



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

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JEB BUSH
Governor

COLLEEN CASTILLE
Secretary

**BOARD MEETING
OF THE
FLORIDA BUILDING COMMISSION**

**PLENARY SESSION
August 31, 2004**

PENDING APPROVAL

The meeting of the Florida Building Commission was called to order by Chairman Raul Rodriguez at 8:30 a.m., on Tuesday, August 31, 2004, at the Fountainebleau Hilton Resort, Miami Beach, Florida.

COMMISSIONERS PRESENT:

Raul Rodriguez, Chairman
Christopher P. Schulte
Randall J. Vann
Michael C. McCombs
Hamid J. Bahadori
Craig Parrino
Herminio Gonzalez
George J. Wiggins
John Calpini
Christ T. Sanidas
Peter Tagliarini
Nicholas "Nick" D'Andrea
Richard Browdy
Stephen Corn
Dale Greiner
Do Y. Kim
Jeffrey Gross
Joseph "Ed" Carson

John Hamrick
Steven C. Bassett
Diana B. Richardson

COMMISSIONERS ABSENT:

Leonard N. Lipka
Paul D. Kidwell
Doug Murdock, Adjunct Member

OTHERS PRESENT:

Rick Dixon, Executive Director
Ila Jones, DCA Prog. Admin.
Jim Richmond, Legal Advisor
Richard Shine, Legal Advisor
Jeff Blair, FCRC

WELCOME

Chairman Rodriguez called the meeting to order at 8:40 a.m. He expressed, on behalf of the Florida Building Commission, concern for and offered support to those who had been struck by Hurricane Charley. He stated the Commission would evaluate the assessments resulting from the storm and use the information for Code review and possible enhancements. Chairman Rodriguez continued stating later in the meeting there would be a proposal for a course of action by the Commission concerning the review and assessments. He then directed the Commission to City of Miami Beach Commissioner José Smith for a brief presentation.

PRESENTATION BY CITY OF MIAMI BEACH

Commissioner Smith opened by acknowledging the coincidence of his appearance before the Commission as a hurricane is approaching the East Coast of Florida. He extended appreciation to the Commission for the work performed to protect the citizens of Florida through stronger, safer building codes for Florida. Commissioner Smith stated he follows the work of the Commission through input and advice from Ted Berman, formerly with Miami-Dade County, which assists in the development zoning codes and ordinances for a safer City of Miami Beach.

REVIEW AND APPROVAL OF AGENDA

Chairman Rodriguez stressed the tight schedule for the meeting and stated in order to devote adequate time for substantive issues such as the Code Adoption Hearing and discussions relating to Hurricane Charley, procedural issues such as Accessibility Waivers and Declaratory Statements should be completed in the course of time allotted on the schedule. He then directed the Commission to Mr. Blair for agenda review.

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

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

REVIEW AND APPROVAL OF JUNE 15, 2004 MEETING MINUTES

Chairman D'Andrea called for additions or corrections to the minutes from the June 15, 2004 Commission meeting.

Commissioner Greiner moved approval of the June 15, 2004 Commission meeting minutes. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

CHAIR'S DISCUSSION ISSUES AND RECOMMENDATIONS

- 1. Hurricane Charley**
- 2. Workplan Prioritization**
- 3. FBC Participation in ICC Process**
- 4. FBC Assessment**
- 5. Miniature Golf Course Charrette**
- 6. ASCE 7 Workgroup**
- 7. Workgroup to Resolve Overlapping Responsibilities Between the FBC and the FFPC**
- 8. Responses to Senator Constantine**
 - a. Product Approval Workgroup Scope**
 - **Expand scope to include developing recommendations for clarifications and refinements to the entire system-Local and State approval**
 - **Expand representation to add roofing and exterior doors**
 - b. Quality of Construction Assessment**
 - **Assessment to gauge views of stakeholder groups**
 - **Report of recommendations to Commission**
 - **Commission ...**

1. Hurricane Charley

Chairman Rodriguez stated many groups will be conducting assessments and studies related to Hurricane Charley in terms of successes and lessons to be learned. He continued stating the groups will include state and local governments, researchers, scientists, design professionals, trades, product manufacturers and testers, and a variety of interest groups. Chairman Rodriguez announced a workshop would be convened by the Commission for a review and analysis of lessons learned from the research. He stated he would prefer the Commission hold a workshop as soon as it would be feasible to do so in light of some of the research possibly taking up to a year for completion. Chairman Rodriguez formally requested that those conducting the surveys share the preliminary assessments with the Commission as soon as possible as well as participate in the workshop to build consensus for recommendations resulting from lessons learned. He then invited specifically the local jurisdictions which were affected by Hurricane Charley to provide the Commission their opinions by participating in the Code review and amendment process as well as the Assessment Workshop. Chairman Rodriguez stated there has been time scheduled during the meeting to hear and discuss preliminary observations relating to the effects of Hurricane Charley. He continued stating there would be time scheduled during each subsequent meetings as the Assessment Workshop nears.

2. Workplan Prioritization

Chairman Rodriguez stated there are many issues before the Commission with limited resources available particularly with recent work related to Hurricane Charley. He

stated one additional meeting per month may be an option for assisting the Commission with the development of recommendations regarding critical priority issues like product approval. Chairman Rodriguez announced there would be a prioritization exercise submitted electronically to each Commission member for completion and return to Mr. Blair. He stated the workplan would then be revised to reflect the Commission's priorities scheduled for review during the October meeting.

3. FBC Participation in the ICC Process

Chairman Rodriguez stated the Commission's most pressing and time consuming issue is the Code development process. He reminded the Commission the Code must be maintained and updated with an emphasis on Florida-specific amendments. He urged the Commission to make every attempt to avoid eleventh hour revelations in the future that may delay the implementation date of Code updates and amendments. Chairman Rodriguez stated there were valuable lessons to be learned from the 2004 Code development process and recommendations will be brought before the Commission during the October meeting relating to how future Code updates may be conducted more effectively and efficiently.

4. FBC Assessment

Chairman Rodriguez stated the Commission must address the issue of conducting a review and assessment of the Building Code system. He continued stating the law directs the Commission to conduct the review and report to the Legislature following each three-year Code update. He stated staff had prepared for presentation to the Commission an overview of the progression of events that led to the formation of the Florida Building Commission and the rationale behind the plan for continued maintenance and development of the Florida Building Code and its various systems. Chairman Rodriguez stressed the importance of maintaining a level of institutional memory with a clear understanding of the Commission's positions of the past, present, and an explicit vision or strategy for the future.

5. Miniature Golf Course Charrette

Chairman Rodriguez stated the Commission had approved earlier in the year the Accessibility TAC's recommendation to conduct a charrette for miniature golf courses. He stated the TAC's planning is nearing completion with the charrette tentatively scheduled in October. Chairman Rodriguez continued stating the charrette will be an all day workshop conducted between Commission meetings.

6. ASCE 7 Workgroup

Chairman Rodriguez stressed the importance of the ASCE 7 Workgroup which is considering how to adopt the ASCE 7 revisions. He stated during an earlier Commission meeting it was agreed the issue would be reviewed and with Hurricane Charley's impact to the state attention is being focused toward the Building Commission for recommendations as to whether changes to the Building Code are warranted and if so how to proceed. Chairman Rodriguez stated the Commission must proceed quickly if statutory requirements for wind design are to be addressed during the next Legislative

session. He urged the Commission to proceed with caution and not make hasty decisions before Hurricane Charley assessments have been made available.

7. Workgroup to Resolve Overlapping Responsibilities Between the FBC and the FFPC

Chairman Rodriguez stated the Commission has been tasked to work with the state Fire Marshal's office to evaluate the overlapping requirements between Florida Building Code and the Florida Fire Prevention Code. He continued stating the Fire Marshal has an advisory council that works jointly with the Commission's Fire TAC to harmonize technical requirements. Chairman Rodriguez then stated the partitioning of the Building Code from the Fire Code is a sensitive issue to numerous stakeholder groups and is vital to the safety of the general public. The Commission's task concerning the issue is significant and great care must be taken to give the issue the necessary time and resources for a properly developed course of action.

Chairman Rodriguez announced the appointment of Allen Sechenger to the Education TAC who will replace Hene Rebane.

8. Responses to Senator Constantine

a. Product Approval Workgroup Scope

- **Expand scope to include developing recommendations for clarifications and refinements to the entire system-Local and State approval**
- **Expand representation to add roofing and exterior doors**

b. Quality of Construction Assessment

- **Assessment to gauge views of stakeholder groups**
- **Report of recommendations to Commission**
- **Commission ...**

Chairman Rodriguez outlined the points for the response letter to Senator Constantine:

-Local Product Approval Workgroup, additional scope charge – Chairman Rodriguez stated the recommendations from the workgroup had been heard, discussed, and considered. He continued stating based on the recommendations and discussion the charge of the workgroup has been expanded to include developing recommendations for clarifications and refinements to the entire product approval system, both local and state approval. Chairman Rodriguez then stated he had additionally expanded the representation to include roofing and exterior doors with Commissioner Schulte representing the interests of the roofing industry. He stated a door manufacturer would be appointed to represent the interests of the exterior door industry. Chairman Rodriguez stated the process would be facilitated in a fashion similar to the facilitation of the private provider issue. He continued stating four to six meetings should be necessary and will be held approximately once per month beginning in September concluding after the first of 2005. He added recognition of products already being tested to editions of standards in the 2004 Code would be entered into an interim product application process recognizing equivalency of standards in order to avoid amending the Product Approval Rule.

-Quality of Construction Assessment – Chairman Rodriguez stated the Commission’s first approach would be an assessment to gauge the views of all interests affected by the issue culminating in a report including recommendations for how to proceed with the initiative, which would then be delivered to Senator Constantine. He addressed fire related issues stating the Commission’s Fire TAC has worked with the stated Fire Marshal’s office to address issues related to the fire risks associated with night clubs with Code amendments going into effect immediately following implementation of the 2004 Florida Building Code. Chairman Rodriguez then stated another issue from Senator Constantine was the pool and spa industry participation with the Commission. He continued stating he had sent a letter to the Florida Pool and Spa Association offering representation in the Commission’s process and it was understood that the association would discuss the issue at their next meeting and inform the Commission before the October Commission meeting. Chairman Rodriguez then addressed the hospice facilities and mezzanines in Group S occupancies issue stating staff had included Code amendments resolving the mezzanine issues. He stated the Commission would be requesting Legislative authority to include hospice facilities with a purview of the Florida Building Code.

REVIEW AND UPDATE OF COMMISSION WORKPLAN

Mr. Dixon conducted a review of the updated workplan which was included in each Commissioner’s meeting files.

Commissioner D’Andrea moved approval of the updated Commission Workplan including the corrected date. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

CONSIDERATION OF ACCESSIBILITY WAIVER APPLICATIONS

Mr. Mellick presented the waiver applications which were unconditionally approved:

- # 1 Flagler Holding Group
- #3 Sutre Lounge
- #5 Club Deep
- #9 First Church of the Nazarene
- #10 Cavalier Hotel
- #12 Nassau Suite Hotel
- #16 Gray Bar Electric

Commissioner Richardson moved approval of the consent agenda. Commissioner D’Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Mellick then presented the waiver applications which had been approved with

conditions:

Application #'s 6, 7, 8, 11, 15, and 18

#6 Palmer College Chiropractic

Mr. Mellick stated the applicant requested a waiver from providing vertical accessibility to all rows of seats in an 84-seat lecture hall. He stated the new building was being constructed in phases with the first phase being the shell and the second phase being the second floor. Mr. Mellick stated vertical accessibility has been provided to the second floor and the first floor would remain a shell until additional funding has been raised. He then stated the Council had voted unanimously to approve the request based on the submitted location of the accessible seats and under the condition that the companion seats are marked allowing their use when necessary.

