



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

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Governor

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Secretary

**BOARD MEETING
OF THE
FLORIDA BUILDING COMMISSION**

**PLENARY SESSION
October 13 & 14, 2003**

PENDING APPROVAL

The meeting of the Florida Building Commission was called to order by Chairman Raul Rodriguez at 8:30 a.m. on Monday, October 13, 2003, at the Rosen Plaza Hotel, Orlando, Florida.

COMMISSIONERS PRESENT:

Raul Rodriguez, Chairman
Randall J. Vann
Christopher P. Schulte
Hamid J. Bahadori
Michael C. McCombs
Herminio Gonzalez
George J. Wiggins
Craig Parrino
Christ T. Sanidas
Karl S. Thorne
Nicholas "Nick" D'Andrea
Steven Corn
Dale Greiner
Paul D. Kidwell
Do Y. Kim
Jeffrey Gross
Joseph "Ed" Carson

Suzanne A. Marshall
Stephen C. Bassett
Doug Murdock, Adjunct Member

COMMISSIONERS ABSENT:

John Calpini
Leonard N. Lipka
Richard Browdy
Diana B. Richardson

OTHERS PRESENT:

Ila Jones, DCA
Jim Richmond, Legal Advisor
Richard Shine, Legal Advisor
Tim Dennis, Legal Advisor
Jeff Blair, FCRC

MONDAY, OCTOBER 13, 2003

WELCOME

Chairman Rodriguez welcomed the Commission and began a brief overview of the meeting topics. He stated the meeting will include the Commission's second amendment review process since the effective date of the Florida Building Code. Chairman Rodriguez reminded the Commission to bear in mind the rationale and fiscal impacts of the proposed amendments and evaluate them in terms of the benefits of the state.

REVIEW AND APPROVAL OF AGENDA

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

Mr. Richmond stated documentation would be distributed during the meeting regarding provisions relating to LP Gas installations. He continued stating there had been a petition filed for rulemaking to repeal the LP Gas installation provisions from the Florida Fuel/Gas Code. Mr. Richmond stressed the petition must be considered within thirty days of filing or the rulemaking requested must be initiated. He then recommended the rulemaking request not be initiated with a Final Order to reflect such and requested a motion to amend the agenda to include the issue under the Legal Reports section of the agenda.

Commissioner D'Andrea moved approval of the agenda as amended to include the LP Gas issue under Legal Reports. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

RULE DEVELOPMENT WORKSHOP ON EQUIVALENCY OF TEST STANDARDS AND RECOGNITION OF INTERNATIONAL CODE COUNCIL IAS/IES, RULE 9B-72.100 AND RULE 9B-72.180

Chairman Rodriguez directed the Commission to Mr. Madani for a review of the POC recommendation regarding the equivalency of test standards.

Mr. Madani stated the recommendation of the POC involved two standards. He explained the 2003 ANSI 250.13, a pressure and impact standard for exterior door components is recommended to be approved as equivalent to ASTM-E 330-84, -97 & -02 and ASTM-E 1886-97, ASTM-E 1996-99. Mr. Madani then stated 2002 DASMA 108, the standard method for testing sectional garage doors is recommended to be approved as equivalent to ASTM-E 330-84, ASTM-E 330-97, and ASTM-E 330-2002, with a provision that the equivalency is not applicable to the High Velocity Hurricane Zone.

Chairman Rodriguez called for public comment. No one approached to speak. He then announced the rule development workshop relating to this issue would be scheduled

and advertised for the next Commission meeting.

WORKSHOP ON PRIVATE PLANS REVIEW AND INSPECTIONS

Chairman Rodriguez directed the Commission to Mr. Stroh for an overview and discussion of the research from the Shimberg Center for Affordable Housing at the University of Florida.

Bob Stroh, University of Florida, College of Design, Construction & Planning

Mr. Stroh presented the findings resulting from research in written form. (See *FINAL REPORT, Assessment of the Implementation of 553.791, F.S.* Attachment.) He explained the center had attempted to contact every jurisdiction in the state of Florida to identify areas which had received applications for private inspectors or plans reviewers. He stated all jurisdictions were not successfully contacted resulting in 206 jurisdictions available for inquiry. Mr. Stroh continued stating of the 206 jurisdictions, only 13 had received applications for private plans review or inspections and had projects underway or completed.

Mr. Stroh stated there had also been industry segment contacts, i.e., ABC, AGC, the Building Officials Association of Florida and the Florida Home Builders Association. He continued stating private providers had been contacted including Capri Engineering, Independent Inspections Ltd., and Universal Engineering. Mr. Stroh reported the findings and recommendations were as follows:

GENERAL FINDINGS AND RECOMMENDATIONS:

- The most common use of the option is for inspection rather than plans review.
- Performance auditing of most work is performed by building departments.
- All jurisdictions had a method of validating qualifications of private inspectors, however no consistent technique.
- The thirty-day turn around requirement from application to building permit under normal circumstances in most jurisdictions was satisfactory.
- No difficulty was reported in issuing Certificates of Occupancy following completion of Final Inspection.
- Home builders in the residential sector feel the quick response inspector will result in economic savings.
- Commercial builders indicated the private provider option was not preferred.
- Private providers recommended separating site development plans from building plans.
- Private provider option provides the consumer with a remedy option whereas the municipal system is protected by sovereign immunity.
- Clarify or define thirty days, i.e., calendar or business.
- Inspection documents must be signed by the P.E. of record.
- Modify insurance requirements to maintain the \$1 million requirement with

continued five-year coverage or occurrence-based policy with seven year statute of limitations.

- Incorporate language to relieve municipal workers of all liability for those projects that utilize a private provider option.
- Initiate educational program to inform all concerned parties what the statute is defining.

Commissioner Wiggins referenced *FINAL REPORT – Assessment of the Implementation of 553.791, F.S.* requesting clarification of the fourth bulleted item (page 12): “Modify the deadline for submission of the Notice to Building Official for Inspections, only to be submitted prior to the first inspection and not at the time of Permit Application.”

Mr. Stroh responded stating the current system is designed so the application for permit specifying a private provider is submitted in the entire package with site plans, building plans, etc., resulting in a long delay. He explained the recommendation was to separate the site development plan to get it into the system prior to building plans review to prevent unnecessary delays.

Commissioner Wiggins then offered comment regarding the second bulleted item (page 11): “Revise the 30-day deadline to read 30 calendar days.” He stated the 30-day deadline was specifically created to be 30 business days to allow the jurisdiction adequate time for review.

Commissioner Greiner requested clarification regarding inspections and the time frame required to conduct the inspections. He asked if there were problems with inspections in all 13 jurisdictions interviewed.

Mr. Stroh replied the general guideline was a 24-hour notice requirement. He reported a number of cases involving tunnel form applications which are being used in a residential project where the agreement was that a private provider was being used to inspect all structural work and the local jurisdiction provided the MEP inspections. Mr. Stroh then stated in some areas of the state the inspection process is very smooth while in others the inspection process is a “disaster”.

