con comments.

Option D

Pros

Commissioner Wiggins offered comment stating the code would then include the entire IRC.

Commissioner Parrino reiterated his pro as stated in Option b) stating pros for Option a) may be obtained by assuring only those provisions that are beneficial to the state of Florida will be in the Florida Building Code.

Commissioner D'Andrea stated the Florida Building Code must still be correlated with the Fire Prevention Code as mandated by law.

Commissioner Parrino withdrew his comment for Option d) stating it was intended for Option e).

Commissioner Bassett asked the intent in terms of including the IRC in the Option.

Commissioner Wiggins replied stating the entire IRC.

Cons

Commissioner Bassett then entered a con stating the mechanical portion of the IRC would add considerable cost to a building.

Commissioner Richardson asked if there is a correlation with the template code and insurance rates.

Commissioner Kim responded stating the organization which rates building departments does not look at which code is being used as a base document. He stated the organization looks through the technical amendments in the body of the code for consistency with the model codes then base the rates on that information.

Commissioner Richardson then asked if not adopting one of the model codes would impact insurance rates if at all.

Commissioner Kim replied if the technical contents of the Florida Building Code is not consistent with a national model code then points could be lost in the grading system which could impact rates. He then directed a question to staff inquiring about the Option and if it means the entire IRC would be adopted as a template as well.

Mr. Dixon stated Option d) is combining IBC with the IRC as a template. He added the IBC does not contain requirements for certain residential occupancies which are in the IRC does.

Option E

Pros

Commissioner Browdy offered comment stating Option e) is the best of both worlds by keeping the Florida Building Code as a template and control is retained locally then address issues relating to residential code by adopting the IRC as a tool for residential contractors. He further stated the IRC is contained in one volume speaking specifically to issues relating to the occupancy of a building which is significant in residential construction.

Cons

Commissioner D'Andrea reiterated his comments for Option b).

Commissioner Greiner stated Option e) would continue with the Florida Building Code as a base code which is currently out of date.

Option F

Pros

No one entered any pro comment for Option f).

Cons

Commissioner Bassett offered comment stating adopting NFPA 5000 would result in a great set back in issuing the next code update.

Commissioner Kim applauded NFPA for getting an ANSI consensus process approved then asked if the consensus process results in the desires of the membership always being carried out or if there is a procedure in place to overrule the membership decisions.

Ms. McNab responded stating the ANSI approved process consists of a balance of interests meeting on the technical committees. She continued stating there are nine different kinds of stakeholders who vote both at the meeting as well as being balloted to vote. She explained part of the process is also an appeals process with the membership vote in the NFPA process being advisory.

Commissioner Bahadori entered a pro statement for NFPA 5000 stating it is already correlated with NFPA 101.

Mr. Blair then conducted a ranking exercise on each option. He explained the process in which the Commission will evaluate each option based on a ranking range from 1 - Oppose, (Over My Dead Body) to 5 - Wholehearted Support. The results of the ranking exercise are as follows:

<u>Option A</u>	Score	Rank
<u>5</u> = 9		
<u>4</u> = 5		
<u>3</u> = 3	82	1
<u>2</u> = 3		
<u>1</u> = 2		

<u>Option B</u>	Score	Rank
<u>5</u> = 7		
<u>4</u> = 2		
<u>3</u> = 5	69	3
<u>2</u> = 4		
<u>1</u> = 3		

<u>Option C</u>	Score	Rank
<u>5</u> = 3		
<u>4</u> = 1		
<u>3</u> = 0	39	5
<u>2</u> = 3		
<u>1</u> = 14		

<u>Option D</u>	Score	Rank
<u>5</u> = 9		
<u>4</u> = 6		
<u>3</u> = 0	78	2
<u>2</u> = 2		
<u>1</u> = 5		

already been completed and the Fire Code issue should no longer be a negative issue.

Commissioner Bassett stated the Fire Code issue is not the only correlation issue. He stated there are sections in the IBC that effect the mechanical code thus creating coordination issues with the mechanical code which will required Commission action. He then posed whether choosing Option a) would mean that statutory regulations stating hurricanes do not go into the panhandle area of Florida should be changed.

Mr. Blair then called for concerns from Commissioners regarding Option d).

Commissioner Parrino expressed the same concerns he had for Option e) stating the Florida Building Code resulting would be the same however the process is different for each Option.

Commissioner Bassett expressed concern that there has been no discussion regarding the IRC.

Commissioner Wiggins suggested eliminating Option d) temporarily and discuss that Option separately at a later time.

Mr. Blair conducted a straw poll for support for evaluating the issues separately, the IRC and the IBC. The straw poll resulted in a majority preferring the issues be discussed separately.

Commissioner Corn suggested there may be members of the Commission who did not support Option a) who may have changed their minds after the recent discussions.

Mr. Blair conducted an overview of the issues of concerns regarding Option a). He then suggested a vote be taken on the issue.

Chairman Rodriguez called for a motion.

Commissioner D'Andrea moved approval to adopt Option a) accepting the International Building Code as the base code for the Florida Building Code. Commissioner Thorne seconded the motion. Vote to approve the motion resulted in 15 supporting and 5 opposed. Motion carried.