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

#7 Florida International School of Law

Mr. Mellick stated the applicant was requesting waiver from providing vertical accessibility to all rows of seats in classrooms and labs with raised level seating. He stated the facility is a new \$24, 544,000 three-story building housing 153,000 square feet and the Council unanimously recommended approval with the following conditions:

- Moving the accessible seats in the auditorium, Room # 1,100, allowing for installation of companion seating, and
- Providing additional accessible locations in the teaching lab, Room # 2005, in the same location as Room # 2007, and
- Submitting revised plans to DCA staff reflecting changes.

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

Commissioner Richardson entered a question for the record in the applicant's absence concerning PBF 106 as to whether there was sufficient clearance behind the seats for maneuverability.

Chairman Rodriguez suggested proceeding with the motion including a request for a written response to Commissioner Richardson's question. He then called for a vote on the motion. Vote to approve the motion was unanimous. Motion carried.

#8 Montessori Learning Center

Mr. Mellick stated the applicant was requesting a waiver from providing the slope requirements for an accessible parking space, access aisle, and from the width of the accessible route to the existing facility. He stated there was no work currently being performed at the site and the request had been entered resulting from a local code enforcement board hearing. Mr. Mellick continued stating the Council had unanimously recommended approval of the request relating to the slope of the accessible parking space and its access aisle provided that the applicant relocates the accessible parking space and access aisle to the location of the north parking spaces which would place the accessible parking space and its access aisle adjacent to the accessible sidewalk. He stated the Council entered an additional condition that the applicant comply with all the requirements of the access aisle from curb cut to width, with the exception of the slope.

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

#11 Brilore LLC dba Amica

Mr. Mellick presented the case stating the applicant was requesting waiver from providing vertical accessibility to the existing mezzanine and the primary entrance to the historic building. He stated the project was undergoing a \$125,000 alteration with the applicant providing an accessible entrance on the side of the building, and has made the first floor completely accessible. Mr. Mellick continued stating the local authority stated that providing an accessible front entrance and a lift to the second floor would damage the historic character and design of the building. He further stated the Council had unanimously recommended approval of the request with the following conditions:

- Installing a sign located at the front entrance indicating the accessible entrance to the side of the building, and
- Installing an intercom at the front entrance for the use of those individuals with disabilities.

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

#15 About Family Fitness

Mr. Mellick explained the applicant was requesting a variance from providing vertical accessibility to all levels in an exercise room housing stationary bicycles. He stated the project is a new \$3 million alteration to an existing tenant space with the subject room containing 47 stationary bicycles on five different levels. Mr. Mellick continued stating the applicant has provided seven bicycles on the first, accessible level.

He stated the Council had recommended unanimously to approve the request with the following conditions:

-Applicant stipulates that if the program or occupancy changes in the building, the waiver would be expired.

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

#18 International Polo Club

Mr. Mellick stated the applicant was requesting a waiver from providing vertical accessibility to all rows of boxed seating in a new \$900,000 sports facility. He stated the applicant proposed providing access to the two lower boxed seating levels with the Council unanimously recommending approval of the request with the following conditions:

- Providing vertical accessibility to the upper covered boxes with equivalent facilities, and
- Submitting revised plans to DCA staff for approval.

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

#2 Anna Marie City Hall

Withdrawn by applicant.

#19

Incomplete application.

#4 Stock Exchange Restaurant

Mr. Mellick stated the Council had recommended deferring the request in order for additional information to be provided during the next meeting.

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

Mr. Mellick continued by presenting the waiver applications which had been denied by the Council:

Application #'s 13, 14, and 17

#13 Downtown Produce, Incorporated

Mr. Mellick stated the applicant was requesting waiver from providing vertical accessibility to the second floor of a new 29,500 square feet refrigerator storage and distribution warehouse at a cost of \$1.9 million. He stated the second floor plan shows approximately 2,200 square feet containing four offices, a file room, and a records storage room. Mr. Mellick noted the building official indicated the original plan had a conference room rather than the records storage room following notification of the vertical accessibility requirements. He stated the Council had unanimously recommended denying the request based on new construction with a greater potential for use for the second floor rooms.

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

#14 Walter L. Sickles High School

Mr. Mellick stated the applicant was requesting waiver from providing vertical accessibility to a new 184 square feet press box incurring a cost of \$15,000. He stated the Council recommended denying the request due to Title 2 requirements for the school.

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

#17 Weaver Dental Office

Mr. Mellick explained the applicant requested waiver from providing vertical accessibility to the second floor of a new \$750,000 dental office. He stated the first floor consisted of 3,847 square feet containing eight dental stations, offices, reception area, children's play area, and other areas with the second floor consisting of 1,672 square feet housing offices, storage, laundry, and an employee lounge. Mr. Mellick stated the Council unanimously recommended denying the request based on lack of hardship.

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

Commissioner Bassett suggested placing the numbers in front of the title for easier identification in the directory provided to each Commissioner.

PROGRESS REPORT OF LOCAL PRODUCT APPROVAL WORK GROUP

Mr. Blair directed the Commission to File # 8 on their laptops. He then referenced supportive material which was distributed to each Commission member. (See *Florida Building Commission, Local Product Approval Work Group, Recommendations to the Florida Building Commission, Facilitator's Report of the August 11, 2004 Organizational Meeting* Attachment.) He then conducted a review of the report as presented.

Commissioner Bassett moved to accept the report. Commissioner D'Andrea seconded the motion.

Chairman Rodriguez extended appreciation to the members of the work group for their efforts: Larry Schneider and Pete Tagliarini representing architects; Dale Greiner Christ Sanidas; and Ronnie Spooner representing building officials; John Hill representing certification agencies; Steve Bassett representing engineers; Herminio Gonzalez representing evaluation entities; Ed Carson representing general contractors; George Wiggins representing local government; Dave Olmstead and Craig Parrino representing product manufacturers; Dick Browdy representing residential contractors. He then called for a vote on the motion. Vote to approve the motion was unanimous. Motion carried.

CONSIDERATION OF THE ALTERNATIVE PLANS REVIEW AND INSPECTIONS WORK GROUP REPORT

Chairman Rodriguez stated during the January 2004 Commission meeting the Commission voted to convene a workgroup task for the review of issues relating to the implementation of Legislation, specifically Section 553.791 authorizing the use of private providers to conduct plans review and inspections. He continued stating the Commission had adopted a plan that would address the issue in phases with Phase One focusing on identifying and agreeing on consensus recommendations to enhance the system's efficacy for the short term. Chairman Rodriguez reminded the Commission Phase One recommendations were adopted by the Commission during the March 2004 Commission meeting with Phase Two recommendations slated for the current meeting's agenda and if approved, both sets of recommendations will be prepared and submitted to the 2005 Legislature for their consideration and approval.

Chairman Rodriguez then extended appreciation to the members of the group for their consensus building efforts: Barry Ansbacher, Geroge Dixon, Allen Douglas, Bill Dumbaugh, Gary Elzweig, Jack Glenn, Do Kim, Doug Murdock, Robert Nagin, Mike Rodriguez, Ronnie Spooner, Jim Schock, and George Wiggins. He then directed the Commission to Mr. Blair for a report on Phase Two recommendations.

Mr. Blair directed the Commission to File #9 on their laptops. He then referenced supportive material which was distributed to each Commission member. (See *Alternative Plans Review and Inspections Work Group, Phase II, Recommendations to the Florida Building Commission* Attachment.) He then conducted a review of the recommendations

as presented in the report.

Commissioner Bassett asked how tail insurance coverage would be enforced.

Commissioner Kim responded the coverage would be enforced through the court system. He stated when a claim is made the location of the insured would be researched and determined through the local building department and the claim could be entered and enforced.

Commissioner Bassett stated he had a recent experience regarding the tail coverage issue and it was discovered tail coverage was not available if a company was still in business.

Commissioner Kim added contractor insurance, which is liability insurance, and professional insurance are two separate policies.

Commissioner Browdy stated the work group's recommendations do not include recommendations concerning the loss payee for the policies if there was a casualty.

Mr. Blair responded the loss payee issue was a very controversial issue on which the work group could not reach agreement and did not include the issue as part of their recommendation.

Commissioner Browdy added it is critical to identify the injured parties and that they be named as loss payees.

Commissioner Corn moved approval to conditionally accept the package of Phase One and Phase Two recommendations. Commissioner Wiggins seconded the motion. Vote to approve the motion resulted in 1 opposed (Sanidas). Motion carried.

LEGAL REPORTS AND CONSIDERATION OF PETITIONS FOR DECLARATORY STATEMENT:

Mr. Richmond directed the Commission to the appropriate files on their laptops as well as supportive printed material which was distributed to each Commission member.

Second Hearings-

DCA04-DEC-069 by Bob Boyer of Palm Beach County-Building Division

Mr. Richmond referenced the supportive document. (See *State of Florida Building Commission Case #: DCA04-DEC-069* Attachment.) He explained the petition for declaratory statement was entered with a number of questions for Commission consideration and decision. He directed the Commission to Item 5 concerning the Independence Of A Validating Engineer Or Architect. He stated the TAC

recommendation as approved by the Commission was that the conflict of interest would not be permitted under Rule 9B-72.110(4), Florida Administrative Code or by Section 553.842(9), F.S. Mr. Richmond directed the Commission to Item 6 concerning the Nature of Building Official Validation and whether it would be a technical review or an administrative review. He stated the TAC recommendation was it would be dependent on the items being reviewed. He continued by directing the Commission to Item 7 relating to the Performance of State Approved Products Altered by Analysis. He stated the TAC's recommendation was the building official would be empowered by Section 103.7, Florida Building Code.

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

DCA04-DEC-072 by James M. Fowler, National Engineering Corp.

Mr. Shine directed the Commission to the appropriate file on their laptops. He stated the petitioner asked if Section 1003.5, Florida Building Code, Plumbing Volume, pertain to both on-site sewage disposal systems and central municipal sewer systems. He continued stating the TAC recommendation was yes. Mr. Shine moved on to question two of the petition which asked if the answer to question one was yes, can an exception be granted for the subject project to allow the use of two 4,000 gallon grease interceptors in lieu of six or seven 1,250 gallon interceptors. He stated the TAC recommendation was yes.

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

DCA04-DEC-077 by Charles W. Edwards, Building Code Solutions

Mr. Shine stated the petitioner's questions were answered as follows:

1. Does Section 1012.1.3, Florida Building Code, Building Volume, apply to doors that are not egress doors used as an exit such as sliding glass doors or side-hinged doors opening onto a lanai when the lanai does not exit to grade. He stated the TAC recommendation was yes.
2. When considering doors onto a lanai does Section 1012.1.3, Florida Building Code, Building Volume, Exception #2 address the height of thresholds that are not in the HVHZ. He stated the TAC recommendation was yes.
3. If the answer to question #2 is no, are the thresholds for doors and areas that are not in the HVHZ limited to one-half inch. Mr. Shine stated the TAC recommendation directed the petitioner to question #2.
4. Does Section 1012.1.3, Florida Building Code, Building Volume, limit the method of designing water proofing to the testing threshold, or to providing a different floor surface level as outlined in the chart only. Mr. Shine stated the TAC recommendation was Section 1012.1.3, Exception 2, provides for two options,

threshold height is per water resistance test or providing a differential of floor surface levels as outlined in the chart. 5. If Section 1012.1.3, Florida Building Code, Building Volume, is applicable to doors serving lanais that are not exit doors, would an appeal to a local building official or appeals board for acceptance of the curb design as an alternate method of construction be appropriate according to Section 103.7, Florida Building Code, Building Volume. Mr. Shine stated the TAC recommendation was yes, the doors to the lanai is a secondary exit door, Section 103.7, Alternate Methods of Construction, is always available provided equal or better performance can be demonstrated.