Commissioner Kim stated one important factor of the task force findings was the insurance and service providers. He referenced the fifth bulleted item (page 12): “Modify the insurance provisions to read...” recommending specific language reflecting the standardized professional liability which can be tailored to the individual needs with varying sunset periods.

Mr. Richmond interjected the issue has been discussed during the Legislature and the Commission last year. He stated he was not aware of any specific limitation in terms of occurrence-based policies in cases of covered events.

Gary Elswieg, Florida Engineering Society (FES)

Mr. Elswieg stated FES are strong advocates of F.S. 553.791 and have reviewed Mr. Stroh's report. He continued stating on behalf of the society the report was an excellent assessment of the first year's implementation of the statute. He explained only a number of jurisdictions had experience with private providers and attributed that to the following reasons: 1) the private provider system was never intended to work in jurisdictions that are able to service a community, and 2) the reluctance of some building departments to embrace the private provider statute. Mr. Elswieg stated there are jurisdictions imposing more stringent requirements for the private provider which is specifically disallowed in the statute. He then referenced the "Benefits of Private Provider Provision" (page 10) and reviewed the benefits as they were listed in the document.

James R. Schock, P.E., C.B.O., Building Inspection Division, Duval County, City of Jacksonville

Mr. Schock presented comments to the *FINAL REPORT, Assessment of the Implementation of 553.791, F.S.* in a written document which was distributed to each Commissioner. (See *Comments pertaining to the Final Draft report Regarding Assessment of the Implementation of 553.791, F.S.* Attachment.)

Commissioner Greiner asked if there had been a large number of inspection requests after hours.

Mr. Schock responded stating the time frames that were mandated were implemented so a Quality Assurance Program could be initiated. He stated there is software being developed currently which will automatically check time frames and allow them to be submitted directly into the system.

Thomas Goldsbury, P.E., C.B.O., Building Inspection Division, Duval County, City of Jacksonville

Mr. Goldsbury offered comment stating Duval County's Building Inspection Division is not against the private provider program. He stated their county has permitted private provider inspections since 1998 and 1999 for special projects and such. He continued stating the program needs to be refined and added the City of Jacksonville is currently involved in 100 to 150 private inspections being performed every day.

Mike Cozley, M.T. Cozley, Inc.

Mr. Cozley stated his company supplements building departments and manages building departments under contract. He continued stating M.T. Cozley, Inc. performs a limited number of private provider services. Mr. Cozley reiterated Mr. Goldsbury's comments stating the private provider program needed to be improved and the reason for the private provider program needed to be communicated to the building departments and the companies providing services. He added the language in the law should reflect

services of a company and individuals rather than being directed to individuals.

Rick Watson, Association of Builders & Contractors

Mr. Watson offered support for the Legislation for private providers stating while the system is starting slow it seems to be working well. He stated as the building departments become more educated on the benefits of the program there will likely be an increase in the number of private provider services being performed.

Eric Woods, Director of Building Inspections, Universal Engineering & Sciences, Orlando

Mr. Woods offered comment stating the one year anniversary of the implementation of 553.791 is fast approaching. He urged the Commission not to delay the Report to the Legislature concerning the implementation of the law. Mr. Woods stated the primary problem with the system thus far has been intimidation of the building officials. He continued stating the building officials do not support the private provider system and stated he had experienced belligerence as well as insults from building officials as he submitted applications for private services in the Central Florida area. He furthered by stating building officials have a tremendous amount of authority then expressed concern with some of the recommendations listed in the report from the Shimberg Center for Affordable Housing. Mr. Woods stated he would provide a written version of his comments for further staff and Commission review. (See *Public Comment Eric Woods Attachment.*)

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

**CONSIDERATION OF TECHNICAL ADVISORY COMMITTEE
RECOMMENDATIONS FOR APPROVAL OF STATEWIDE AND LOCAL
AMENDMENTS**

Chairman Rodriguez directed the Commission to Mr. Blair for a review of the amendment process.

Mr. Blair conducted a review of the amendment process. (See *Amendment Review and Consideration Process, Consideration Process for Reviewing Proposed Amendments to the Florida Building Code, and Standing Motion to Approve Amendments to the Florida Building Code Attachments.*)

Mr. Blair presented the standing motion to be seconded for approving the TAC recommendations during the amendment process. He stated the standing motion to read: a) the amendment has a reasonable and substantial connection to the health, safety, and welfare of the general public; b) the amendment does not degrade the

effectiveness of the Code and either strengthens or improves the Code, or provides for innovations or new technology by allowing equivalent or better products, methods, or systems of construction; c) the amendment does not discriminate against products, methods, or systems of construction of demonstrated capabilities; and d) the amendment has the following fiscal impact; 1) the fiscal impact of enforcement imposed upon local government is as indicated by TAC review, 2) the fiscal impact of compliance imposed upon property and building owners is as indicated by TAC review, 3) the fiscal impact of compliance imposed upon industry is as indicated by TAC review, 4) the amendment's benefit noted with regard to fiscal impact and efficacy outweigh its cost imposed. He then called for a motion to approve the standing motion.

Commissioner D'Andrea moved approval of the standing motion as presented for use during the 2004 Code review process. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Bassett moved approval to direct staff to avoid referencing the year of a technical standard in the body of the Code, rather reference the year in the reference chapter at the end of the Code. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

CODE ADMINISTRATION/ENFORCEMENT TAC PROPOSED MODIFICATIONS

Approved as Submitted

Modification #548 & #896

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

Received No Second

Modification #'s 572, 552, 645, 647, 988, 862, 794, 779, and Local Amendments: Alachua County, City of Boca Raton, Broward County

Paul Roth, Owner, Roll-A-Way Pool Fence, Member, National Spa and Pool Institute

Mr. Roth offered comment referencing Modification # 988 requesting the language concerning the installation location and the descriptive narrative of numerical scale be withdrawn leaving the only change to the current Code being the descriptive rating of trace or slight.

Commissioner Greiner requested Modification #988 be removed from the consent agenda items which received no second from the TAC. He then seconded the standing motion to approve the TAC recommendation for the consent agenda items receiving no

second from the TAC except Modification #988.

Mr. Blair then noted a procedural error and called for a motion to reconsider the previous vote.

There was a motion to reconsider. The motion was seconded. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair then explained that a negative role call would be necessary procedurally to support the TAC's action on the Received No Second modifications.

Commissioner Greiner then seconded the standing motion. Vote to approve the motion was unanimously opposed. Motion failed.

Mr. Blair offered clarification regarding the negative role call in terms of opposing the approval of the standing motion. He stated the Commission may not move to disapprove the standing motion, additionally the motion must be seconded to show the Commission has reviewed and considered the modifications and opposes the changes to the Code they represent.