Commissioner Bassett then changed his vote to support the motion. Final vote on the motion resulted in 16 supporting Option a) and 4 opposed. Motion carried.

Chairman Rodriguez directed the Commission to discussion in terms of whether the Commission wants to include the International Residential Code with the adoption of the IBC. He stated the Commission should decide whether a residential volume containing all of the Florida Building Code requirements for residential construction is desired in one document. He then directed the Commission to Mr. Dixon for an overview

of TAC discussion and comparison of the IBC and the FBC.

Mr. Dixon referred to the *Summary of TAC Overview Comparison of IBC to FBC* which was included in each Commissioner's meeting packet. He then conducted an overview of the technical comparisons and recommendations as presented in the handout.

Chairman Rodriguez stated there had been lengthy discussion concerning the issues relating to the new edition of the Florida Building Code. He then called for clarifying questions from the Commission.

Commissioner Sanidas stated the IBC does not include regulations for one and two family dwellings so a residential inclusion must be added.

Commissioner Browdy recommended a straw poll for support of the IRC since there was a majority support for the IBC.

Mr. Blair then conducted a straw poll for support for the IRC to be included as part of the template.

Commissioner D'Andrea stressed the importance of a residential code document in lieu of the Commission's action regarding the IBC. He offered encouraging remarks in terms of finalizing a code that will create Florida specific requirements for residential construction which will result in enhancing the industry as a whole.

Commissioner Browdy entered a clarifying point stating both decisions were made to utilize the documents as templates, not for their use entirely as they currently appear.

Commissioner Greiner added the IBC and the IRC are merely foundation based template documents in which Florida specific requirements will be added as well as from which items may be eliminated.

Mr. Blair then conducted a straw poll reflecting support for accepting the IRC with Florida specific requirements as well as eliminating unnecessary items. Straw poll resulted in 19 supporting and 1 opposed. Motion carried.

Chairman Rodriguez called for a motion regarding the issue.

Commissioner Browdy moved approval for the Florida Building Commission to endorse the use of the International Residential Code as the template for the Florida Residential Code, a separate volume contained in the Florida Building Code. Commissioner D'Andrea seconded the motion. Vote to approve the motion resulted in 20 supporting and 2 opposed. Motion carried.

Chairman Rodriguez then directed the Commission to discussion regarding the

implementation date for the Code amendments, local amendments, and the 2004 Code updates. He reminded the Commission of the three possible Code implementation dates which were discussed during the July 2003 Commission meeting stating at present only two dates would be viable: October 1, 2004; or January 1, 2005.

Mr. Dixon advised the Commission of the process involved in the Code update. He stated the current discussions, which include reviewing the proposed statewide and local amendments to the Florida Building Code, are the first phase of the process and the next phase will be the consideration of the differences which were approved earlier in the meeting. He stated staff's recommendation is to move the adoption of the 2004 edition to January 1, 2005. He explained the reason was based on a lengthy discussion which was held in the winter of 2002 regarding predictable dates which could be repeated year after year serving as a benchmark for the industry to become familiar with in terms of Florida Building Code changes.

Commissioner Kim moved approval to adopt January 1, 2005 as the date for Florida Building Code amendments and updates. Commissioner Corn seconded the motion.

Commissioner Wiggins stated any date selected will likely be moved back by the Legislature. He then expressed support for selecting an earlier date in order that it might be Legislatively delayed to January 1.

Chairman Rodriguez called for a vote on the motion. Vote to approve the motion resulted in 1 opposed (Wiggins). Motion carried.

Chairman Rodriguez then addressed the issue of the publication and distribution of the new edition of the Florida Building Code.

Mr. Dixon stated staff's recommendation is to issue an RFP to cover the development, printing, and distribution of the Florida Building Code and to include requirements for the successful bidder to hold the Florida Building Commission and the Department of Community Affairs harmless from any liability regarding disputes over copyright.

Commissioner Greiner moved approval to issue an RFP for development, printing, and distribution of the Florida Building Code publication. Commissioner Parrino seconded the motion.

Commissioner Parrino suggested the three items be solicited separately to possibly get a reduced price.

Mr. Dixon then suggested the administrative agency's support should be considered in terms of the management of various contractors for the project.

Chairman Rodriguez called for a vote on the motion. Vote resulted in 1 opposed (Parrino). Motion carried.

COMMITTEE REPORTS AND RECOMMENDATIONS

Chairman Rodriguez explained the process of reporting TAC actions and recommendations. He stated the complete reports will be submitted into the record and included as part of the Commission's report for review and approval at the subsequent Commission meeting.

Accessibility TAC

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

Commissioner Richardson moved approval for the Commission to support a Miniature Golf Course Design Workshop. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner D'Andrea moved approval of the Accessibility TAC report. Commissioner Thorne seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Code Administration TAC

Commissioner Wiggins presented the report of the Code Administration TAC meeting. (See *Code Administration TAC Report Attachment*.)