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

DCA04-DEC-108 by James G. Dular, Tamtech Services Inc.

Mr. Shine explained the petitioner had submitted a written notification withdrawing the petition.

DCA04-DEC-109 by George A. Hegedus, P.E., Structural Systems Inc.

Mr. Shine stated the petitioner's question was answered as follows: the petitioner asked whether a particular property was located in Exposure B or Exposure C category. He stated the TAC recommendation was the property was outside the 1,500 feet of the Coastal Construction Control Line, therefore the property was located in Exposure B unless the property was located within 1,500 feet of the mean high tide line.

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

DCA04-DEC-110 by C.W. McComber, Palm Beach County

Mr. Shine stated the petitioner's questions were answered as follows: the petitioner requested clarification stating the Florida Building Code, 2001, Plumbing, does not list offset closet flanges in Table 706.3 and asked if offset closet flanges restricted to being used to change direction of flow in sanitary drainage systems. He stated the TAC recommendation was no. Mr. Shine continued stating the petitioner's second question asked if offset closet flanges make the connection between a water closet and a sanitary drainage pipe if approved by the local building official. He stated the TAC recommendation was yes, offset closet flanges were not prohibited by the Code, all pipe fittings shall meet applicable standards prescribed by the Code.

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

DCA04-DEC-116 by C. W. McComber, Palm Beach County

Mr. Shine explained the petitioner's question was answered as follows: the petitioner asked if the prescriptive in Section 301.13.1 require three individual straps per side with one screw in each strap, or one strap per side with three screws in it. He stated the TAC recommendation was the Code provisions are incomplete and strapping methods must be engineered.

Commissioner McCombs moved approval of the TAC recommendation. Commissioner Wiggins seconded the motion. Vote to approve the motion resulted in 1 opposed (D'Andrea). Motion carried.

DCA04-DEC-117 by Dennis Braddy, Fenestration Manufacturers Association

Mr. Richmond explained the petitioner asked a number of questions for which responses were as described on the accompanying printed material which was distributed to each Commission member. (See *State of Florida Building Commission Case #: DCA04-DEC-117* Attachment.)

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

First Hearings-

DCA04-DEC-139 by T. A. Krebs

Mr. Richmond stated the question asked whether Section 1005.7.3, which states "...where a single means of egress is permitted or the limits of 1004 where a multiple means of egress are required..." is multiple means of egress referring to the mezzanine itself or the room or space in which the mezzanine is located. He stated the TAC recommendation was the multiple means of egress was referring to the mezzanine itself and not the room or space in which the mezzanine is located.

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

DCA04-DEC-145 by C. W. McComber, Palm Beach County

Mr. Richmond stated the petition pertains to the design requirements for a quancit-cut metal building and whether it needs to meet to be designed to meet all the windload requirements of Section 1606 or only the main windfoce resisting system windloads, or must the designer also consider the component and cladding windloads on each

individual exterior skin panel. He stated the TAC recommendation was according to ASCE 7-98 the building in question must be designed for both the main windforce resisting system and component and cladding loads as applicable.

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

DCA04-DEC-147 by Ricco Longo, Fire Districts of Collier County

Mr. Richmond stated the question pertained to what elements go into the calculation for determining whether a detection and alarm system exceeds the cost of \$5,000 as referred to in Sections 104.4.1.3 and 104.4.1.3(5), Florida Building Code, Building Volume. He stated the TAC recommendation stated it was not possible to provide a list of items which shall not be included when attempting to determine the cost pursuant to those sections however overall cost of design, permitting, components, materials, and installation of a complete working system shall be listed to determine the \$5,000 threshold.

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

DCA04-DEC-157 by James Bell, Assa Abloy Inc.

Mr. Richmond stated the petitioner asked to which category in 9B-72.060 is to be used for listing component hardware for exterior doors. He stated the TAC recommendation was component hardware for exterior doors falls under the category of structural component, however, exterior door component hardware does not need a separate approval under 9B-72 if the hardware is part of an approved door assembly.

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

DCA04-DEC-159 by Herminio Gonzalez, Miami-Dade County Board of Rules and Appeals

Mr. Richmond explained the issue pertains to the building official's enforcement of the fire related items in the mechanical and building codes. He stated the issue was similar to that raised by Mr. Danger in a prior declaratory statement which was dismissed by the Commission for lack of jurisdiction. He then recommended dismissing the petition based on a lack of facts, leaving the opportunity to amend the petition.

Herminio Gonzalez, Miami-Dade County

Commissioner Gonzalez stated the declaratory statement was submitted on behalf of the Board of Rules and Appeals because there is a hardship to the industry and to the building officials. He continued stating the question was straight forward and was an interpretation of the Florida Building Code, Section 104.3.1.1. Commissioner Gonzalez stated he had hoped for discussion regarding the issue during the Fire TAC meeting and was disappointed that it was not discussed.

Mr. Richmond responded stating the petition was an issue that must come before the Commission in a different manner such as an order that would then be appealed to the Commission for consideration.

Commissioner Gonzalez then stated the petition was heard by the Board of Rules and Appeals where it was sent back to the Florida Building Commission. He added if the previously approved workplan is followed the workgroup would be established in December which would delay an answer for a year.

Mr. Richmond then stated the work group could provide a resolution for the overlap because the matter is a matter to be resolved at a local level first.

Commissioner McCombs moved approval of the TAC recommendation. Commissioner D'Andrea seconded the motion. Vote to approve the motion resulted in 1 opposed (Gonzalez). Motion carried.

Appeal

Mr. Richmond stated a waiver applicant had filed an appeal to conform with requirements of a local court system. He stated there were pleading difficulties related to the appeal and the intent would be to dismiss the appeal. Mr. Richmond added the Commission had approved a waiver and the appeal had been negated by the Commission's action.

Mr. Richmond then addressed an issue pertaining to product approval and a system of revisions. He stated staff had worked with the contractor in building the component of the Building Code Information System and asks whether revisions would be allowed to begin prior to the rulemaking. Mr. Richmond stressed that only the most urgent circumstances would merit a revision and stated the situation would leave the Commission vulnerable to complaints. He then stated the issue was an "industry friendly" issue and would most likely not generate many complaints.

Commissioner Bassett moved approval to proceed with implementation of the revisions to Rule 9B-72 through "quick-fix" proceedings. Commissioner D'Andrea seconded the motion.

Commissioner Greiner asked what revisions would be necessary for the “quick-fix” process.

Mr. Richmond responded revisions of certain administrative elements of product approvals to avoid submittal of an additional application. He stated Rule 9B-72.135 authorizes submittal of revisions to all data with the exception that no new products would be added to the application.

Commissioner Parrino requested clarification regarding the change asking whether it is a rule change or a policy change.

Mr. Richmond responded advanced implementation of a rule change stating the rule change is already in process having been approved by the Commission and the POC.

Mr. Dixon offered additional comment stating the revisions would not be imposing a new requirement for industry, rather offering an alternative.

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

CONSIDERATION OF APPLICATIONS FOR PRODUCT AND ENTITY APPROVAL

Mr. Blair conducted a review of the process of Commission action for each consent agenda group of applications or individual applications as presented. He explained the files provided on the Commission laptops may not accurately reflect POC action. He then presented the application numbers for specific products in the four consent agenda groups:

Certification Mark or Listing

Recommended Unconditional Approval

Product #'s: 986, 1213, 1757, 1870, 1882, 2009, 2122, 2397, 2408, 2435, 2436, 2437, 2491, 2500, 2503, 2561, 2571, 2583, 2587, 2595, 2611, 2616, 2617, 2640, 2689, 2690, 2695, 2710, 2748, 2806, 2813, 2830, 2836, 2837, 2838, 2839, 2847, 2855, 2859, 2877, 2878, 2879, 2880, 2881, 2891, 2896, 2906, 2907, 2908, 2915, 2918, 2920, 2946, 2947, 2949, 2952, 2954, 2955, 2956, 2961, 2981, 2984, 2986, 2991, 3008, 3011, 3019, 3021, 3022, 3024, 3027, 3028, 3036, 3037, 3038, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3051, 3061, 3074, 3075, 3078, 3086, 3087, 3089, 3090, 3091, 3092, 3097, 3098, 3113, 3126, 3128, 3129, 3132, 3133, 3134, 3137, 3138, 3139, 3140, 3141, 3142, 3143, 3151, 3153, 3154, 3157, 3158, 3159, 3160, 3163, 3165, 3166, 3167, 3168, 3169, 3181, 3183, 3185, 3186, 3187, 3188, 3189, 3191, 3205, 3208, 3209, 3210, 3212, 3216, 3222, and 3224

Jaime Gascon, Miami-Dade County

Mr. Gascon stated product number 3205, Energy Saving Products, was recommended for conditional approval. He then stated product number 2435, 2436, and 2437 were recommended for conditional approval and should be removed from the consent agenda.

Mr. Blair then removed products 3205, 2435, 2436, and 2437 from the consent agenda.

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

Recommended Deferral

Product #'s: 1934, 2608, 2774, 2804, 2807, 2823, 2824, 2825, 2922, 2932, 2965, 3005, 3031, 3034, 3059, 3096, 3130, 3131, 3214, 3204, 3215, 3217, and 3234

Commissioner Parrino requested product # 3034 be removed from the consent agenda.

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

Recommended Conditional Approval

2030

Mr. Blair stated the conditions set by the POC pertained to some of the standards listed which require correction.

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

2435

Mr. Blair explained the condition set by the POC was for the applicant to provide the limitations of use.

Commissioner Browdy moved approval of the POC recommendation. Commissioner McCombs seconded the motion. Vote to approve the motion was

unanimous. Motion carried.

2436

Mr. Blair stated the POC recommended conditional approval based on the applicant providing the limitations of use.

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

2437

Mr. Blair stated the condition set by the POC was for the applicant to provide the limitations of use for the product.

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

2494

Mr. Blair stated the condition set by the POC was that the applicant provide limitations of the product's use.

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

2741

Mr. Blair explained the condition was the standard of reference should have been ANSE-AAMA NWWDA 101 IS 297 and to provide more specific limitations of use.

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

2742

Mr. Blair stated the condition was that more specific limitations of use be provided as well as providing design pressures.

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

unanimous. Motion carried.

2786

Mr. Blair stated the condition was that the limitations of use be moved into the correct column and the model number and descriptions should be corrected.

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

2795

Mr. Blair explained the standards of reference needs to be corrected and the limitations of use need to be moved to the correct column.

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

2796

Mr. Blair stated the condition was that the design pressures be moved to the correct column.

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

2797

Mr. Blair stated no design pressures were provided.

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

2808

Mr. Blair explained the condition posed by the POC was the standard of reference should be corrected.

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

2815

Mr. Blair stated the POC recommended conditional approval based on the condition that the limitations of use be moved into the correct column.

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

2834

Mr. Blair stated the condition imposed by the POC was that the standards and editions be corrected.

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

2840

Mr. Blair stated the condition set by the POC was that the standards and editions be corrected.

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

2842

Mr. Blair stated the condition set by the POC was the standards and editions be listed correctly.

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

2860

Mr. Blair stated the POC's condition was the standard listed should be corrected to reflect ASTM-D 6163.

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

2863, 2864, 2865

Mr. Blair explained the condition set by the POC was the standard listing should be corrected to reflect ANSI AAMA NWWDA 101 IS2-97.

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

2921

Mr. Blair stated the condition set by the POC was the standard listing be corrected to reflect ANSI AAMA NWWDA 101 IS2-97.