Approved as Modified

Modification # 981

The standing motion was seconded. Vote to approve the standing motion was unanimous. Motion carried.

Modification # 560

Pete Quintela

Mr. Quintela requested the Commission consider changing the word "should" in the fifth line to "shall". He then requested the word "equipment" be added to "electrical wiring for mechanical" to identify the mechanical that is being referred.

Terry Baker

Mr. Baker requested adding the word "systems" after "electrical wiring" to cover all purchases and equipment concerning wiring.

Commissioner Vann seconded the standing motion.

Commissioner McCombs requested the modification be amended to include the word "systems" after wiring and "equipment" after mechanical as well as "shall" to replace "should".

Commissioner Wiggins seconded amendment to Modification #560. Vote to approve the amendment was unanimous. Motion carried.

Mr. Blair then called for a vote to approve Modification #560 as amended. Vote to approve the motion was unanimous. Motion carried.

Commissioner Corn requested clarification regarding why electrical wiring systems wouldn't be considered a minor repair.

Commissioner McCombs responded stating "electrical wiring" involves strictly the wiring. He continued stating there are more aspects to wiring besides the wiring itself when dealing with electrical. He further stated permits and licenses are required to deal with even low voltage wiring.

Modification # 452

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

Modification # 988

Commissioner Greiner seconded the standing motion to include the public's previous comments to amend. Vote to approve the amendment was unanimous. Motion carried.

Mr. Blair then called for a vote to approve Modification #988 as amended. Vote to approve the motion was unanimous. Motion carried.

Modification # 649

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

Modification # 985

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

Received Less Than 75 Percent Vote

Modification # 702

Colleen Walter, Landscape Architect

Ms. Walter offered support for Modification # 702 and opposed the TAC recommendation. She stated the amendment would allow for recognition of the profession of Landscape Architecture by the Florida Building Code. Ms. Walter stated she is a member of the Education TAC and requested reconsideration of Modification 702 and 703. She explained the amendments do not expand the scope of practice for the profession, merely a recognition of landscape architecture as a design profession. Ms. Walter stated one of the modifications would include the profession of landscape architecture in the definitions of the Code while the other modification would recognize the scope of practice that landscape architects are allowed to practice pursuant to Florida Statutes.

Ms. Walter continued stating landscape architecture does not fall under architecture in the Florida Statutes, rather under a separate section. She explained that landscape architects are authorized by law to prepare plans which would fall under the purview of the Florida Building Code such as trellises, retaining walls, site grading, and siting buildings. She further stated landscape architects are required to complete the core course building code courses as well as the advanced building code courses. Ms. Walter continued stating landscape architects are licensed by a national licensing exam and a state component including requirements for continuing education.

David Neem, Florida Chapter of Society of Landscape Architects

Mr. Neem offered support on behalf of the society for the proposed modifications stating the statute providing the Code requires the Code not inhibit competition. He stated the Code designation of only architects and engineers as design professionals under the building code it works against landscape architects.

David Driley, Graduate, Department of Landscape Architecture, University of Florida

Mr. Driley offered support for the previous comments concerning landscape architect designation and definition in the Code.

Commissioner Thorne seconded the standing motion.

Commissioner Wiggins proposed an amendment to reflect the wording as stated in the International Building Code with regard to design professionals. He suggested the wording read as follows: *The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed.* Commissioner Wiggins then suggested the word "jurisdiction" be replaced with "Florida". Commissioner Greiner seconded the amendment to the modification.

Jack Glenn, Florida Home Builders Association

Mr. Glenn offered clarification reminding the Commission the definitions for registered architect and registered engineer were added to Chapter Two of the Code because the terms were used in the body of the Code. He suggested a better remedy would be to recognize landscape architects in the definitions as well as the body of the Code.

Commissioner Parrino stated he had issues previously with the definitions of the terms registered engineer and registered architect. He stated the definitions were included to prevent conflicts within the Code. Commissioner Parrino then offered support for retaining the definitions in the Code and including the definition for landscape architect.

Commissioner Wiggins countered specific definitions will not be changed by the Code Administration section of the Code which states requirements for construction documents. He agreed that the definition of landscape architect could be added into the Code in the appropriate section leaving the administration section generic as reflected in the International Building Code which will have to be considered at a later date.

Commissioner Corn concurred with Commission Wiggins stating if each professional is designated and defined the list of specific professionals could get long. He stated by leaving it generic it shouldn't have to be considered again.

Commissioner Bassett stated the definitions section of the International Building Code registered design professional is defined in generic terms which should pose no conflict with the definition in the body of the Code.

Commissioner Parrino offered a friendly amendment to Commissioner Wiggins' motion to add the definition of landscape architect to the Code.

Commissioner Wiggins accepted the friendly amendment.

Commissioner Kidwell stated the Code as written appears to be adequate in terms of the definitions for design professionals.

Mr. Blair offered clarification stating the motion is to use the generic language from the IBC and add the actual term landscape architect with a definition in the Code.

Chairman Rodriguez called for a vote to approve the motion. Vote resulted in 13 in favor and 7 opposed. Motion failed.

Commissioner Greiner proposed another modification. He referenced page 3 of Document 1, tab 3, first paragraph 104.2.2, suggesting eliminating all underlined language and striking "the practice of..." in the second and third sentences. Commissioner Greiner explained his modification would state "...if a design professional is an architect or engineer legally registered under the laws of the state regulating

architecture, engineering then he or she shall affix his official seal to the drawing.”

Ms. Walter added landscape architecture is not licensed under the Department of Architecture. She explained landscape architecture is a separate department specific to landscape architecture.

Mr. Neem recognized Commissioner Greiner’s effort to simplify the language then reminded the Commission legal had advised recognition of architecture would not be broad and specific enough to recognize landscape architecture which is separate and distinct under Florida statute.

Commissioner Bassett stated the Commission had voted to accept the International Code as a base document and as such, the phrase which was voted down will appear in the International Code eventually. He stated the proposed amendment is modifying a paragraph that is not in the new Code. He posed to the Commission how would the modification be worked into the new document when the time comes.

Commissioner D’Andrea offered comment stating engineering includes not only structural, mechanical, plumbing, but also civil engineers who do nothing but site work which includes landscaping and landscape architecture. He continued stating the Commission doesn’t appear to have a problem with defining landscape architecture, rather the specificity of landscape architecture. He then offered to propose an additional modification following the vote on the existing modification.

Mr. Blair called for a vote to approve Commissioner Greiner’s amendment. Vote to approve the motion resulted in 8 in favor and 11 opposed. Motion failed.

Commissioner D’Andrea proposed an amendment to the modification to read as follows: *If the design professional is an architect or engineer legally registered under the laws of the state regulating the practice of architecture, as provided for in Florida Statute Chapter 481, Part I, or engineering as provided for in Florida Statute 471, then he or she shall affix his official seal to the drawing. If the design professional that produces the landscaping drawings, landscape specifications, and accompanying landscape data is a registered landscape architect as provided in Florida Statute Chapter 481, Part II, then he/she shall affix his official seal to the drawings.”*

Commissioner Greiner seconded the motion.