Commissioner D'Andrea moved approval of the Code Administration TAC report. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Education TAC

Mr. Blair stated Commissioner Browdy reported there was not a quorum present for the meeting. He stated there had been a workshop held in Fort Lauderdale and no action is requested from the Commission. A report will be submitted for the record. (See *Education TAC Report Attachment*.)

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

Fire TAC

Chairman D'Andrea stated the Fire TAC meeting would be held following the Commission meeting. (See *Fire TAC Report Attachment*.)

Commissioner Greiner moved approval of the report. Commissioner Corn 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 Bassett moved approval of the Mechanical TAC report. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Plumbing TAC

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

Commissioner D'Andrea moved approval of the Plumbing TAC report. Commissioner Corn seconded the motion. Vote to approve the report was unanimous. Motion carried.

Special Occupancy TAC

Commissioner Marshall presented the report and recommendations of the Special Occupancy TAC. (See *Special Occupancy TAC Report Attachment*.)

Commissioner D'Andrea moved approval of the Special Occupancy TAC report. Commissioner Bahadori 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 meeting. (See *Structural TAC Report Attachment*.)

Commissioner Bassett moved approval of the Structural TAC report. Commissioner D'Andrea 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 stated the PAPBMB POC had five applications for entity approval and presented each one in the form of a motion as follows:

UL Laboratories - Certification Agency

Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Underwriter Laboratories - Test Lab for Test Facility

Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Underwriter's Laboratories - Quality Assurance Entity

Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

National Accreditation and Management Institute - Certification Agency

Commissioner D'Andrea seconded the motion. Vote to approve the motion resulted in 1 opposed (Gonzalez). Motion carried.

National Accreditation and Management Institute - Validation Entity

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

Commissioner Carson presented in the form of a motion two recommendations from the POC as follows:

Commission Press Conference Regarding Prototype Buildings Program During October's Plenary Session

Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commission Forward ANSI Standard A250.13 and ASTM Standard E330 1997 to Structural TAC for Review for Equivalence Determination

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

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

Mr. Dixon requested Commission action to delegate authority to staff to issue conditional approval pending final Commission action in October based on the requirements of the Administrative Rule having been met.

Commissioner D'Andrea moved approval for staff to issue conditional approval for entities. Commissioner Greiner seconded the motion.

Commissioner Parrino inquired about the legality of staff issuing entity approvals.

Mr. Dixon responded stating the approvals would be conditional pending Commission action allowing applications to begin being submitted for review.

Mr. Madani added the approval would include products and entities.

Commissioner Gonzalez expressed concern regarding product approval stating product approval is very serious and if a product is approved and is entered into the field statewide, it is difficult to take the product out of the field if there is a problem with it.

Mr. Dixon concurred the delegation is very serious and staff has not requested this authority without trepidation. He reminded the Commission if the letter of the law is followed there will be problems in terms of the number of entities that have been approved and the number of products that have been approved. He stated this would still require oversight and final action of the Commission.

Chairman Rodriguez called for a vote on the motion. Vote to approve the motion resulted in 1 opposed (Gonzalez). Motion carried.

Commissioner Bassett stated during a meeting last year the Commission passed a revision allowing a transfer duct size of 1 ½ times the supply duct which was predicted to create a problem with building officials recognizing that as the only acceptable duct size. He reported problems are occurring in at least two jurisdictions. He then requested in the form of a motion that the Commission send a letter to building departments stating exceptions to a section of the Code do not become the requirement.

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

PUBLIC COMMENT

Chairman Rodriguez called for public comment.

Ted Berman, Miami-Dade County

Mr. Berman expressed concern regarding the Commission's action relating to product approval being authorized by staff. He stated during the POC meeting there were applications from three products submitted and reviewed by staff then added staff's review was not adequate. He reported there was test information missing from the applications, the presentation of applications lacked adequate information for a building official to make a determination for approval. Mr. Berman concluded by stating product approval must involve input and comments not merely staff review.

Carrie Hebrank

Ms. Hebrank offered comment regarding the Product Approval TAC action during their recent meeting. She stated it is not the fault of the manufacturer that additional information was not provided during the meeting. She continued stating all the information was cited and available on the manufacturer's website for review by anyone on the committee. Ms. Hebrank further stated the manufacturer utilized an approved testing lab with test reports that specifically state the products comply with the Code; they used an approved quality assurance entity which certified the quality assurance program was in place; as well as using an approved validation entity which follows the process designated by the Commission requiring the entity to certify that the product complies with the Code. She then stressed the importance of rules of the procedure for product approval and consistency in the process.

Jaime Gaskon, Miami-Dade County Building Code Compliance, Product Control Division

Mr. Gaskon concurred with Mr. Berman's comments regarding staff authority to approve products prior to Commission review. He expressed concern stating it will be a mistake and the product approval system process that has been implemented statewide will severely diminished. Mr. Gaskon stated allowing the quality and performance of presentations provided for statewide approval to be applied to the High Velocity Hurricane Zone is a mistake.

Paul Roth, RollAway Poof Fence and Bill McMannus, Pool Sitters

Mr. Roth expressed appreciation to the Commission for upgrading and maintaining the health and safety of the children of the state of Florida with regard to the mesh barrier code that has been enacted.