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

2926

Mr. Blair stated the POC recommended conditional approval with the condition that the standards be listed as ANSI AAMA NWWDA 101 IS2-97.

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

2998

Mr. Blair explained the condition set by the POC for conditional approval was the category for the product be changed to Structural Components with the appropriate ANSI standards.

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

3033

Mr. Blair stated the POC's recommended condition was the limitations of use must be explicit that the product is not permitted for use in the high velocity hurricane zones and TAS 201, 202, and 203 need to be included.

Commissioner Parrino moved approval of the POC recommendation.

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

3063

Mr. Blair stated the POC recommended conditional approval with the condition that the product category be changed to Structural Components and the applicable ANSI standards be listed.

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

3067

Mr. Blair stated the condition set by the POC was the product category be changed to Structural Components with the appropriate ANSI standards listed as well.

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

3205

Mr. Blair stated the product must have a condition of use listed indicating the product is not for use in the high velocity hurricane zone.

Mark Scalla, Broward County Board of Rules and Appeals

Mr. Scalla requested clarification concerning the high velocity hurricane zones and what would allow the product to be used in other counties such as Monroe County.

Mr. Modani replied the product was not permitted to be used in the high velocity hurricane zones which are Miami-Dade and Broward Counties.

Mr. Richmond interjected comment expressing concern with using the high velocity hurricane zone as a limitation of use. He stated there are many requirements in the Code but evaluation reports providing design pressures and performance for products must also be relied on for limitations of use.

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

3206

Mr. Blair stated the POC recommended conditional approval under the condition a limitations of use lists the product as not permitted for use in the high velocity hurricane zone.

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

Commissioner Carson stated product 2752, 3008, and 3011 were also recommended for conditional approval.

2752

Mr. Blair stated the POC recommended conditional approval under the condition that limitations of use are moved to the correct column.

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

Commissioner Parrino moved to reconsider POC action relating to product #'s 3008 and 3011. Commissioner McCombs seconded the motion. Vote to approve the motion was unanimous. Motion carried.

3008

Mr. Blair stated the POC recommended conditional approval under the condition the entire Notice of Acceptance be uploaded or the Notice of Acceptance number be referenced.

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

3011

Mr. Blair stated the POC recommended conditional approval with the stipulation the Notice of Acceptance be uploaded or the Notice of Acceptance number be referenced.

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

3034

Mr. Blair explained the POC recommended deferral for product # 3034. He stated the applicant requested a different action and directed the Commission to the applicant for public comment.

Bill Kaufman, USA Building & Metal Products

Mr. Kaufman stated the product was submitted to the POC without a letter of certification due to internal error. He continued stating the letter of certification has since been faxed for submission to the Commission for consideration. He requested the Commission consider changing the status to conditional approval pending certification authenticity.

Parrino moved approval conditionally approve pending staff verification of certification. Commissioner McCombs seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Recommended to Deny

2941

Mr. Blair explained the POC recommended denial of the product based on the fasteners being outside the scope of Rule 9B-72.

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

2841

Mr. Blair stated the POC had recommended denial based on the product being outside the scope of Rule 9B-72 and does not qualify for approval.

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

Evaluation Report

Recommended for Approval

Product #'s: 1370, 1945, 2144, 2382, 2420, 2432, 2511, 2517, 2523, 2537, 2538, 2551, 2555, 2556, 2593, 2665, 2686, 2868, 2876, 2883, 2887, 2889, 2899, 2900,

2902, 2940, 2945, 2958, 2959, 2960, 2975, 2979, 2983, 2987, 2995, 3003, 3007, 3014, 3026, 3030, 3048, 3072, 3073, 3088, 3093, 3094, 3118, 3135, 3136, 3144, 3149, 3150, 3172, 3174, 3194, 3195, 3196, 3197, 3198, 3199, 3200, and 3201

Jaime Gascon, Miami-Dade County

Mr. Gascon stated product #'s 2382 and 3007 were recommended for conditional approval from the POC.

Mr. Modani explained product #2382 was an assembly and will remain on the consent agenda. It was also determined product # 3007 was an assembly and remained on the consent agenda as well.

Commissioner Gonzalez offered comment stating product # 2432 was recommended for conditional approval by the POC. It was determined product # 2432 had been recommended for conditional approval and it was removed from the consent agenda.

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

Recommended for Deferral

Product #'s: 2399, 2549, 2626, 2641, 2662, 2664, 2671, 2672, 2685, 2694, 2982, and 3221

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

Recommended for Conditional Approval

880

Mr. Blair stated the product was recommended for conditional approval under the condition that limitations of use be listed and a certificate of independence be submitted along with a hard copy of the application.

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

945

Mr. Blair stated the condition set by the POC was the application must list testing standards as well as indicate limitations of use stating the product would not be permitted for use in the high velocity hurricane zones.

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

987

Mr. Blair stated the POC set the condition based on limitations of use being submitted and a certificate of independence being provided along with a hard copy of the application.

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

2430

Mr. Blair stated the POC recommended conditional approval provided the limitations of use be listed.

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

2591

Mr. Blair stated the product was recommended for conditional approval under the condition the correct series of ASTM standards and ANSI AAMA NWDA 101 IS2-97.

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

2597

Mr. Blair stated the product was recommended for conditional approval with the condition that the correct series of standards be listed.

Commissioner McCombs moved approval of the POC recommendation. Commissioner Carson seconded the motion. Vote to approve the motion was

unanimous. Motion carried.

2600

Mr. Blair stated the POC recommended conditional approval under the condition that the correct series of standards are listed.

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

2607

Mr. Blair stated the product was recommended for conditional approval with the condition that the correct series of standards be listed.

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

2609

Mr. Blair stated the POC recommended conditional approval with the condition that the correct calculations are submitted along with the correct standards of reference.

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

2612

Mr. Blair stated the product was recommended for conditional approval based on the condition calculations are verified and corrected along with the correct standards of reference being listed.

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

2613

Mr. Blair stated the POC recommended conditional approval with the condition that the calculations are verified and the correct standards of reference are listed.

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

2614

Mr. Blair stated the POC recommended conditional approval with the condition the calculations are verified and the correct standards of reference are listed.

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

2627

Mr. Blair stated the product was recommended for conditional approval with the condition that the standards of reference are corrected.

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

2635

Mr. Blair stated the POC recommended conditional approval with the condition that the limitation of use not allowing the product's use in the high velocity hurricane zone be added to the application.

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

2711

Mr. Blair stated the product was recommended for conditional approval under the condition that the engineer's license number is corrected and the certificate of independence is provided.

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

2726

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

product demonstrates compliance with TS 101 and 125 if located in the high velocity hurricane zone, otherwise limitation of use for high velocity hurricane zone must be listed.

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

2730

Mr. Blair stated the product was recommended for conditional approval with the condition limitations of use be provided stating the product is not permitted for use in the high velocity hurricane zone.

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

2759

Mr. Blair stated the POC recommended conditional approval under the condition the limitations of use be listed on the application.

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

2791

Mr. Blair stated the product was recommended for conditional approval with the condition the correct standards of reference be submitted, limitations of use be provided, and a certificate of independence be submitted.

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

2819

Mr. Blair stated the POC recommended conditional approval under the condition the limitations of use be submitted for the application as well as providing a certificate of independence.

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

2905

Mr. Blair stated the product was recommended for conditional approval with the condition the correct standards of reference be provided along with installation instructions, and the application must indicate limitations of use not permitting use in the high velocity hurricane zones.

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

2927

Mr. Blair stated the POC recommended conditional approval under the condition the correct standards of reference are listed.

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

2948

Mr. Blair stated the product was recommended for conditional approval with the condition the correct standards of reference are listed.

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

3012

Mr. Blair stated the POC recommended conditional approval under the condition the certificate of independence be submitted and the correct standards of reference be provided.

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

3057

Mr. Blair stated the product was recommended for conditional approval with the

condition the hard copy of the report be submitted.

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

3060

Mr. Blair stated the POC recommended conditional approval under the condition the correct standards and editions be submitted.

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

3070

Mr. Blair stated the product was recommended for conditional approval with the condition the correct standards of reference be submitted along with a signed and sealed copy of the engineer's report.

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

3071

Mr. Blair stated the POC recommended conditional approval under the condition the limitations of use reflect the product is not permitted for use in the high velocity hurricane zones.

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

3076

Mr. Blair stated the product was recommended for conditional approval with the condition the correct standards of reference be submitted.

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

3114

Mr. Blair stated the POC recommended conditional approval under the condition the certificate of independence be provided.

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

3117

Mr. Blair stated the product was recommended for conditional approval with the condition the limitations of use reflect the product is not allowed for use in the high velocity hurricane zones.

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

3119

Mr. Blair stated the POC recommended conditional approval under the condition the correct standards of reference be submitted along with a signed and sealed report. He added the application must also list a limitation of use that the product is not permitted for use in the high velocity hurricane zones.

Commissioner D'Andrea moved approval of the POC recommendation. Commissioner McCombs seconded the motion.

Commissioner Parrino disclosed the product is a product of a competitor in the industry he represents. He stated the product is a sister product of product # 2700 and should be pulled and discussed at the same time.

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

3155

Mr. Blair stated the POC recommended conditional approval under the condition the installation instructions be submitted legibly.

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

3162

Mr. Blair stated the product was recommended for conditional approval with the condition limitations of use be listed stating the product is not permitted for use in the high velocity hurricane zones.

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

3173

Mr. Blair stated the POC recommended conditional approval under the condition the correct standards of reference be listed.

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

3202

Mr. Blair stated the product was recommended for conditional approval with the condition the standards of reference be corrected.

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

3203

Mr. Blair stated the POC recommended conditional approval under the condition the standards of reference be listed correctly.

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

3226

Mr. Blair stated the POC recommended conditional approval under the condition the certificate of independence be provided.

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

3229

Mr. Blair stated the product was recommended for conditional approval with the condition the certificate of independence be provided.

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

3233

Mr. Blair stated the POC recommended conditional approval under the condition the certificate of independence be provided along with a signed and sealed report.

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

3237

Mr. Blair stated the product was recommended for conditional approval with the condition the certificate of independence be provided along with a signed and sealed report.

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

LUNCH

CONTINUATION OF CONSIDERATION OF APPLICATIONS FOR PRODUCT AND ENTITY APPROVAL

3236

Chairman Rodriguez took the opportunity to welcome and introduce the newest member of the Florida Building Commission, Commissioner John Hamrick, architect, who is serving as a building official for the Florida Department of Education and is replacing former Commissioner Suzanne Marshall as public education representative. Chairman Rodriguez added Commissioner Hamrick is currently a manager in the office of educational facilities for DOE.

Mr. Blair resumed the product approval application process stating product # 3236 POC action was not available for consideration by the Commission.

Commissioner Gonzalez suggested Mr. Blair listen to the tapes from the POC meeting and determine what the action was concerning product # 3236.

Mr. Blair directed the Commission to Mr. Richmond for a recommended course of action.

Mr. Richmond stated if no deficiency with the product could be identified, the product should be approved.

Mr. Case stated it had been staff's recommendation to approve product # 3236.

Commissioner Vann moved approval of the POC recommendation to approve product # 3236. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Recommended for Denial

3170

Mr. Blair stated the POC recommended denial based on the product not being new and innovative and is not within the purview of Rule 9B-72.

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

3218

Mr. Blair stated the product was recommended for denial based on no specific independence.

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

Commissioner Bassett asked why products with the same comments as some products that were conditionally approved were being denied.

Mr. Blair responded stating the reason for the denial was due to further discussion and action during the POC for each product considered.