Mr. Neem offered support for Commissioner D’Andrea’s approach in recognizing landscape architects performing activities within the scope of their practice. He stated when landscape architects perform activities which are regulated under the Florida Building Code the sign and seal of the landscape architect would be required.

Commissioner Thorne stated the Florida Association of the American Institute of Architects is in agreement that the landscape architects should be recognized under

separate definition.

Commissioner Greiner clarified that the two added points regarding Part I and Part II in 104.2.1 would be removed.

Commissioner Kidwell stated the modification is one of the Florida specific requirements which will remain with the rollover to the International Code.

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

Modification # 297

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

Modification # 461

Commissioner D'Andrea seconded the standing motion.

Commissioner Parrino reminded the facilitator the vote for # 297 should have been a negative roll call vote.

Commissioner Greiner entered a motion to reconsider #297. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion to reconsider carried.

Commissioner D'Andrea then moved approval of Modification #297. Vote to approve the motion was unanimously opposed. Motion failed.

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

Modification # 703

Colleen Walter, Board of Landscape Architecture

Ms. Walter asked the Commission to override the TAC and recommend approval of Modification # 703 which would add the definition of landscape architecture to the Florida Building Code.

Commissioner D'Andrea seconded the standing motion then requested the Commission support the modification as originally submitted which would override the TAC action.

Commissioner Wiggins seconded the motion.

Commissioner Bassett requested the Florida Statute number be included in the definition of landscape architecture.

Mr. Richmond offered clarification stating there has been no favorable recommendation from the TAC then further stated any Commission amendments would require fiscal impact finding information and entered as a motion then affirmative vote by greater than 75%.

Commissioner D'Andrea re-entered his motion to support the modification as submitted with an amendment which would state "a Florida registered landscape architect under Section 481, Part II" with no fiscal impact. Commissioner Wiggins seconded the motion.

Commissioner Kidwell offered comment in the form of a friendly amendment stating the definitions for architect nor engineer include the Florida statute in the definition.

Commissioner D'Andrea accepted the friendly amendment which eliminates reference to the Florida statute.

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

Mr. Blair explained since the modifications had not received favorable recommendation from the TAC they could be placed on a consent agenda with modifications to be discussed removed from that consent agenda. He then called for a motion to approve a third consent agenda.

Commissioner Thorne moved approval for a third consent agenda. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Modification #'s 785, 294, 311

Commissioner Wiggins requested the local amendment for the City of Winter Park be removed from the consent agenda.

Commissioner D'Andrea seconded the standing motion. Vote to approve the motion was unanimously opposed. Motion failed.

City of Winter Park

Commissioner Wiggins stated the modification simply places in the Code a very

common regulation requiring a barrier be in place while a pool is being constructed. He continued stating including the regulation in the statewide Code rather than more than 400 jurisdictions having the requirement. He then entered a motion to place in the body of the Code the requirement for a minimum 4' pool barrier to be present during the construction of the pool when construction workers are not on site.

Commissioner Carson seconded the motion.

Jack Glenn, Florida Home Builders Association

Mr. Glenn requested clarification regarding local amendments being included in the Florida Building Code. He asked the Commission to reconsider action which will include local amendments in the Code stating there has been no public comment on local amendments.

Mr. Madani countered stating local amendments have been available on the Information System and they are available currently for public viewing.

Mr. Glenn further stated there has been no opportunity in the 45-day window for public comment on local amendments. He stated there was no need to comment on the amendment since it was solely for the City of Winter Park. He continued stating had it been known it was for inclusion in the statewide Code, the public should have the opportunity to comment on it.

Carrie Hebrank

Ms. Hebrank requested the local amendment be deferred for further consideration. She stated there are no representatives from the pool industry to participate in discussion and offer clarification in terms of their construction sites.

Truly Burton, Florida Home Builders Association

Ms. Burton offered support for Mr. Glenn and Ms. Hebrank regarding local amendments being included in the Code.

Mr. Richmond offered clarification regarding local amendments stating they have been available for the public to review and offer comment. He expressed concern regarding the fiscal impact analysis stating the pool barrier during construction may be required throughout the industry in local jurisdictions however it is not required by the Florida Building Code.

Commissioner Wiggins withdrew his motion to include the local amendment in the Florida Building Code in light of the concern raised by industry representatives. He added the requirement is already enforced throughout the state and including it in the Florida Building Code would unify a common practice.

Commissioner Bassett requested clarification regarding the fiscal impact analysis.

Chairman Rodriguez offered clarification stating when local amendments are brought before the Commission they are either entered into the Code or repealed.

Commissioner Bassett stated when a local amendment is initially submitted before the Commission the inclusion of a fiscal impact analysis should be considered at that time.

Mr. Richmond offered clarification stating local governments are required to consider fiscal impact upon reviewing the proposed amendments then the text of the amendment is submitted to the Commission.

Mr. Madani added staff sent a letter to all the building departments asking whether their local amendment should be considered for statewide consideration. He continued stating it was additionally asked that they provide the information necessary to include the amendment as part of the statewide Code including any fiscal impact analysis. He further stated the City of Winter Park amendment was not submitted with a fiscal impact analysis.

Commissioner Corn stated he had no recollection of the amendment coming before the Code Administration TAC then continued stating local amendments which will be considered for statewide inclusion should be presented before the TAC.

Mr. Blair stated the amendment was presented before the TAC and rejected by a 5 to 4 vote. He then stated the motion to include the amendment in the statewide Code has been withdrawn and a negative roll call is still necessary to dispose of the item from the agenda.

Commissioner Corn seconded the standing motion.

Mr. Blair then called for a vote on the motion. Vote to approve the motion resulted in 2 in favor and 17 opposed. Motion failed.

Mr. Glenn expressed confusion regarding the public comment opportunity in terms of local amendments being considered for statewide approval. He reiterated his previous comment that there was no mechanism in place for comment on local amendments being considered for statewide inclusion.

Mr. Richmond interjected comment stating there was opportunity for comment before the TAC, during the current Commission, during rule development hearing, and additionally at the rule adoption hearing.

ELECTRICAL TAC

Approved as Submitted

Modification # 658

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

Received Less Than 75 Percent of the Vote

Modification #'s 492, 493, 490, 509, 508, 516, 571, 562, 512, 496, 497, 503, 644, 499, 502, 565, 501, 568, 528, 564, 529

Commissioner D'Andrea seconded the standing motion. Vote to approve the standing motion was unanimously opposed. Motion failed.