Mr. McNath added Florida was a national leader with regard to the health and

safety of children in terms of water safety.

Chip Puckett, Kinco, Ltd.

Mr. Puckett offered comment stating his company has recently been reviewing the certification agencies listed on the Florida Building Commission website to ensure the certification agency they select is approved by the Commission. He stated during their review of the agencies, their findings were many of the agencies have no credentials with DCA. He listed those agencies as follows: Omega Point Laboratories and PSI. Mr. Puckett then stated a set of credentials has since been provided from Omega Point Laboratories however there is no indication of accreditation to certify to the AAMA NWDMA standard or the NASF- 02 standard. He reminded the Commission the 9B-72 Rule specifically limits the scope of what a certification agency can do as opposed to what that agency is accredited to do and suggested the scope of each certification agency be listed on the website so manufacturers can make selections based on valid information.

Mr. Dixon responded stating the issue was brought up during the POC meeting and has been slated for discussion during the next POC meeting.

Mr. Puckett asked if there would be a list of the certification agencies which will identify the scope of their accreditation.

Mr. Dixon assured the list would be provided during the next POC meeting.

Commissioner Marshall asked if the criteria could be posted on the website.

Mr. Dixon responded stating the accreditation certificates are in the process of being made available through the website which cover the scope of what the entity has been accredited to do and what the Commission has approved them to do.

Mr. Bragg introduced and welcomed Richard Shine who will be serving on legal staff.

ADJOURN

No further business discussed, meeting adjourned at 1:00 p.m.

FLORIDA BUILDING COMMISSION

ATTACHMENT TO THE AUGUST 26, 2003 MINUTES

FACILITATOR'S REPORT OF THE AUGUST 26, 2003 COMMISSION PLENERY SESSION

Orlando, Florida

Meeting Design & Facilitation By



Report By Jeff A. Blair
Florida State University

jblair@mailers.fsu.edu
[http:// consensus.fsu.edu](http://consensus.fsu.edu)

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 AUGUST 26, 2003 MINUTES

OVERVIEW OF COMMISSION'S KEY DECISIONS

TUESDAY, AUGUST 26, 2003

COMMISSION PLENARY SESSION

Agenda Review and Approval

The Commission voted unanimously, 20 - 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 August 4, 2003 Telephonic Meeting Minutes

The Commission voted unanimously, 20 - 0 in favor, to approve the minutes as presented for the August 4, 2003 telephonic Commission meeting.

Review and Approval of Commission's Updated Workplan

The Commission voted unanimously, 21 - 0 in favor, to approve the updated workplan as presented.

(Attachment 2—Commission's Updated Workplan)

Chair's Discussion Issues/Recommendation

Recognition And Appreciation For Dan Shaw And Peggy Patterson

Chairman Rodriguez presented Dan Shaw and Peggy Patterson with plaques in recognition and appreciation for their years of outstanding service to the Commission, the citizens of Florida, and the industry groups they were appointed to represent.

Commission's Legislative Issues

Chairman Rodriguez forwarded DCA's request that the Commission approve submitting the Commission's 2003 legislative issues for the 2004 legislative session since no legislation submitted on behalf of the Commission passed during the 2003 session.

Commission Actions:

Motion— The Commission voted unanimously, 22 - 0 in favor, to approve submitting the Commission's 2003 legislative issues to the 2004 Legislature.

October Consideration of Florida Specific State-Wide and Local Proposed Code Amendments

Jeff Blair, Commission facilitator, provided the Commission with an overview of the proposed process and standing motion to approve for use during the October 2003 Commission review and decision on proposed state-wide and local proposed code amendments.

Commission Actions:

Motion—The Commission voted unanimously, 21 - 0 in favor, to approve the proposed process and standing motion to approve for use during the October 2003 annual code review process.

(Attachment 3—Commission’s Code Review Process)

Authorize Initiation of Rulemaking to Amend Rule 9B-72 (Product Approval Rule)

Chairman Rodriguez expressed that the Commission needs to amend the Product Approval Rule to recognize the equivalency of standards and to recognize the ICC’s International Evaluation Services as an evaluation entity.

Commission Actions:

Motion—The Commission voted unanimously, 22 - 0 in favor, to initiate rulemaking to amend Rule 9B-72 to recognize the equivalency of standards and to recognize the ICC’s International Evaluation Services as an evaluation entity.

Consideration of Accessibility Waiver Applications

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

PETITIONS FOR DECLARATORY STATEMENTS

Following are the actions taken by the Commission on petitions for declaratory statements. Al Bragg served as legal council for the Commission.

SECOND 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 their previous action on the petition.

DCA03-DEC-133 by C. R. Willis

Motion— The Commission voted unanimously, by a vote of 17 – 0 in favor, to approve their previous action on the petition.

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

Motion— The Commission voted unanimously, by a vote of 16 – 0 in favor, to dismiss the petition.

DCA03-DEC-138 by Joe Schubiger of Charlotte County

Motion— The Commission voted unanimously, by a vote of 15 – 0 in favor, to approve their previous action on the petition.