Commissioner Bassett then suggested there should be more detail in the comments or reasons for POC action.

Mr. Blair responded stating it was uncertain who the manufacturer of product # 3218 was and whether the applicant was manufacturer or had been licensed by the manufacturer.

Commissioner Greiner offered comment stating the Commission depends on the TAC for information and if more detailed information is desired the TAC's could be attended by any Commissioner who so desired. He continued stating the TAC researches each item and makes a determination for their recommendation based on that research. Commissioner Greiner further stated providing all the detail for each product discussed would be equivalent to reporting the discussion and actions of all the TAC's.

Mr. Richmond interjected actions for product approval are treated differently particularly when denied the rationale should be stated for the record and be subject to review and discussion by the Commission.

3232

Mr. Blair stated the product was recommended for denial then directed the Commission to Mr. Modani for rationale.

Mr. Modani stated the product was denied because the certification of independence was missing from the website as well as laminated glass not passing the large missile tests. He further stated the manufacturer had no quality assurance program for the product.

Commissioner Gonzalez offered further comment stating the application indicated a large missile with .060 laminate interlayer which based on rational comparative analysis should be grouped rather than individual. Commissioner Gonzalez continued stating the product references TAS 204 which is incorrect and does not meet the requirements of Rule 9B-72 for approval.

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

2700

Mr. Blair stated the product was recommended for conditional approval with a series of conditions. He continued stating standards and editions required corrections; limitations of use must be added stating decorative cementations coating may not be applied, the product is permitted for G-60 Exposure but not for use in the high velocity hurricane zones, and the number of steel reinforcing rods must be indicated.

Steve Pfeiffer, Theriac & Pfifer Law Firm, Tallahassee, Representing Powers Steel

Mr. Pfeiffer stated it had been his understanding the conditions placed on the product approval were that the product not be used in the high velocity hurricane zones and that the product not be used with decorative cementitious coating, and that the product be used only on interior walls unless it is hot-dipped.

Commissioner Parrino offered clarification stating the product falls within his industry and the conditions included prohibition of applied cementitious coating on a sheet metal surface; the G-60 galvanization protection would be limited to interior exposure use; not permitted in the high velocity hurricane zones; clarification of tables for required double steel reinforcement rods; and provide deflection criteria for user awareness.

Mr. Pfifer then introduced Bill Powers, John Powers, and Paul Scott on behalf of Powers Steel. He stated Joe Belcher would also be discussing issues concerning the product. Mr. Pfifer stated the applicants would accept all the conditions set by the POC for the product's approval, however, would not accept the condition concerning interior use and application of the G-60 standard because the requirements were not applicable under the Florida Building Code. Mr. Pfifer further stated DCA staff had recommended approval of the product with a 3-2 vote. He noted Senator Fred Dudley was present serving as co-counsel on the case, and Steve Schwab, the certifying entity, Florida registered engineer who provided the report to the Department of Community Affairs, as well as Jim Jewldy.

Mr. Pfifer announced a change in his professional life. He stated he would be no longer serving in private practice and would most probably not be appearing before the Commission again on behalf of a specific client. He extended appreciation to the Commission and the courtesies and accommodations he has received from the Commission when representing clients before the Commission. Mr. Pfifer then explained the issue relating to the unmerited condition concerned the treatment of steel used as lintels. He stated the product application was not treated equally by the Product Approval POC. He declared the primary advocate against approval of the product was a competitor who sits on the Florida Building Commission as well as the Product Approval POC. Mr. Pfifer stated facts were discussed concerning the product application with which the applicant disagrees. He further stated having a Commission member testify regarding facts relating to the product and then vote as to the veracity of those facts violates the rights of the applicant. Mr. Pfifer requested an opportunity for rebuttal should issues were raised by the Commission concerning the product's status. He added if the same processes were filed with every product application that was filed with the Powers Steel application the staff would require a much larger staff with numerous more meetings for review and action regarding the products.

Mr. Blair requested clarification in terms of the objectionable conditions.

Mr. Pfifer responded stating the condition being rejected was that the product be

available with G-60 protection only with interior use. He stated the applicant does not agree with the cementitious coating condition but would accept the condition. Mr. Pfifer added the applicant does not object to the high velocity hurricane condition stating, however, that they believe the product would meet high velocity hurricane protection criteria with plans in the future for addressing the issue.

Mr. Powers offered comment providing background information regarding his company. He stated his uncle began designing and cold-forming steel lintels in 1959 with progressively new designs and patents for composite steel lintels. He continued stating Powers Steel provides lintels as far away as Hawaii and in California, the Carolinas and throughout the United States with Florida being a successful market since 1992. Mr. Powers stated the product is easy for masons to use because it is lightweight and maneuvers easily with less injuries. He further stated Powers Steel constructs very large projects such as stadiums and have never had a claim in all their years in Florida. Mr. Powers again assured the Commission the lintel is a substantial, solid, concrete-steel lintel when installed in the wall. He addressed the G-60 issue stating Powers Steel shop-coat painted their product at one time as required by the Code. He stated their engineers felt that the G-60 galvanizing was equal protection as the shop-coat paint then directed the Commission to Mr. Scott, technical expert for Powers Steel.

Senator Dudley then distributed supportive documents to each Commission member. (See *E S ICC Legacy Report 9597D* Attachment.)

Mr. Scott offered comment first providing his own credentials and background information. He stated he was a structural engineer registered in California, Arizona, Florida, Illinois and approximately twenty other states. He continued stating he had been working with the lintel since the early 1980's and has seen it installed in Hawaii, California, Arizona, and now Florida is a big market for the lintel. He estimated there were 1,000 homes in the state of Florida in which the lintel was installed in August with a projected 1,000 more homes scheduled for installation in September. Mr. Scott defined the lintel as a structural member made from "regular cold form steel," as found in Section 2204.1 in the Florida Building Code, which states that "the steel lintel shall be protected against corrosion with an acceptable shop-coated paint, enamel, or other approved protection." He added Powers Steel galvanizes the steel creating a better product although not required by the Code. He then explained the process in making the lintel and why Powers Steel uses their current method then stated staff had recommended approval of the product and it was being delayed by a competitor.

Joe Belcher, JDB Code Services, Representing Powers Steel

Mr. Belcher offered comment stating Mr. Scott had explained the details concerning the product very well. He then expressed his opinion respectfully that Commissioner Parrino may have been in error classifying the lintel as a masonry accessory. Mr. Belcher stated the Code does not classify the element as an accessory then directed the Commission to the supportive document, *E S ICC Legacy Report*, for

specific descriptions and information.

Mr. Blair requested clarification of the proponent's position stating the product's applicant would accept the conditions set by the POC with the exception of the G-60 galvanized protection for interior use condition.

Mr. Pfeiffer responded stating complying with the POC's G-60 condition would make the lintel available only for interior use and if the condition were removed the applicant would comply with the other conditions.

Commissioner Bassett moved conditional approval of product # 2700 and conditions set by the POC with exception to the G-60 protection for interior use condition. Commissioner Schulte seconded the motion.

Commissioner Browdy read the section of the Code which defines the coating/protection requirement asking if the concerns expressed regarding the product were dealing with the coating and corrosion issue rather than the structural ability of the product. He then asked if the product was delivered to the site with a shop-coat paint.

Mr. Scott stated the product is fabricated of coil steel then rolled into the shapes of the lintels, cut to length, then delivered to the job site. He explained the coil steel is hot-dipped into zinc at the mill before being delivered to the fabricating shop resulting in galvanization on both sides.

Commissioner Browdy continued requesting clarification concerning the galvanization occurring prior to the lintel being cut. He then asked if the product is shop-painted on the edges where it has been cut.

Mr. Powers responded stating the cuts are shop-painted as well as the sides of the coils when they are slit ensuring that all steel is covered.

Commissioner Gonzalez requested clarification regarding comments made concerning the product which were addressed by staff who determined the product met the requirements of the Code and recommended the product's approval to the POC.

Mr. Modani replied when the product was reviewed in the same manner as any other product. He assured the Commission staff review is limited to compliance with Rule 9B-72 on which their recommendations are based.

Commissioner Gonzalez asked if the new RFP being issued would include only administrative review of products or technical review as well.

Mr. Dixon interjected it was not expected that the application reviewer would be conducting an engineering review. He stated the contractor would review test reports to ensure the information provided documents or verifies compliance with the requirements

of the standard. Mr. Dixon added the contractor review would not be an engineering review but it would be more involved than administrative reviews currently being conducted.

Commissioner Greiner asked through the chair if the coating on the cold-rolled steel is diminished as the lintel is formed.

Mr. Scott responded the coating is not diminished stating the roll tooling is shaped so that it does not interfere with the coating.

Commissioner Greiner then asked Commissioner Parrino if there was a section for which he based the G-60 protection for interior use only position.

Commissioner Parrino responded stating Section 2204 is titled Cold Formed Steel Construction. He argued the installation of the subject lintel is not cold formed steel construction stating it would be classified as reinforced concrete masonry construction. Commissioner Parrino continued stating the standards for reinforced concrete masonry construction, which require a G-60 protection to be used only in interior exposures, should apply to the installation of the subject lintel. He further stated exterior concrete masonry walls require a hot-dipped, galvanized after fabrication, 1.5 ounces of zinc per square foot product for installation, which would be the same as the requirements for joint reinforcements, brick ties, and other masonry accessories. Commissioner Parrino stressed brick ties currently on the market with G-60 protection have failed. He expressed concern for the future of buildings with installations that do not comply with the reinforced concrete masonry construction requirements.

Commissioner Schulte asked if G-90 would be sufficient for the subject application.

Commissioner Parrino responded G-90 would not be sufficient if the provisions for corrosion protection for reinforced concrete masonry construction were applied.

Commissioner Tagliarini asked why the applicant would accept the no cementitious coatings condition and not the hot-dipped galvanized condition. He stated the two conditions are closely tied in exposure.

Mr. Pfefifer responded stating the company he represents would be willing to accept the no cementitious coatings condition however the company does not agree that the condition should even be an issue regarding a structural element because it is an aesthetic issue, which would not be a product approval issue.

Commissioner Sanidas offered comment stating he had experience with the product when he was called to a job site where the stucco was not adhering properly to the lintel and the lintel was rusting. He stated the issue was brought to the attention of the manufacturer who agreed to hot-dip the lintels for the project. Commissioner Sanidas stated respectfully it was not his intention to take sides but manufacturer was made aware

that there were problems with the product.

Mr. Scott responded stating the lintel contains 8 inches of bearing in the final composite masonry section. He continued stating the steel installed into the wall was originally specified at a 3 inch (+ -) bearing to allow for the vertical steel reinforcing rods to reach up into the cell, however the final composite masonry lintel has 8 inches of bearing.

Commissioner Sanidas then expressed concern regarding inspections stating the building inspector would be unable to provide an accurate inspection due to the height and logistics after installation.

Mr. Powers responded requesting documentation concerning the situation Commissioner Sanidas described. He reminded the Commission there has never been a claim against the lintel then stated the building inspections are performed before the grout is applied. He then added the incident to which Commissioner Sanidas was referring was for product # 3119, not Powers Steel product # 2700.

Mr. Pfeiffer offered further clarification stating product # 2700 deals with box lintels while product # 3119 is a different product.

Commissioner Wiggins asked Mr. Powers how long the product has been in use.

Mr. Powers replied the L-2 lintel, product # 3119 has been installed since March of 1992 in Florida.

Mr. Scott added the lintels were first designed and installed in the Phoenix, Arizona area in 1959.

Mr. Powers then stated the subject product, # 2700, has been on the market in Florida for approximately three-and-a-half years without incident of failure.