Received No Second

Modification #'s 498, 507, 563, and Local Amendments from Palm Beach County, West Palm Beach, West Palm Beach, Daytona Beach, Orange City, Ormond Beach, Port Orange, West Palm Beach, Palm Beach County, West Palm Beach, Town of Palm Beach, Palm Beach County, West Palm Beach, Orange City, Daytona Beach, Orange City, Ormond Beach, Port Orange, West Palm Beach, Palm Beach County, West Palm Beach, Pinellas County, West Palm Beach, Pinellas County, Daytona Beach, Palm Beach County, Town of Palm Beach, West Palm Beach, Daytona Beach, Orange City, Ormond Beach, Port Orange, Palm Beach County, West Palm Beach, Daytona Beach, Orange City, Ormond Beach, Port Orange, Daytona Beach, Orange City, Ormond Beach, Ormond Beach, Port Orange, Palm Beach County, West Palm Beach, West Palm Beach, Daytona Beach, Orange City, Ormond Beach, Daytona Beach, Orange City, Ormond Beach, Port Orange, Daytona Beach, Orange City, Ormond Beach, Greenacres City, Palm Beach County, West Palm Beach

Roland Holt, Building Official for Palm Beach County

Mr. Holt stated he as well as all the other building officials in the other jurisdictions are incapable of understanding how the process works. He continued stating not one of the local amendments presented before the TAC included fiscal impact analysis statements which resulted in the amendments being rejected by the TAC.

Commissioner D'Andrea seconded the standing motion. Vote to approve the motion was unanimously opposed. Motion failed.

Approved as Modified

Modification # 396

Commissioner McCombs explained the modification was originally listed as “ground faulted” which doesn’t exist. He stated the TAC simply removed the “ed” from the word “fault” which corrected the text. The TAC then deferred the modification to the Special Occupancy TAC.

ENERGY TAC

Approved as Submitted

Modification #'s 743, 926, 922, 923, 924, 889, 885, 1009, 916, 914

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

Received Less Than 75 Percent Vote

Modification #'s 697, 909, 891

Commissioner Greiner seconded the standing motion. Vote to approve the motion was unanimously opposed. Motion failed.

Received No Second

Modification #'s 810, 459, 696, 669, 698, 699, 700, 939, 912

Commissioner D’Andrea seconded the standing motion. Vote to approve the motion was unanimously opposed. Motion failed.

Commissioner Bassett requested clarification regarding the modification based on two previous declaratory statements and asked how it will effect the declaratory statements.

Mr. Madani responded stating the declaratory statements are specific to a project and will continue to be accepted.

Approved as Modified

Modification # 905

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

Modification # 878

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

Modification # 970

Glenn Hourahan, Vice President Research and Technology, Air Conditioning Contractors of America

Mr. Hourahan offered comment in support of the ACCA 8th Edition of *Manual J Residential Load Calculation* procedures. (See *ACCA Letter dated October 13, 2003 addressed to Ms. Ann L. Stanton, Energy Analyst Attachment.*)

Danny Harper, Research Scientist, Florida Solar Energy Center

Mr. Harper agreed with Mr. Hourahan's comments in support of Manual J, 8th Edition, Residential Load Calculation procedures. He stated the manual includes items consistent with elements which are currently in the Florida Building Code such as radiant barriers, ceiling duct systems, and other items which can make a difference in the performance of buildings. He continued stating Manual J, 8 will provide better direction in terms of what the actual requirement for air conditioning system will be. He stressed it is critical that air conditioning systems be sized correctly in Florida's climate because of the importance of dehumidification.

Hank Witkowsky, Author, Manual J

Mr. Witkowski concurred with the previous comments in support of Manual J then added there has been documentation and claims made that Manual J over-sizes equipment. He stated no responsible person would make a statement regarding the manual over-sizing units. He stated a researcher would have to investigate three pages of possibly thirty items in order to conclude an oversized unit in just one home. Mr. Witkowski stated the manual and the Code is dealing with many types of homes in six different climate zones which is not a simple calculation.

Bob Roland, Air Design Concepts

Mr. Roland explained he is an HVAC designer performing load and energy calculations for contractors throughout the state of Florida. He offered support for manual J and Mr. Witkowsky's position.

Brad Thorn, Trane/American Standard Corporation

Mr. Thorn stated he was speaking on behalf of Richard Welguisz in opposition of Manual J 8. He stated the 7th edition is preferred and he submitted documentation to each Commissioner which includes three examples of Manual J 8 over-sizing homes as much as 60%. (See *Proposed Modification to the Florida Building Code, Modification #: 970, Section 553.73, Fla Stat Attachment.*)

Richard Thornton, Dell Air Heating and Air Conditioning

Mr. Thornton offered support for Manual J. He noted with regard to Manual J 8 the tonnage increased in most residential homes. He stated Manual J 7 needs to be upgraded to more current products and materials, Manual J 8 needs more work. He continued stating over-sizing homes is not the answer particularly in terms of the humidity in Florida and the concerns for mold and mildew. Mr. Thornton further stated in multiple cases which he would be willing to submit in writing to the Commission, the equipment was increasing the tonnage for residential homes. He then stated he could not support Manual J 8.

Mr. Blair explained for clarification if the Commission votes in favor of the TAC recommendation, the 8th Edition of Manual J would become effective for use in the Code.

Commissioner Wiggins seconded the standing motion.

Commissioner Kim offered comment stating the insurance industry is usually supportive of adopting the latest edition of the standard. He offered support for the TAC recommendation to adopt the 8th edition then stating air conditioning are usually undersized.

Commissioner Corn stated the point was stated that Manual J 8 usually results with a larger size air conditioning unit however no one has stated the larger unit is the incorrect size. He posed the possibility that the problem could be units in homes are actually undersized which could be why Manual J 8 results in a larger tonnage. Commissioner Corn offered support for the TAC recommendation stating the TAC conducted a thorough review on the issue and recommended upgrading to Manual J 8.

Commissioner Schulte asked if there is a record of the TAC vote count on the issue.

Mr. Blair responded the vote resulted in at least a 75% favorable threshold.

Commissioner Bassett explained the vote of the TAC on this modification would not reflect the vote on just this issue. He stated the vote included updates for all the standards in the reference and the Manual J issue was just one of them.

Chairman Rodriguez called for a vote on the motion. Vote to approve the motion resulted in 1 opposed, 18 in favor. Motion carried.

Modification # 870

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

Modification # 356

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

Modification # 973

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

Modification # 979

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

Modification # 938

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

Modification # 880

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

Modification # 886

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

Commissioner D'Andrea requested a motion to reconsider Modification # 909.

Commissioner Greiner moved to reconsider Modification # 909. Commissioner Kidwell seconded the motion. Vote to approve the motion to reconsider was unanimous. Motion carried.