FIRST HEARINGS

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

Motion— The Commission voted unanimously, by a vote of 22 - 0 in favor, to approve the TAC recommendation on the petition as presented.

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

Motion— The Commission voted unanimously, by a vote of 22 – 0 in favor, to defer action on the petition.

DCA03-DEC-179 by James E. Agen of Wilson Window Glass & Mirror

Motion— The Commission voted unanimously, by a vote of 22 – 0 in favor, to defer action on the petition.

DCA03-DEC-196 by Grant E. Tolbert of Hernando County Dev. Dept.

Motion— The Commission voted unanimously, by a vote of 22 - 0 in favor, to approve the TAC recommendation on the petition as presented.

DCA03-DEC-214 by B. Parks Wilson of Wilson & Company, Inc.

Motion— The Commission voted unanimously, by a vote of 22 – 0 in favor, to defer action on the petition.

DCA03-DEC-217 by William S. Flowers of Martin Mechanical Services, Inc.

Motion— The Commission voted unanimously, by a vote of 22 – 0 in favor, to dismiss the petition.

DCA03-DEC-219 by Peter K. Coleman of Weathermaster Building Products, Inc

Motion— The Commission voted unanimously, by a vote of 22 - 0 in favor, to approve the TAC recommendation on the petition as presented.

DCA03-DEC-221 by John Bosanek of NDS

Motion— The Commission voted unanimously, by a vote of 22 – 0 in favor, to dismiss the petition.

CA03-DEC-222 by Suzanne T. Graham of American Pest Control Management

Motion— The Commission voted unanimously, by a vote of 22 - 0 in favor, to approve the TAC recommendation on the petition as presented.

DCA03-DEC-223 by Leonard A. Tylka, Jr. of LTL Associates, Inc.

Motion— The Commission voted unanimously, by a vote of 22 - 0 in favor, to approve the TAC recommendation on the petition as presented.

Workshop on 2004 FBC Update—Revised Schedule, Base Codes and Process

Chairman Rodriguez indicated that the workshop has four components each of which will require Commission action. Below is a summary of the four issues.

First, is whether to use the complete International Family of Codes as the template for the Florida Building Code.

Second, is whether to have a separate residential volume containing all of the code provisions related to residential construction, and as a subset of this issue, whether the international residential code with Florida specific modifications should serve as the template for a (FBC) residential volume (code).

Third, is to decide on the implementation date for the 2004 edition of the Florida Building Code.

Fourth, is to discuss the publication and distribution of the 2004 Edition of the Florida Building Code.

The Chair indicated that the Commission will be utilizing their adopted facilitated consensus-building process and that no motions should be made until the options for the issues were fully explored.

Jeff Blair described the process that would be used for the first two issues. Below is a summary of the process:

- Review options
- Any other options
- Clarifying questions
- Public comment
- Pros/Cons from Commission members
- Rank
- Review highest ranked option/s and refine as needed
- Motion to approve specific option

Review and Decision of Options Related to Accepting the International Family of Codes (I-Codes) as Template for the Florida Building Code

Below are the Florida Building Code template options evaluated by the Commission

- A. Accept the International Building Code as the foundation model code for the building volume of the Florida Building Code. Carry forward Florida specific amendments to the Standard Building Code from the 2001 FBC into the new foundation code. Over the next four months have the Fire, Administration and Structural TACs review the detailed differences between the 2003 IBC and 1999 SBC and make recommendations on which IBC provisions to eliminate and how to integrate Florida specifics into the IBC model code (during the “consider” phase required by law)

- B. Accept the Florida Building Code as the foundation model code for the building volume of the Florida Building Code. Over the next four months have the Fire, Administration and Structural TACs review the detailed differences between the 2003 IBC and 1999 SBC and make recommendations on which IBC provisions to adopt into the FBC by administrative rule
- C. Use the South Florida Building Code as the template for the building volume of the FBC
- D. Combine Option A with the addition of the International Residential Code (IRC)
- E. Option B with the addition of the International Residential Code (IRC)
- F. Use the NFPA 5000 as template for the building volume of the FBC

The Commission heard from many members of the public regarding the options.

Following public comment the Commission offered Pros/Cons for each of the six options under consideration.

Option A

Pros

- Latest information and technology will be utilized
- Technical input/state/internet support
- ICC code monograph with explanations available
- Correlation easier
- Code commentary can be used
- ICC template can be revised to meet Florida specific needs
- Good support system, education courses, and training available
- Adjust FBC to National code development cycle
- Incorporate IBC amends as appropriate to lessen work load
- Reciprocity/ consistent standards for design professionals
- 45 states are already using- uniformity and easier training
- Reduce cost of training and to consumers
- Easier for out-of-state contractors/design professionals to work with FBC
- Interpretations will be available
- Licensing for Building Officials- will be available/better
- ICC codes adopted for everything else in the FBC

Cons

- Too little too late, affect on ability to have code ready by July 04
- I-Codes don't follow ANSI process regarding stakeholder representation
- Not magic code, I -Codes still have inconsistencies
- Correlation of TAC amendments will be problematic
- Correlation of fire prevention code will be problematic
- Adopt pure code; Use the IBC with no changes not as a template