Chairman Rodriguez called for a vote on the motion to approve product # 2700 with conditions and exception as described. Vote to approve the motion resulted in 17 supporting and 3 opposed. Motion carried.

3119

Mr. Pfeiffer stated the applicant supports the POC recommendation.

Mr. Blair offered a summary of the recommendations stating the POC recommended conditional approval with the condition that the correct standards be listed, the signed and sealed reports be provided, and a limitation of use be submitted stating the product is not permitted for use in the high velocity hurricane zone.

Mr. Madani added

Commissioner Parrino stated the product is a sister product to # 2700 and his disclosure stands. He then stated Commission action concerning the product should be consistent with the action taken for product # 2700 with the same limitations and requirements. He then moved approval of product # 3119 subject to the same limitations placed on product # 2700. Commissioner McCombs seconded the motion.

Commissioner Greiner stated the POC had already placed conditions on the approval of the product then asked why there would be additional consideration beyond the POC recommendation.

Mr. Blair offered clarification stating the POC recommended much less conditions than the Commission did through the motion on the floor.

Commissioner Kim recommended supporting the original POC recommendations unless the proponent accepts the motion with its additional conditions.

Mr. Powers added the lintels are sister products with one being exposed and the other not exposed. He stated only the bottom of product # 3119 is exposed limiting cementitious coating.

Chairman Rodriguez called for a vote on the motion. Vote to approve the motion resulted in 16 opposed 4 in favor. Motion failed

Commissioner Kim moved approval of the POC recommendation with the original conditions set. The motion was seconded. Vote to approve the motion resulted in 16 in favor; 4 opposed. Motion carried.

Product Evaluation Entity

Recommended for Approval

Product #'s: 77, 2434, 2515, 2931, 3066, and 3102

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

Recommended for Deferral

Product #'s: 2516, 2772, 2820, 2850, 3124

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

Recommended for Conditional Approval

1077

Mr. Blair stated the POC recommended conditional approval with the condition the standards of reference, limitations of use, and a certificate of independence be provided.

Commissioner Corn suggested the conditional approvals be considered as a consent agenda.

Mr. Richmond advised as long as the conditions vary the products should be considered individually.

Chairman Rodriguez offered clarification stating a conditional approval would also be a denial if the conditions were not met.

Commissioner Corn moved approval to consider conditionally approved applications under a consent agenda. Commissioner McCombs seconded the motion.

Commissioner Greiner asked if it was understood by the applicants that the conditions of a product recommended for conditional approval must be met prior to the next Commission meeting.

Commissioner Bassett stated it had been proven that the comments for the conditions may not be accurate.

Chairman Rodriguez called for a vote on the motion. Vote to approve the motion resulted in 3 supporting; 17 opposed. Motion failed

Commissioner D'Andrea moved approval of the POC recommendation for product # 1077. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

1651, 1653

Mr. Blair stated the products from the same company were recommended by the POC for conditional approval under the conditions that limitations of use and certificates of independence are provided.

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

1702

Mr. Blair stated the POC recommended conditional approval with the condition that a certificate of independence be provided.

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

1730

Mr. Blair stated the product was recommended for conditional approval under the condition the limitations of use and the correct standards of reference be provided.

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

2440

Mr. Blair stated the POC recommended conditional approval with the condition the limitations of use be revised and the standards of reference be corrected.

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

2661

Mr. Blair stated the product was recommended for conditional approval under the condition that limitations of use be provided and the SBCCI Legacy Report is dated correctly.

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

2818

Mr. Blair stated the POC recommended conditional approval with the condition the standards of reference are corrected and a certificate of independence be provided.

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

unanimous. Motion carried.

2822

Mr. Blair stated the product had been recommended for conditional approval by the POC under the condition the applicant provides a certificate of independence and the limitations of use on the application.

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

2919

Mr. Blair stated the POC recommended conditional approval with the conditions that standards of reference are provided, limitations of use are corrected, and the category changed to the wall subcategory.

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

2934

Mr. Blair stated the product was recommended for conditional approval by the POC under the condition the certificate of independence is provided and the standards of reference are corrected.

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

2994

Mr. Blair stated the POC recommended conditional approval with the condition the certificate of independence is provided, validating entity information needs verification.

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

3029

Mr. Blair stated the product was recommended for conditional approval by the POC under the condition the standards of reference and editions are corrected, the

category is changed to wall panels.

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

3146

Mr. Blair stated the POC recommended conditional approval with the condition that a certificate of independence is provided and the compliance method is changed to certification agency.

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

3152

Mr. Blair explained the product was recommended for conditional approval by the POC under the condition a certificate of independence is provided, limitations of use are corrected, and standards of reference are corrected.

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

3156

Mr. Blair stated the POC recommended conditional approval with the condition that a certificate of independence be provided from the evaluation entity and the compliance method is changed to certification agency.

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

Recommended for Denial

2582

Mr. Blair stated the POC recommended denial based on inability to obtain the evaluation report, the product falls outside the scope of Rule 9B-72, and there were no limitations of use provided.

Commissioner Bassett moved approval of the POC recommendation.

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

Testing Report

Recommended for Approval

Product #'s: 1655, 1718, 2416, 2909, 2910, 2911

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

Recommended for Deferral

Product #'s: 2192, 2376, 2586, 2779, 2780, 2781, 2782, 2783, 2957, 2999, 3161, 3192

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

Recommended for Conditional Approval

2265

Mr. Blair stated the POC recommended conditional approval with the condition the limitations of use is provided stating the product is not permitted for use in the high velocity hurricane zone.

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

2282

Mr. Blair stated the product was recommended for conditional approval by the POC under the condition that the category is changed to structural component.

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

2302

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

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

2624

Mr. Blair stated the product was recommended for conditional approval by the POC under the condition that a certificate of independence is provided, staff obtains E-1300 compliance foam description, the limitations of use state the product is not permitted in the high velocity hurricane zone, and impact information is provided.

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

2749

Mr. Blair the POC recommended conditional approval with the condition the certificate of independence is provided, name on application is verified and meets requirements.

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

2792

Mr. Blair stated the product was recommended for conditional approval by the POC under the condition that a certificate of independence and validating entity is provided, standards of reference are corrected, the testing lab is verified and is approved by the Commission, and the OFP and the product complies with the high velocity hurricane zone or provide a limitations of use that the product is not for use in the high velocity hurricane zone.

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

2833

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

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

3020

Mr. Blair stated the product was recommended for conditional approval by the POC under the condition a certificate of independence is provided and the standards of reference are corrected.

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

3055

Mr. Blair stated the POC recommended conditional approval with the condition the standards of reference are corrected and the private label issue is verified.

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

3227

Mr. Blair stated the product was recommended for conditional approval by the POC under the condition that the certificate of independence is provided, an engineer's report is provided, and the limitations of use are revised.

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

3230

Mr. Blair stated the POC recommended for conditional approval with the condition a certificate of independence is provided, the standards of reference are corrected, and the testing lab is verified to be approved by the Commission.

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

Recommended for Denial

3080

Mr. Blair stated the product has been recommended for denial by the POC based on the product falling outside the scope of Rule 9B-72.

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

Commissioner Carson then presented applications recommended for entity approvals:

SGS US Testing Co. for approval as a Testing Lab

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

Pyramid One Incorporated for approval as a Quality Assurance Entity

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

SGS US Testing Co. for approval as a Quality Assurance Entity

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

RULE ADOPTION HEARING ON RULE 9B-3.047, 2004 FLORIDA BUILDING CODE

Chairman Rodriguez explained the Commission conducted a Rule Adoption Hearing for Rule 9B-3.047 during the April 2004 Commission meeting to implement the Commission's approved Florida-specific amendments to the Florida Building Code and to integrate the remaining unadopted portions of the International family of codes. He stated the Commission voted unanimously at the conclusion of the hearing to adopt a 2004 Florida Building Code approved during the course of the rule development. Chairman Rodriguez continued stating the Commission additionally voted unanimously to proceed with rule adoption for Rule 9B-3.047 adopting the 2004 Florida Building Code effective January 1, 2005. He further stated during the June 2004 Commission meeting testimony was given which caused a delay in proceeding with rule adoption in order to obtain additional information and hold a teleconference Commission meeting for discussion and

decision concerning whether to proceed with rule adoption or hold another rule adoption hearing at the August Commission meeting. Chairman Rodriguez stated the Commission voted unanimously during the teleconference meeting to amend previous action and hold an additional rule adoption hearing at the next scheduled plenary session.

Chairman Rodriguez added the threshold issue before the Commission is to a) decide whether the testimony is compelling enough to warrant making a change to the draft Code recommended by the IBHS that would limit the IRC conventional construction practices to areas with wind speed less than 100 mph instead of less than 110 mph, delaying the implementation of the Code; b) decide to convene a process to make changes to the required conventional construction practices which would further delay the Code; or c) proceed with rule adoption without change maintaining the implementation date of January 1, 2005, as originally planned.

Mr. Richmond called the subsequent Rule 9B-3.047 Adoption Hearing to order.

PUBLIC COMMENT

Jack Glenn, Representing the Florida Home Builders Association

Mr. Glenn stated he would speak on the adoption of Rule 9B-3.047. (See *R302.1 Exterior Walls [and Exceptions], Public Proposal Form, and International Building Code Minimum Projection Separation Attachments*.) He stated after the April then June approvals of the rule by the Commission and the available draft was placed on the internet, many building officials obtained copies of the draft and recognized a new issue concerning zero lot lines in residential construction. Mr. Glenn explained the supporting document which was provided to each Commission member contains a copy of the section of the Code relating to zero lot line along with a public proposal form.

Mr. Glenn explained previously in the Florida Building Code as well as the International Code Table 500 addressed fire protection requirements where building walls approximated a property line. He stated the increase in fire resistance and the limits on opening protection in the building walls was intended to limit the potential for fire to spread from one building to another. Mr. Glenn continued stating Table 500 was not carried forward to the IRC and subsequently was not included in the Florida Building Code, rather Section R 302.1 in the IRC discusses separation requirements of exterior walls of less than 3 feet from the property line or greater than 3 feet from the property line. Mr. Glenn further stated the text also discusses the overhang and its requirements on the building walls. He stressed the overhang has become a controversial issue stating implementing the new Code January 1, 2005 would prohibit overhang on the exterior wall within 3 feet of the lot line. Mr. Glenn then conducted a review of the supportive illustrations which were provided to each Commission member. He appealed to the Commission for consideration to uphold a practice that is currently in use with zero lot line projects which involves building departments to allow the buildings to be built on the lot line provided the neighboring structure is approximately 6 to 10 feet from the lot line. He

explained his proposal would require adding language to the definition of fire separation distance. The word "easement," which will resolve the issue while maintaining the same level of protection expressed in the current Code.

Joe Belcher, JDB Code Services, Representing Florida Concrete Products

Mr. Belcher offered clarification regarding Mr. Glenn's comments stating the referenced table would be Table 600 not Table 500. He then stated there were approximately ten items discovered in the most recent draft which could be considered editorial in nature; i.e., improper references, sections omitted, etc. He requested the Commission review the items that were included in supportive written material provided to staff and to each Commissioner and take the necessary action to make the corrections. Mr. Belcher expressed support for Mr. Glenn's proposal concerning the easements relating to zero lot line projects as well as for the changes recommended by IBHS relating to the windspeed reduction from 110 mph back to 100 mph.

Robert Fine, Attorney, Representing Ginn Homes

Mr. Fine expressed support for Mr. Glenn's comments and added comment stating Section R303 of the Code provides a mandate that requires light and ventilation in habitable spaces in homes. He explained stating in cases of fire rated walls being required on zero property line, either the entire side of the home would contain no habitable space or there would be an opportunity for fenestration to be applied. He then requested the Commission consider Mr. Glenn's proposed changes as soon as possible to prevent delays on projects already underway.