Modification # 909

Dennis Braddy, Fenestration Manufacturer's Association

Mr. Braddy introduced Mr. Larson and

Jim Larson, Cardinal Glass Industries, Representing the Fenestration Manufacturer's Association

Mr. Larson offered comment regarding Modification # 909 and the change to the baseline points. He referenced the Energy Code tables which specifically state the appropriate default values for window U-factor and window solar heat gain shall be used for standard windows. He continued stating there are assumptions on glass and window properties which states the frame area is equal to 25% of the window area and the frame U-factor equals the glass u-factor. Mr. Larson stated regardless of what frame type or window size or operator type, any single pane window is assigned a single pane glass U-value and any double pane window is assigned a double pane glass U-value. He stated the high efficient window rating represents for the Fenestration Manufacturer's Association a structural frame with a solar controlled glazing encouraging manufacturers to rate and label their products for their performance parameters to improve energy efficiency.

Mr. Madani offered clarification regarding the Code change. He stated the language from the TAC differs from the language presented in the public comment during the 45 days. He suggested the public comment heard during the current meeting should have been presented during the 45 day public comment period. Mr. Madani stated the issue has been presented as a comment but with an extensive proposal which has not been reviewed by the TAC.

Mr. Blair explained

Eric Difuto, Proponent of Comments

Mr. Difuto stated the point of the comments is the issue that there is no clear baseline in the Florida Building Code. He continued stating there are numbers available in the energy gage software but no clear numbers in the Code for manufacturers to base their ratings on. Mr. Difuto further stated other states actually include U-factors and SHGC's in the codes. He then added there should really be a prescriptive option that highlights the performance methods.

Jim Puckett, Kinco Ltd.

Mr. Puckett offered support for the previous comments and added the single greatest tool for marketing an energy efficient window is an EnergyStar label. He stated the amendment would simply bring the Florida Building Code into agreement with the EnergyStar system making marketing energy efficient products easier.

Luke Turner, PGT Industries

Mr. Turner offered support for the preceding comments.

Mr. Braddy added the TAC vote was 3 in favor and 4 opposed to the amendment making it a very close vote.

Commissioner D'Andrea moved to reconsider the consent agenda excluding Modification # 909. Vote to approve the motion was unanimously opposed. Motion failed.

Commissioner D'Andrea moved to approve Modification # 909 based on information presented. Commission Parrino seconded the motion.

Commissioner Bassett stated the issue is dealing with default and prescriptive methods of energy ratings. He explained those issues are only one side of a formula. Commissioner Bassett continued stating due to the low efficiency there is a reduced percentage of window allowed in a building. He further stated the purpose of installing a better efficient window is to allow more windows to be installed than the prescriptive method allows. He then stated he was in support of the current language in the Code rather than changing the requirements based on the amendment.

Commissioner Kim offered comment stating there has not been adequate time to process the information presented during the public comment therefore he would have to rely on the TAC recommendation regarding the issue. He then asked if there are any other members of the TAC who could offer further clarification.

Commissioner Bassett added the numbers that would be changed by the proposed amendment are in the national standard. He stated one of the reasons the TAC retained the current ratings was due to the national standard reflecting the same numbers. Commissioner Bassett continued stating the national standard would eventually change which would require a change in the Code.

Commissioner Corn requested clarification regarding the national standard and the comment that every other state is different from Florida.

Mr. Difuto responded stating no other code, including the national code, has language like "double clear window" or "single tint" as in the Florida Code. He continued stating the national model code and every other code in the country sets U-factors and SHGC's in the language of the code which makes it clear to the manufacturers. He added the way the Florida Code currently reads is confusing.

Chairman Rodriguez called for a vote on Commissioner D'Andrea's motion. Vote to approve the motion resulted in 10 in favor and 7 opposed. Motion failed.

LUNCH

Chairman Rodriguez called for a one-hour lunch break at 12:20 p.m.

CONTINUATION OF CONSIDERATION OF TECHNICAL ADVISORY COMMITTEE RECOMMENDATIONS FOR APPROVAL OF STATEWIDE AND

LOCAL AMENDMENTS

FIRE TAC

Approved as Submitted

Modification #'s 488, 978, 454, 355, 763, 693, 533, 767, 412, 449, 986, 980, 982, 732, 431, 298, 847, 489, 537, 1008, 843, 566, 850, 764

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

Received Less Than 75 Percent Vote

Modification #'s 932, 442, 919, 354, 453, 530, 740, 532, 766, 310, Greenacres City

Commissioner Greiner seconded the standing motion.

Commissioner Bassett requested Modification # 422 be pulled for discussion.

Commissioner Greiner moved approval of the consent agenda as amended excluding Modification # 422. Vote to approve the motion resulted in the motion being unanimously opposed. Motion failed.

Received No Second

Modification #'s 933, 936, 722, 910, 458, 943, 935, 934, 327, 411, 443, 324, 424, 409, 758, 903, 908, 911, 917, 583, 299, 408, 511, 842, 820, 879, 882, Boca Raton, Pinellas County, Town of Palm Beach, Broward County, Town of Palm Beach, Winter Park, Apopka, West Palm Beach

Ted Berman, Miami-Dade County Office of Building Code Compliance

Mr. Berman expressed issue with Modification #'s 879 and 882. He stated Modification # 879 is a voluntary item to be used by the owner of a facility to provide a second operable lock that can be opened from the inside to prevent access from the outside of utility rooms. He continued stating the requirement was in the South Florida Building Code to prevent unauthorized entry into such areas. Mr. Berman then addressed Modification # 882 which requires a minimum thickness for metal doors. He stated the issue is dealing with corrosion prevention in Florida's moist environment, serviceability, and operational concerns. He continued stating by changing the doors which must be attached to masonry due to the durability of the doors.

Bernie Greenberg, Allied Universal Corporation

Mr. Greenberg expressed concern with Modification #'s 722 and 910. He stated the modifications deal with sodium hypochloride and the original amendment was brought before the Commission last year. He continued stating the Commission agreed at that time the interpretations requiring a two-hour fire wall around a sodium hypochloride tanks were unnecessary. Mr. Greenberg then stated the amendment offered no alternative requirements and was sent back to the TAC for appropriate language for alternative storage options. He stated the language has been added and was taken from the South Florida Building Code specifying exactly how to handle sodium hypochloride. He further stated the current interpretations place a considerable financial strain on the small business owners.

Mr. Greenberg noted the Florida Department of Environmental Protection exempts sodium hypochloride from its hazardous materials bulk storage tank regulations as stated in the Florida Administrative Weekly. He then stated the NFPA treats sodium hypochloride as an oxidizing agent with exceptions at the 5% to 12% levels which exempts the product from stringent regulations. Mr. Greenberg further stated the Florida Department of Transportation stores large quantities of sodium hypochloride and no longer require hazardous material placard or signage on the boxes. He then requested the Commission treat sodium hypochloride in a manner appropriate for the product and the people using the product in the Florida Building Code.