Option B

Pros

- Option A pros are already attained. Florida specific requirements are in FBC
- Already correlated with the Fire Prevention Code
- Keep the Code on time; no delays
- Code changes will be heard in Florida and not out-of-state

Cons

- Won't maintain correlation with the latest code
- Don't have resources to do it all, need ICC to do code work
- Correlation issues/ problems without the ICC

Option C

Pros

- No royalties to pay

Cons

- Will have to start over again from scratch

Option D

Pros

- All of the pros from the list generated on option A

Cons

- Mechanical portion of IRC will take time to review and cost money if used
- D or E- outcome will be same in the end; the process is only issue
- No discussion on IRC by self
- Discuss IBC and IRC separately
- Straw poll to separate IBC from IRC

Option E

Pros

- Best of both worlds- local will control
- Control of FBC will remain with the Commission
- Separate residential code

Cons

- Same as on B maintenance/resources
- Keeps FBC as base

Option F

Pros

NFPA is already correlated with National Fire Prevention Code

Cons

- Will set back the implementation date
- Will have to start the whole code review process again from the beginning

Ranking of Options Exercise Results

The Commissioners were asked to rank each of the options independently from each other on a five point scale where 5 = Wholehearted Support; 4 = Could be Better; 3 = Okay, Has +/-; 2 = Poor, Serious Concerns Must be Addressed; 1 = Oppose. Following are the results of the ranking exercise.

Option	RANK	5	4	3	2	1	Totals
A	1	9	5	3	6	2	82
B	3	7	2	5	4	3	69
C	5	3	1	0	3	14	39
D	2	9	6	0	2	5	78
E	4	3	2	7	5	5	59
F	6	0	0	3	7	12	35

Option A Issues/Concerns from Commissioners who did not rank option A with a 5 or 4

The Commissioners were asked to evaluate option A further, since it received the highest rank, by identifying and addressing concerns members have with the option. Following are the concerns that were identified with responses to address the concerns.

- Make options A/D with IRC
Should be considered separately
- Too much time to implement
Code implementation date has already been delayed
- A/B final outcome will be same
No response
- If IRC goal code- should be adopted as is
Law requires the Commission to consider Florida specific requirements
- Fire code has to be overcome
Issue will be the same with any option, and most of the work has already been done

The Commissioners were asked if they would like to also evaluate option D since it ranked second in level of support. The Commission by a straw poll, indicated they would rather consider the IRC separately, and therefore not consider option D further.

Commission Actions:

Motion—The Commission voted 15 - 5 in favor to adopt **Option A** as the template for the building volume of the Florida Building Code.

The motion passed since it achieved the 75% in support threshold required for approval.

Discussion and Decision on a Residential Building Code Volume and the IRC as the Template for a Florida Residential Code

The Commission was asked whether they wanted to evaluate options on this issue in light of the action taken on the IBC.

A straw poll was taken to see if there was support for accepting the International Residential Code (IRC) as the template for separate volume Florida Residential Code.

Straw Poll Results

The Commission voted 19 – 1 in support.

Based on the straw poll results the Chair asked for a motion.

Commission Actions:

Motion—The Commission voted 20 - 2 in favor to adopt the International Residential Code as the model code foundation for a FBC residential volume. Integrate the previously approved Florida specific amendments related to residential buildings into this volume (e.g. statutory requirements for the NEC, swimming pools, accessibility and energy codes and other Florida specifics adopted by the Commission including HVHZ, termites, and all others).

Implementation Date for Code Amendments, Local Amendment, and 2004 Code Updates

Commission Actions:

Motion—The Commission voted 20 - 1 in favor to make January 1, 2005 the implementation date for code amendments, local amendments, and 2004 code updates.

Publication and Distribution of the 2004 Edition of the Florida Building Code

Commission Actions:

Motion—The Commission voted 18 - 1 in favor to issue an RFP for the layout, printing, publication, and distribution of the 2004 edition of the Florida Building Code. The RFP shall require that the successful bidder will hold the Florida Building Commission harmless for any and all liability associated with any disputes related to copyright issues.

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 20 - 0 in favor. (See Commission Minutes for Committee report)

Commission Actions:

Motion—The Commission voted unanimously, by a vote of 20 – 0 in favor, to approve the Accessibility TAC holding a workshop on miniature golf course design.

Code Administration TAC

Commissioner Wiggins presented the committee's report and recommendations for Commission consideration. The Commission unanimously accepted the Committee's report by a vote of 20 - 0 in favor. (See Commission Minutes for Committee report)

Education TAC

Commissioner Browdy requested that Jeff Blair report that the Committee held a workshop in Fort Lauderdale but there was not a quorum present and the TAC took no formal actions. The Commission unanimously accepted the Committee's workshop report by a vote of 20 - 0 in favor. (See Commission Minutes for Committee report)

Fire TAC

Commissioner D'Andrea reported that the TAC would be meeting later on August 26 and again on August 27. The Commission unanimously accepted the Committee's report by a vote of 20 - 0 in favor.