Jeffrey Stone, American Forest Association

Mr. Stone stated the windspeed issue, 110 mph to 100 mph, is not unique to Florida but is a problem in the I-Codes. He continued stating his association requests the Commission and IBHS take action to resolve the wind speed issue for the implementation of the new Code. Mr. Stone noted the American Wood Council staff came very close to eliminating the conventional framing section of the IBC because the requirements provided are for single family dwellings. He reminded the Commission the *Wood Frame Construction Manual* for Florida provides engineered construction including design guidelines for one- and two-family dwellings and townhouses for wind speeds from 85 mph to 150 mph in both Exposures B and C.

Charlie Everly

Mr. Everly discussed his concerns regarding the IBHS issue with the assistance of a Power Point presentation. He explained there are items in the IRC that steer the user away from the tables provided specifically for hurricane construction which is critical to the state of Florida. He stressed there is no location in the state of Florida where wind loads should not be considered. He then reviewed the areas in Florida that are affected by the

windload changes which would be effective with the new Code.

Mr. Everly then offered recommendations to correct the wind zone threshold. He stated there are no grounds for leaving windload threshold for 100 mph winds in the state of Florida. Mr. Everly suggested changing the windload threshold to start at 90 mph which would trigger what has been in place for many years. He admitted there are still concerns with roofing and other issues but the record for buildings constructed in compliance with the current Code have held well under the 90 mph threshold in the interior of the state. Mr. Everly then added if it would not be possible to change the wind zone threshold to 90 mph, he would be in support for changing it from 110 mph to 100 mph.

Commissioner Wiggins offered comment stating the current prescriptive requirements for the design of one- and two-family dwellings result in wind resistant for winds up to 74 or 75 mph. He requested clarification relating to his comment.

Mr. Everly responded stating the wind speed Commissioner Wiggins referred to was once the threshold for classifying a hurricane. He added he was not aware of any analysis that reflects that wind speed.

Tim Reinhold, Institute for Business & Home Safety

Mr. Reinhold stated his letter on behalf of IBHS had been submitted to each Commissioner and since the teleconference Commission meeting there had been further research resulting in the consensus that the issue is a serious one for Florida that should be addressed before the Code moves forward. He suggested the easiest way to facilitate the adoption of the IRC and IBC would be to make the change which would bring forward the provisions in the previous Florida Building Code.

Dennis Braddy, Fenestration Manufacturer's Association

Mr. Braddy stated if there would be any changes to the Code prior to its implementation he would recommend two items be considered. He requested the Commission consider removing the AAMA 203 standard, which is referenced in Chapters 17 and 35. He explained the standard is a proprietary document and should have been removed from the Code during the last Code change cycle. Mr. Braddy then referenced an alternate form of performing comparative analysis, which is located in Chapter 24, High Velocity Hurricane Zones section. He addressed the second issue relating to the door section in Chapter 17. He stated there is confusion with glass being placed in exterior hinged doors and complying with the AAMA 101 or 202. Mr. Braddy stated requirements for exterior hinged doors were provided in Section 1707.4.3 for which the Commission devoted a lot of time and effort in establishing. He recommended a caviat be added in the window and glass door sections stating the standard for their intended use.

Joe Crum, President, Building Officials Association of Florida

Mr. Crum expressed opinion on behalf of the association stating it was decided if the Commission determines the Code has been weakened as a result of adopting the existing requirements in the IRC, BOAF supports the delay for the implementation of the Code in order to get it right. He then offered support for Mr. Everly's wind speed reduction recommendation as well as Mr. Belcher's proposal relating to the zero lot line issue.

Randy Shackelford, Simpson Strong-Tie

Mr. Shackelford urged the Commission to consider the Chairman's first option which was revising the Florida Residential Code to change the wind speed from 110 mph to 100 mph, allowing minimal conventional construction requirements. He expressed concern with the change stating relaxing the wind speed requirements would significantly reduce the safety of homes in a large area of the state. Mr. Shackelford addressed the Chairman's second option, which was to add language to conventional construction requirements as a strengthening measure would possibly delay the Code more than the first option. He stated his company was opposed to the Chairman's third option which was going ahead with the Code as it is currently written. Mr. Shackelford concluded by stating a short delay in the implementation of the Code would be well justified by the increased safety for the citizens in the interior of the state of Florida.

Dennis Graber, SSTD 10 Masonry Standards Participant

Mr. Graber expressed support for Mr. Everly's recommendation and Mr. Reinhold's comments stating the Code would be severely weakened by adopting the IRC without change. He stated IRC is based on Exposure B with Florida standards being based on Exposure C. Mr. Graber continued stating the definition of Exposure B according to ASCE 7 is "closely spaced obstructions the size of single family dwellings or larger for the upwind 2,630 feet, or 800 meters, or ten times the building height, whichever is greater". He further stated there is an exception for mean roof heights less than or equal to 30 feet with upwind distance being reduced to 1,500 feet. Mr. Graber added considering openings such as lakes, ball fields, and parking lots that are larger than 164 feet square would fall into Exposure B category. He stated the difference in the pressure between Exposure B and Exposure C is 40%, with the difference in Exposure C wind speeds of 100 mph and 110 mph being 70%, which would subject buildings to 70% higher pressure than the IRC was initially designed greatly weakening the Code. Mr. Graber then urged the Commission to retain the 100 mph windzone that currently exists.

Carrie Hebrank, Florida Building Materials Association

Ms. Hebrank expressed support on behalf of the association for the 100 mph

trigger for wind design provisions.

Ziggy Valentine, AAMA

Mr. Valentine offered comment responding to statements made by Mr. Braddy stating the AAMA standards are not proprietary. He stated the standards may be used by anyone and the reference to the certification program pertains only to AAMA members. He addressed the exterior door issue stating AAMA and the WDMA have issued a joint statement providing information relating to the treatment of doors in accordance with AAMA 101. He suggested making any changes would be counter productive to the present development of the new NAS.

Tom Kopek, Dupont

Mr. Kopek stated the delay of the Code may be inevitable and manufacturers have tested products to the standards of the new Code in good faith based on the time given by the Florida Building Commission. He added some products may not be suitable or useable because of a Code delay and the Commission should ensure through the process that the products and equivalencies are considered.

Mr. Glenn offered additional comment stating there are no counties or cities in the state that have established a wind speed of less than 100 mph.

Mr. Shine stated there had been written comments submitted and read into the record the following:

Eddie Fernandez, Miami-Dade County Office of Building Code Compliance

In the definition for lath replace the NRCA edition from the fourth to the fifth.

Cathy White, Division of Business and Professional Regulations

Referencing Section 3008.1 3(c) of the 2004 Florida Building Code, Building Volume, per House Bill 129 add the following text at the end of the section: "Regional emergency elevator access shall be provided as required by the Division of State Fire Marshall of the Department of Financial Services."

Medart K. Kopczynski

Referencing the 2004 Florida Building Code, Residential Section: A BOANH on Section R 703.8, Flashing, concerns approved (1) at the top

of all elevator window and door openings in such a manner as to be leak proof the following language is proposed to be stricken except that self-flashing windows have a continuous lap of not less than 1 1/8 inches, 28 millimeters, over the sheathing material around the perimeter of the opening including corners, do not require additional flashing, jam flashing may be omitted once specifically approved by the building official.

Tom Gallagher, State of Florida Chief Financial Officer

Letter dated August 31, 2004 addressed to Chairman Rodriguez:

On behalf of the Florida insurance consumers and property owners, I urge you to adopt the modifications proposed by the Institute of Business and Home Safety and Federal Alliance for Safe Homes, which will retain the important protections we currently have in place...by moving to a Code that is uniform with other states but reduces the protections we have worked so hard to put in place, we are putting Floridians property and lives in danger...the Office of Insurance Regulation in concert with the Department of Community Affairs, has completed the development of mitigation premium discounts to reflect the requirements of our current Code. Any weakening of the Code will negatively impact the ability of insurance companies to price their products and their willingness to offer premium discounts to Florida's consumers. Moreover, I am gravely concerned that downgrading our current Code would result in higher insurance premiums.

Mr. Shine then formally closed the Rule Adoption Hearing.

Chairman Rodriguez extended appreciation to the participants who brought before the Commission the oversights discovered in the Code. He then expressed frustration concerning the timing of the issues being brought before the Commission. Chairman Rodriguez stated there will be other mistakes within the Code and offered the utmost respect for Tom Gallagher as well as stating that deadlines and dates were certainly not more important than the safety of the citizens of Florida. He stated the option of proceeding with rule adoption with no changes is unacceptable. He added the option of convening a group charged with amending the IRC to enhance conventional construction practices is a viable option however not preferred. Following a thorough review of the issues and after consulting staff, Chairman Rodriguez offered a proposal to resolve the issues by reducing the application of conventional design to regions with less than 100 mph wind speeds rather than to the currently proposed 110 mph regions. He stated this option would have the effect of preserving the 2001 Florida-specific amendment of 100 mph. Chairman Rodriguez further stated if the Commission agrees, a Notice of Change will be entered and the Commission can proceed with rule adoption. He added his proposal would resolve the most critical issue with the draft code without unduly delaying its implementation. Chairman Rodriguez stressed the importance of acting to finalize the

Code allowing the annual amendment process to start which would establish 2005 amendments to the 2004 Florida Building Code simultaneously with the completion of the various studies and the consensus expected to develop from the workshop projects. He advised the Commission a similar change in requirements should be authorized for the Building Volume of the 2004 Florida Building Code to move the allowance of use of the corresponding prescriptives to 100 mph maintaining consistency in requirements for other types of residential occupancies and light commercial buildings. Chairman Rodriguez further recommended including the referenced standard, SSTD 10, with the publication packages comprising the residential volume of the 2004 Florida Building Code, thereby fulfilling the Commission's goal of providing the Florida Building Code in a single volume for one- and two-family residential and townhouse occupancies for the majority of Florida regions. He then suggested moving the implementation date for the Code to July 1, 2005 because the building departments in the areas damaged by Hurricane Charley need additional time to get back to normal operations before preparing for the transition to the new Code.

Commissioner Bassett moved approval of the Chairman's recommendations as follows: to reduce the application of conventional design to regions with less than 100 mph to regions with less than 110 mph, preserving the 2001 Florida-specific amendment of 100 mph currently in place; make similar changes corresponding prescriptive in the Building Volume for 2004 Florida Building Code; include the referenced standards SSTD 10 in the residential volumes of the entire package of codes; file a Notice a Change; proceed with rule adoption for a Code implementation date of July 1, 2005. Commissioner McCombs seconded the motion.

Commissioner Browdy offered support for maintaining the level of standard that currently exists in the Florida Building Code and would not oppose a delay in implementation to effectively address the issue.

Commissioner Wiggins offered comment stating he served on the General Design Committee for eight years and on the Hurricane Standard Steering Committee and expressed support for the proposed options. He asked if the change to the wind speeds would accurately cover the state of Florida in terms of construction practices. He then asked through the Chairman for opinion from an attending building official from one of the nine counties affected by the change.

John O'Connor, Marion County Building Department

Mr. O'Connor stated Marion County has designated both 110 mph and 100 mph windzones. He continued stating the area is open for interpolation from outside entities.

Mr. Dixon interjected that according to the Code the only party authorized to perform an interpolation in wind design would be an engineer using one of the engineering design methods. He stated prescriptive criteria of the prescriptive methods cannot be interpolated like wind speed or wind pressure. He further stated designers

have been directed by the Commission through guidance to local jurisdictions to use prescriptives corresponding to the maximum wind speed identified by the Code's maps for a jurisdiction and nothing less.