John Hamrick, Building Official, Florida Department of Education

Mr. Hamrick expressed issue with Modification # 879 which allows permitting an additional device operated from the inside in order to exit a room. He explained in public education facilities it has always been required that only one operation be necessary to exit any space in a school. He stated a young student could get trapped in a storage room or be taken into a storage room which could result in a very dangerous situation.

Commissioner Bassett requested Modification #'s 722, 910, 327, and 409 be removed from the consent agenda for discussion.

Commissioner Gonzalez requested Modification #'s 875 and 882 be removed from the consent agenda for discussion.

Commissioner Wiggins seconded the standing motion excluding the modifications which were removed for discussion. Vote to approve the motion was unanimously opposed. Motion failed.

Approved as Modified

Modification # 701

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

Modification # 904

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

Modification # 350

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

Modification #483

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

Discussion Modifications

Modification #'s 422, 409

Commissioner Bassett stated both modifications are dealing with the same issue stated in the same manner. He then stated there is no need for self-storage warehouses to have firewalls between each cubicle.

Chairman Rodriguez offered clarification stating the amendment would exempt public storage occupancy from providing a one-hour separation between storage facilities if the entire facility is sprinklered.

Joe Belcher

Mr. Belcher offered clarification stating the amendment is not exempting separation between each cubicle, rather a one-hour wall every 3,000 square feet to keep a fire manageable. He then strongly urged the Commission to support the TAC recommendation to oppose the amendment.

Jim Schock, Duval County

Mr. Schock offered support for Mr. Belcher's comments stating in private mini-storage warehouses there is no knowledge of what other materials may be stored that could effect the sprinkler system or fire manageability.

Commissioner Bassett withdrew his motion. Commissioner Corn concurred as the seconder.

Commissioner Parrino seconded the standing motion for Modification # 422. Vote

to approve the motion was unanimously opposed. Motion failed.

Commissioner Parrino seconded the standing motion for Modification # 409. Vote to approve the motion was unanimously opposed. Motion failed.

Modification # 722

Commissioner Bassett stated he has the wording for language in Modification # 722 which is included in Modification # 910. He then moved approval of Modification # 910 as it was presented. Commissioner Corn seconded the motion.

Commissioner Carson asked why the TAC took no action on the amendment.

Mr. Blair replied stating it was voted down by the TAC because no member of the TAC voted the amendment for consideration.

Mr. Belcher offered clarification stating this issue has been before the TAC two times. He stated the proponents are implying the tanks of bleach are harmless which is not true. He continued stating sodium hypochloride is a hazardous substance and there should be a different way to deal with it. Mr. Belcher then encouraged the Commission to support the TAC recommendation.

Commissioner Corn offered support for the amendment stating the issue is similar to a gasoline storage issue which calls for a retaining wall which will contain all the liquid if the tanks break.

Commissioner Kidwell asked if the exception number 15 in the amendment is intended to replace the current exception number 15

Mr. Madani responded stating the modification exception is replacing the current exception with new language.

Commissioner Bassett stated the amendment would save stakeholders a considerable amount of money because firewalls would not have to be built around the storage tanks.

Mr. Blair then called for a vote on the motion. Vote to approve the motion resulted in 6 supporting and 13 opposed. Motion failed.

Modification # 327

Commissioner Bassett stated the reason for discussion is because it is difficult to place two fire exits in air traffic control towers due to the limited number of people. He explained a limited number of people could exit through the fire stair. He further stated it is an undue burden to try to place two fire exits in an air traffic control tower. He then

moved to approve the proposed Modification # 327.

There was no second on the motion. Motion failed

Commissioner Bassett seconded the standing motion. Vote to approve the motion resulted in 1 in favor (Bassett), and 18 opposed. Motion failed.

Modification # 879

Commissioner Gonzalez stated the modification has a substantial connection to the health, safety, and welfare of the general public. He stated the reason the modification did not receive a second at the TAC meeting was because his staff was not available for the meeting. He then moved to approve Modification # 879 as it was presented. Commissioner Bassett seconded the motion. Commissioner Gonzalez then introduced Kevin Carey, fire specialist from his staff, to comment on the issue.

Commissioner Marshall stated the modification appears to be inappropriately located.

Kevin Carey, Miami-Dade County

Mr. Carey stated the modification is not a requirement to the building owner, rather an option. He addressed Mr. Hamrick's comments stating on school's doors it is not required that it be installed.

Commissioner Wiggins requested clarification regarding the specific requirement in terms of whether it applies to all buildings.

Commissioner McCombs asked what the reason for the option of installing the additional lock.

Mr. Berman responded stating it is an option to prevent entry by unauthorized persons or if there is a person locked in the building it is a mechanism for exiting the building. He continued stating the modification was proposed by members of the industry.

Commissioner Bassett asked if there is anything in the Code which would prevent a building owner from placing an additional lock on a utility building currently.

Commissioner D'Andrea responded stating in Section 1012.1.8 it states "doors shall be openable with not more than one releasing operation". He continued stating egress doors for individual living units and guest rooms of residential occupancies may have a device that requires not more than one additional release.

Mr. Blair called for a vote to approve the motion. Vote to approve the motion

resulted in 1 in favor and 19 opposed. Motion failed.

Modification # 882

Commissioner Gonzalez stated his staff was not present during the Fire TAC to explain the modification. He then moved to approve the original modification as presented. Chairman Rodriguez seconded the motion for discussion then asked Mr. Berman what the minimum thickness for the doors would be.

Mr. Berman stated the minimum thickness desired would be 18-gage. He continued stating currently the Code does not stipulate a minimum thickness.

Commissioner Carson stated the gage of the metal would not effectively resolve the issue, rather galvanized metal would be more effective.

Commissioner McCombs seconded the motion. Vote to approve the motion resulted in 2 supporting; 16 opposed. Motion failed.

MECHANICAL TAC

Approved as Submitted

Modification #'s 518, 814, 412, 972, 525

John Hamrick, Building Official, Department of Education

Mr. Hamrick requested the Commission reconsider Modification # 814. He stated the modification will impact construction in terms of schools, commercial restaurants, storage facilities, etc. He continued stating the modification is written currently to apply to all occupancies and prohibits the return air intakes in certain areas which include storage rooms and kitchens. Mr. Hamrick further stated he had consulted two engineers in Florida concerning the fiscal impact of the modification with regard to schools and it was determined that in terms of public schools, K-12, there will be an additional \$47,000 per school. He added there are approximately 40 new schools per year which would result in \$1.9 million in additional cost. Mr. Hamrick then discussed the \$10 million in increased utility costs associated with conditioning air which must be ducted to the outside. He proposed the following amendments to the modification: a) if the modification applies to residential occupancies only, insert "this applies to residential" at the beginning; b) if the modification applies to all occupancies, insert an exception for commercial kitchens with self-contained air handlers, and delete the requirement for storage rooms. He added Section 405.1.1 should be changed to read "a return air intake is not required in the following locations; bathrooms, kitchens, closets, and storage rooms."