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 20 - 0 in favor. (See Commission Minutes for Committee report)

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 20 - 0 in favor. (See Commission Minutes for Committee report)

Special Occupancy TAC

Commissioner Marshall 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)

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 18 - 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 19 - 0 in favor. (See Commission Minutes for Committee report)

Commission Actions:

Motion— The Commission voted unanimously, by a vote of 19 – 0 in favor, to hold a press conference regarding the Prototype Buildings Program during the Commission's October 14, 2003 plenary session.

Motion— The Commission voted unanimously, by a vote of 19 – 0 in favor, to forward ANSI Standard A250.13 and the ASTM Standard E330, 1977 to the Structural TAC for review to determine equivalence.

Action on Applications for Approval for Product Approval Entities

Motion— The Commission voted unanimously, by a vote of 19 – 0 in favor, to approve Underwriters Laboratories as a certification agency.

Motion— The Commission voted unanimously, by a vote of 19 – 0 in favor, to approve Underwriters Laboratories as a test lab for their test facility located at 333 Pfingsten Road, Northbrook, Ill.

Motion— The Commission voted unanimously, by a vote of 19-0 in favor, to approve Underwriters Laboratories as a quality assurance entity.

Motion— The Commission voted 18 – 1 in favor, to approve National Accreditation Management Institute as a certification agency.

Motion— The Commission voted 18 – 1 in favor, to approve National Accreditation Management Institute as a validation entity.

Additional Commission Actions

Motion— The Commission voted 17 – 1 in favor, to delegate to DCA staff the authority to issue conditional approval for products and entities pending final review and approval by the Commission.

Motion— The Commission voted unanimously, by a vote of 18-0 in favor, to draft a letter to Building Officials regarding not accepting exceptions to code sections as the only acceptable action.

Public Comment

Chairman Rodriguez 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	No, unless Dec. statement
Education TAC	No, unless Dec. statement
Electrical TAC	No, unless Dec. statement
Energy TAC	No, unless Dec. statement
Fire TAC	No, unless Dec. statement
Mechanical TAC	No, unless Dec. statement
Plumbing TAC	No, unless Dec. statement
Special Occupancy TAC	No, unless Dec. statement
Structural TAC	No, unless Dec. statement
Product Approval/Prototype Buildings/Manufactured Buildings POC	Yes

Staff Assignments

Staff should review statutory authority of various industries with facilities construction related activities for inclusion as a part of the Special Occupancy requirements of the Florida Building Code.

Draft a letter to Building Officials regarding not accepting exceptions to code sections as the only acceptable action.

Make available for review entities accreditation certificates.

Adjourn

Motion— The Commission voted unanimously, by a vote of 18 – 0 in favor, to adjourn the plenary session. Session adjourned at 1: 40 PM.

ATTACHMENT 1
FLORIDA BUILDING COMMISSION
MEETING EVALUATION RESULTS
August 26, 2003—Orlando, FL

Instructions: Please use a 0 to 10 rating scale where a 0 means totally disagree and a 10 means totally agree.

Average of the 15 Respondents

1. Please assess the overall meeting.

9.8 The background information was very useful.

9.93 The agenda packet was very useful.

9.5 The objectives for the meeting were stated at the outset.

9.8 Overall, the objectives for the meeting were fully achieved.

9.5 Accessibility Waiver Applications

9.46 Chair's Issues and Recommendations

9.33 Workshop on 2004 FBC Update and International Codes

9.4 Declaratory Statements

9.31 TAC/POC Reports and Recommendations

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

9.62 The participants followed the direction of the facilitator.

9.86 The facilitator made sure the concerns of all participants were heard.

9.75 The facilitator helped us arrange our time well.

9.81 Participant input was documented accurately.

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

9.56 Overall, I am very satisfied with the meeting.

9.75 I was very satisfied with the services provided by the facilitator.

9.43 I am satisfied with the outcome of the meeting.

4. What progress did you make?

9.06 I know what the next steps following this meeting will be.

9.0 I know who is responsible for the next steps.

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.

- Good meeting—well organized; facilitator is important!
- Thanks for snacks! (perhaps a few teabags?)
- I am a new Commissioner—things are becoming much clearer.
- Encapsulate the main substance of second reading of declaratory statements to make process shorter.

ATTACHMENT 2

COMMISSION'S UPDATED WORKPLAN

FLORIDA BUILDING COMMISSION 2003 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		10/13-15/03
Rule development workshop	(To be determined after 8/26 workshop)	?
Rule adoption hearing	(To be determined after 8/26 workshop)	?
Effective date of first update	(To be determined at 8/26 workshop)	?