Commissioner Parrino expressed support for maintaining the 100 mph threshold for prescriptive construction then stated however he has a concern with the implementation date as it applies to the standards for building product manufacturers and the pressure they may be under in terms of testing to the newest standards.

Chairman Rodriguez reminded the Commission a method had been developed and proposed by counsel for products being tested to editions of standards of the 2004 Florida Building Code by equivalency through an interim product application process. He then called for a vote on the motion. Vote to approve the motion was unanimous (20-0 in favor).

Chairman Rodriguez then opened discussion concerning issues brought before the Commission during public comment. He called for discussion relating to Mr. Glenn's zero lot line issue.

Commissioner Greiner asked if the issues would be discussed and considered through the usual procedure in light of the extended implementation date of the Code.

Chairman Rodriguez encouraged the Commission to still take the shortest route to resolution of the issues in order to avoid even further delays in the implementation of the Code. He then directed the Commission to Mr. Dixon for additional comment.

Mr. Dixon interjected if the prior edition of the Code did not create the new requirement and the new requirement is due to the adoption of the new base model code, the prior edition criteria may be left in place.

Commissioner Bassett offered clarification concerning the new requirement caused by the adoption of the new base model code stating the zero lot line homes could be built prior to the adoption of the new code and can now be addressed and considered by the Commission because the previous Florida Building Code allowed them to be constructed. He then moved approval of the modifications recommended by Jack Glenn subject to legal review that the July 1, 2005 implementation date would not be compromised.

Commissioner Corn expressed opposition to the motion entered by Commissioner Bassett. He suggested the motions clear in order that the Commission as well as members of the public understand what is being proposed.

Mr. Blair offered clarification concerning the motion stating the motion has two parts. He stated one part is to add to the fire separation distance the word "or fire separation easement," and to provide a definition for fire separation easement for the purpose of determining fire separation distance, an easement shall be defined as a legal

binding restriction placed on a property that would prohibit construction within its confines.

Commissioner Wiggins expressed concern with adding terminology to a new code and asked if the fix could be entered without introducing a new subject like easements.

Mr. Holt stated a declaratory statement had been entered concerning the issue that stated a property line may not be assumed where a real one exists. He stated the practice in Palm Beach County had been if there was a zero lot line house sitting on the real property line and another house was ten feet away set by a zoning order, the building officials would ignore the real property line and assume one central between the two buildings.

Commissioner Greiner recommended the issue would be more appropriately considered a definition clarification which would expedite the resolution.

Commissioner Gonzalez expressed support for the motion stating his office has worked closely with Mr. Glenn on the issue and it was decided the additional language would better protect the citizens of Florida.

Commissioner Tagliarini expressed concern with using the term easement in the building code. He stated mixing zoning terminology with Code terminology may be too confusing and suggested different terminology to make the clarification.

Mr. Dixon noted the IRC language refers to an imaginary line then asked Mr. Glenn through the chair, that if the declaratory statement was changed to allow a building official to use an imaginary line would the issue would be resolved.

Mr. Glenn responded stating the definition of fire separating distance is included in the IRC and some language would have to be removed in order to solve the problem. He offered support for Commissioner Tagliarini's comment concerning the term easement stating there had been other officials and industry representatives who were not comfortable with the term easement so the text was changed to "fire separation easement" for specificity to only those easements addressing an area that could not be built upon and served to establish separation between two buildings.

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

Mr. Richmond suggested raising the issues individually to provide opportunity for discussion concerning each issue.

Mr. Blair called for Commission discussion concerning issues raised during public comment.

Mr. Richmond called for a motion to proceed with publishing a Notice of Proposed

Change then stated in lieu of the expanded scope to include the commercial buildings and the zero lot line issue the Commission would also be required to allow a hearing if requested which would occur during the October Commission meeting.

Commissioner Gross moved approval to proceed with publishing the Notice of Proposed Change with the opportunity for a hearing in October if requested. Commissioner Kim seconded the motion. Vote to approve the motion was unanimous. Motion carried.

IDENTIFY ISSUES FOR REPORT TO THE 2005 LEGISLATURE

Chairman Rodriguez stated it was time to begin identifying issues to include in the Commission's report to the 2005 Legislature which would include the Commission's recommendations and requests for Legislative action, as well as responses to Legislative assignments. He continued stating since there was no building code related Legislation that occurred during the 2004 Legislative session, 2004's issues may be a good starting point. Chairman Rodriguez further stated the Alternative Plans Review and Inspections Workgroup recommendations as well as the wind design requirements recommendations would be additional issues. He directed the Commission to Mr. Richmond review of the 2004 list of Legislative issues to determine whether the issues are still relevant, then recommended identifying additional potential issues.

Mr. Richmond stated the Legislative report issues for 2004 were as follows:

- Facility permitting issue
- Inclusion of Hospice facilities in the list of facilities covered by Code
- Authority to adopt disciplinary rules to apply to product approval, manufactured buildings, and the prototype buildings process
- Alternate plans review system insurance coverage issue
- Recognition of the ICC evaluation service within statutory law as an evaluation entity together with the generators of legacy reports and Miami-Dade County
- Building Code education issue concerning approval of the courses
- Binding interpretation issue and limitation of annual amendments
- Acceleration of the adoption of the Rehabilitation Code

Mr. Richmond offered comment stating all of the issues were entered into the Legislative process and were unsuccessful due to other issues. He stated the binding interpretation issue was of particular interest to the governor's office who expressed opposition to that authority. Mr. Richmond advised the Commission not to pursue issues the governor's office opposed such as the binding interpretation issue. He added the Rehabilitation Code is no longer relevant and recommended it not be pursued as well.

Chairman Rodriguez called for a motion to approve the items as a preliminary list of issues for inclusion in the Commission's report to the Legislature to be more thoroughly

discussed during the October meeting.

Commissioner Wiggins moved approval of the list of preliminary issues. Commissioner McCombs seconded the motion. Vote to approve the motion was unanimous. Motion carried.

COMMITTEE REPORTS AND RECOMMENDATIONS:

Education TAC

Commissioner Browdy was absent for the Education TAC report however left a statement with Mr. Blair that no Commission action was required. (See *Education Technical Advisory Committee Meeting Report August 31, 2004* Online.)

Commissioner Bassett raised the issue of the education development requirements being turned over to various boards by expressing concern that the Engineering Board requires the Florida Building Commission to approve the courses they develop.

Mr. Dixon responded stating an item for TAC consideration is the current Commission policy not to develop any courses and the interaction with other boards and how the courses will be developed and approved.

Fire TAC

Commissioner D'Andrea was absent for the Fire TAC report however left a statement with Commission Greiner that no Commission action was required. (See *Fire Technical Advisory Committee Meeting Report August 31, 2004* Online.)

Structural TAC

Commissioner Parrino stated there was no Commission action required. (See *Structural Technical Advisory Committee Meeting Report August 31, 2004* Online.)

Commissioner Bassett offered comment stating the Board of Engineers is currently undergoing rulemaking to revise the Threshold Inspector requirements which will be changed to require three years of design experience after being registered in threshold buildings.

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

Commissioner Carson stated there was no further Commissioner action necessary relating to the PAPBMB POC report. (See *PAPBMB Programs Oversight Committee Meeting Report August 31, 2004* Online.)

PUBLIC COMMENT ON ASCE 7 ADOPTION THROUGH CODE VERSUS LAW
GENERAL PUBLIC COMMENT

Chairman Rodriguez opened for public comment concerning the issue.

Mr. Dixon stated there had been a written comment submitted.

Jeffrey Stone, American Forest & Paper Association

Mr. Stone offered comment stating it was the hope of the association that the Commission would be authorized to update the standards including ASCE-7 during the update cycle. He added the design standards used in the industry are based on the ASCE-7 standards. Mr. Stone spoke on behalf of a member, the Composite Panel Association, stating they are aware that the local product approval workgroup is working to expand the rule for local product approval and requested the workgroup review and consider the hard board and hard board siding issue in terms of its national consensus standard status. He then offered his assistance in the effort to address the issue.

Dave Olmstead, PGT Industries

Mr. Olmstead read the following comments into the record:

Chapter 2000-141 Section 109(3) The Laws of Florida require the use of ASCE-7 98 be on the design lists for buildings and other structures which prevent the Commission from updating the standard when appropriate. ASCE updates the standard as new information becomes available at a maximum of five-year intervals. It includes the latest information in the field of windload engineering. For example, ASCE-7 02 made substantial changes to wind, dead, live, soil, and flood loads that are suitable for inclusion in building codes and other documents. It more clearly defines the partially enclosed option and stress allowances that have been confusing at times. The current situation precludes design professionals from using the most current design criteria and locks in a standard that's becoming obsolete. We just received another reminder of how important the use of the most current possible wind engineering is to the state of Florida. The Legislative requirement to use ASCE-7 98 should be removed and authority to update a standard as important as this should be transferred to the Commission where the expertise resides to determine the appropriate updates.

Kari Hebrank, Florida Building Materials Association

Ms. Hebrank offered comment concerning the ASCE-7 issue stating the association supports transferring authority to the Commission for updates to ASCE-7 to

retain consistency with the Florida Building Code. She requested the Department of Community Affairs take a lead role through the process to alleviate any misconceptions about that authority. Ms. Hebrank then expressed appreciation for the appointments representatives from both the door and the roofing industries to the local product approval workgroup.

David Namm, Florida Chapter of American Society of Landscape Architects

Mr. Namm stated a couple of years ago an electronic signed and seal for architects was approved for inclusion in a proposal to the Legislature. He stated it was his understanding the electronic seal issue was removed from the list due to representation that the boards had authority to promulgate by rule the authority to approve electronic sign and seal. Mr. Namm stated that representation was not the case and added there was Legislation in 2004 that made it to the House but was ultimately unsuccessful. He requested the Commission to consider including the issue once again in the report to the Legislature.

COMMISSION MEMBER COMMENTS AND ISSUES

Commissioner Gonzalez offered comment stating when the South Florida Building Code was in use, the local boards had authority to update standards. He offered support for the Florida Building Commission to have that authority as well with ASCE-7 98 included in the standards to be included in that authority.

Commissioner Wiggins added the Commission should consider a process that would provide authority to update any standards in the Code, not just ASCE-7 standards.

Commissioner Bassett stated besides the rulemaking for threshold inspectors the Engineering Society is currently undergoing there is additionally a rulemaking underway for an Elevator Safety Technical Advisory Council. He suggested the Commission consider how to include their efforts in the Code process or how the Commission could be informed of the council's actions.

Mr. Richmond stated there had been extensive legislation concerning elevators for the past several years. He continued stating part of the legislation has been the council to which Commissioner Bassett referred. He stated the council had been directed to coordinate with the Florida Building Commission and the staff of the regulating agency had been cooperative and communicative with DCA concerning elevator issues. He added the council has a specific statutory obligation of their own and they are separately staffed through DBPR so leaving them separate would be best. Mr. Richmond assured the Commission communication with the council has been open and would be maintained.

Mr. Dixon added there is a similar situation relating to the Fire TAC in terms of coordinating with the state Fire Marshall's office's establishment of a Fire Code Advisory

Council. He stated there had been a mechanism developed for integrating the two state agency bodies to work together on the issues yet maintain their separation.

Chairman Rodriguez expressed appreciation for mention of the elevator council as well as the fire council and stated it is important for the Commissioners to be included in the communication loop concerning the issues discussed and considered by the two councils.

Commissioner Gonzalez expressed appreciation to the Chairman for the warm welcome to his office that was extended to the Commission.

ADJOURN

No further business was discussed, Florida Building Commission Plenary Session adjourned at 4:00 p.m.