2005 Annual Interim Amendments:

Amendment submittal cutoff (independent submittals)		8:00 a.m. 4/19/04
Post on website (independent/base code updates/local amends)		4/30/04
TAC's consider		6/20-23/04
Post TAC recommendations on website		7/2/04
Commission considers		8/30-31/04
Rule development workshop		10/18-19/04
Rule adoption hearing		12/7/04
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
<i>Bill did not pass/expedited adoption was not approved by the Legislature</i>	
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

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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 recommendations Jan-Nov 2003

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 Sep2003

Report to 2004 Legislature Jul 2004

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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:	
Contractor hired to collect data on system operation	Jul 2003
Contractor report due	Sep 2003
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) (To be determined at 8/26 workshop)	? 2004

Amend Product Approval Rule

Schedule:	
TAC workshop 1	Nov 2002
TAC workshop 2	Dec 2002
Rule development workshop	Jan 2003
Rule adoption hearing	Apr 2003
Hearing on Notice of Proposed Changes	Jul 2003
Amendments to Rule effective	Aug 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 amend
	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 rev
	July 25, 2003	TAC recommendations posted to we
45 days (min) ¹		
	October 13-14, 2003	Commission considers proposals
	November 18-19, 2003	Commission conducts Rule Developm Workshop
	January 13, 2004	Commission conducts Rule Adoption Hear votes to file the rule for adoption
	January 23, 2004	File Rule with DOS for adoption
6 months (min)		
	?	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

ATTACHMENT 3

CONSIDERATION PROCESS FOR REVIEWING PROPOSED AMENDMENTS TO THE FLORIDA BUILDING CODE

CONSENT AGENDA—APPROVED AS SUBMITTED

- Amendments that received a 75% approval by TAC (and have not been amended) will be on a consent agenda.
- Commission will solicit public comment on consent agenda amendments.
- Any Commission member may pull off any amendment for separate consideration on the discussion agenda.
- Commission will move to approve the consent agenda following opportunity for Commissioner's to remove specific amendments for individual consideration.
- The standing motion to approve will be used to approve the consent agenda package, a second will be required in order to vote for the amendment.

CONSENT AGENDA—RECEIVED NO SECOND BY TAC

- Amendments that received no second by the TAC, and therefore have no recommendation, will be on a consent agenda for a negative roll-call.
- Commission will solicit public comment on consent agenda amendments.
- Any Commission member may pull off any amendment for separate consideration on the discussion agenda.
- A second to the standing motion will be solicited in order for the Commission to unanimously vote in the negative on the package of proposed amendments (Negative roll-call).

DISCUSSION AGENDA—APPROVED AS AMENDED BY THE TAC, CONSIDERED BY THE TAC BUT FAILED TO ACHIEVE AN AFFIRMATIVE RECOMMENDATION (< 75% FAVORABLE VOTE), AND WITHDRAWN AMENDMENTS

- All proposed amendments submitted for review that are not part of the consent agenda will be on the discussion agenda.
- Each proposed amendment will be considered individually.
- Public comment will be solicited.
- Following public comment, the Commission will consider motions to approve and will require a 75% favorable vote for approval and subsequent amendment of the Florida Building Code.
- Once a motion is made, the floor is closed to public comment, except for requests by Commissioners as allowed by the Commission Chair for purposes of clarification.
- The standing motion to approve will be in effect, a second will be required in order to vote for the amendment.
- If no second is offered on a specific proposed amendment, the amendment is not approved (no action) and the next amendment will be considered. Commission will not consider motions to deny.

AMENDMENT REVIEW AND CONSIDERATION PROCESS

- Facilitator will serve as moderator.
- One person speaks at a time.
- Limit your comment and be concise.
- Do not read lengthy prepared statements; Summarize and submit complete comment text for the record.
- Offer new points or state agreement with previous speakers; Please do not repeat what has been stated.
- The Commission wants to hear all view points, and not repeats of the same views.
- Facilitator will assist with process and groundrules.
- Facilitator will introduce each amendment.
- Proponents of proposed amendment will speak first.
- Opponents of proposed amendment will follow proponents.
- Each side (proponent/opponent) will be allowed one counterpoint opportunity.
- Standing motion to approve will be in effect.
- Four findings, rationale, Florida specific need, and fiscal impact data reviewed.
- Clarifying questions by Commission members only.
- Staff, proponent, or specified commenter will respond to Commission questions.
- Once a motion (second to the standing motion) is on the floor, discussion is limited to Commission members except as allowed by the Chair.
- Commission amendments to proposed amendments require additional public comment, and Commission analysis of findings and fiscal impact.
- A standing motion to approve will be in effect, a second will be required in order to vote for the amendment.
- Motions require a 75% favorable vote for approval.

STANDING MOTION TO APPROVE AMENDMENTS TO THE FLORIDA BUILDING CODE

Move to approve the proposed amendment as presented to The Commission by the Technical Advisory Committee (TAC) based on the following findings:

- A. The amendment has a reasonable and substantial connection to the health, safety, and welfare of the general public; and,
- B. The amendment does not degrade the effectiveness of the Code and either strengthens or improves the Code or provides for innovation or new technology by allowing equivalent or better products, methods, or systems of construction; and,
- C. The Amendment does not discriminate against products, methods, or systems of construction of demonstrated capabilities; and,
- D. The Amendment has the following fiscal impact:
 - 1. The fiscal impact of enforcement imposed upon local government is as indicated by TAC review.
 - 2. The fiscal impact of compliance imposed upon property and building owners is as indicated by TAC review.
 - 3. The fiscal impact of compliance imposed upon industry is as indicated by TAC review.
- E. The Amendment's benefits noted with regard to fiscal impact and efficacy outweigh the costs imposed.**