Mr. Richmond asked Mr. Hamrick if there had been specific work performed regarding the specific alternative amendment language he proposed.

Mr. Hamrick responded stating the fiscal impact of his changes to the modification would reduce the cost for commercial, institutional, and educational agencies. He added it has been brought to his attention that some jurisdictions in Florida are requiring contractors to install return air grills in unoccupied spaces.

Commissioner xxx requested Modification # 814 removed from the consent agenda. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Received Less Than 75 Percent Vote

Modification #'s 888, 360, 977, 343, 1007

Greiner seconded the standing motion. Vote to approve the motion was unanimously opposed. Motion failed.

Received No Action

Modification #'s 515, 1006, 1005, 517, 519, 520, 768, 769, 831, Town of Palm Beach, Pinellas County Const. Li. Bd., Pinellas County Const. Li. Bd., Pinellas County Const. Li. Bd.

Commissioner McCombs seconded the standing motion. Vote to approve the motion was unanimously opposed. Motion failed.

Approved as Modified

Modification # 883

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

Modification # 887

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

Modification # 744

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

Modification # 1004

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

Modification # 301

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

Modification # 971

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

Modification # 987

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

County of Broward

Bob Andrews, Broward County Board of Appeals

Mr. Andrews stated he was the proponent of the modification and had been involved in plans review, inspections, or testing of 50 to 100 buildings with smoke control systems including large malls, atriums, arenas, hotels and others. He added he serves as a member of the Mechanical TAC and offered support for Modification # 987 stating the modification would not replace rather supplement the current language in the 2003 International and mechanical codes. He stated the modification provides minimum prescriptive requirements that a designer may or may not put into use. Mr. Andrews explained the modification does not restrict the ability or authority of designers to design smoke control systems, rather it provides a uniform method of complying with smoke control requirements. He then added the modification had been reviewed and analyzed by the Florida Building Commission's Mechanical TAC and had received unanimous approval for adoption into the Florida Building Code. Mr. Andrews further stated a smoke control system is a fire protection system that helps protect the life safety of the occupants and the property itself as well as assist firefighters and provide a tenable area for escape for occupants during a fire.

Steve Feller, Engineer, Fort Lauderdale

Mr. Feller stated he and his firm have been involved in the design of more than 75 smoke control systems in high rise buildings throughout the country including Florida. He stated without Modification # 987 smoke control is left to jurisdictional authority. He continued stating the modification provides a method for requiring smoke control still leaving flexibility for the engineer to design his/her system provided the system is based

on recognized national standards. Mr. Feller further stated the method of testing is based on certified test and balance ensuring proper air quantities and critical pressure differentials which are imperative to the operation of a smoke control system. He added the modification meets the intent of the stated purpose of the Florida Building Code which is "effective and reasonable protection for public safety and welfare and be organized to provide consistency and simplicity of use".

Jack Glenn

Mr. Glenn stated opposition to the modification explaining the fire deaths which occurred in the MGM Grande which were attributed to smoke were actually due to penetrations in the building which were code violations. He continued stating the vast majority of the 80% who die from smoke inhalation occur in one- and two-family dwellings rather than high rise buildings. Mr. Glenn added the smoke inhalation provisions have very little impact on the large number of deaths as stated in previous comments.

Roland Holt, Building Official, Palm Beach County

Mr. Holt noted the organization of the modification is suited to the structure of the Broward County Building Department rather than other jurisdictions. He stated for example the language in paragraph four which authorizes the Chief Mechanical Inspector to approve alternate designs. Mr. Holt explained in his jurisdiction the building official must decide on alternate designs due to the mechanical inspector not being licensed as a plans examiner.

Robert Fine, Representing Owners of High-Rise/Office Buildings

Mr. Fine stated he has submitted letters on September 11 and September 12 which should be included in the record as well as in each Commissioner's packet. He then stated opposition to the proposed Modification # 987 explaining the process of how it arrived before the Commission was inappropriate and did not provide for adequate notice and comment constituting a denial of due process and be an invalid exercise of delegated Legislative authority. Mr. Fine then discussed issues concerning the fiscal analysis impact of the modification and how it would create additional costs as well as life safety impact. He then respectfully requested that the Commission not adopt Modification #987.

Truly Burton, Builders Association of South Florida

Ms. Burton stated their association is one of the most active in the high rise construction market in the state of Florida. She expressed opposition to the modification expressing concern regarding cost as well as providing improved smoke control systems and evacuation requirements for all citizens not just those living in a particular priced unit.

Albert Trube, Mechanical Engineer, South Florida

Mr. Trube stated he designs numerous smoke control systems each year and he expressed support for Mr. Fine's comments. He stated the Broward County modification does not allow for sufficient flexibility in the design of smoke control systems.

Mr. Richmond offered clarification regarding the issue of the modification being a local amendment which comes before the Commission in a different manner than most other amendments being considered. He stated the amendment has been available on the Building Code Information System since it was submitted by Broward County resulting in more than adequate opportunity for review and comment. Mr. Richmond continued stating the amendment had also been presented before the Commission for review including an appeal from the local adoption of the amendment. He explained there had been a telephone conference regarding a Final Order in August wherein the Commission found the amendment invalid due to some of the procedures which were not strictly adhered to at the local level. He further stated because the Commission had found the amendment to be invalid it may not be properly before the Commission for consideration.

Commissioner Bahadori disclosed that some of the developers Mr. Fine represents are past and present clients of Hughes Associates.

Commissioner Wiggins suggested due to the amendment being found invalid by the Commission in a previous it should be withdrawn and not considered by the Commission.

Mr. Richmond responded stating because there has been a TAC recommendation the amendment should be subject to a negative roll call as with other TAC actions.

Commissioner Parrino seconded the standing motion.

Commissioner Bassett asked since there are many issues regarding the modification and the Mechanical TAC and the Commission have already adopted the 2003 International Mechanical Code as well as the 2003 International Building Code and if the amendment is voted down by the Commission will corrections or improvements to the 2003 versions of the IMC and the IBC still be allowed. He stated the requirements in the IMC and the IBC are reflected in Modification # 987.

Mr. Madani responded sections can be deleted from the IBC but not revised under the current Code change process.

Commissioner Sanidas asked if the modification is improperly before the Commission because of a technicality or because of the smoke control issue itself.

Mr. Richmond responded it is improperly before the Commission because of a procedural technicality and because the local procedure was flawed the Commission should not approve the amendment for statewide use.

Chairman Rodriguez called for a vote to approve the motion. Vote to approve the motion resulted in 2 in favor and 16 opposed. Motion failed.

Modification # 814

Commissioner Kidwell asked if the contents of the amendment package is complete including what was submitted originally with the modification. He stated he did not see justification which would ensure indoor air quality.

Mr. Madani responded stating everything that was submitted is included in the Commission packet.

Commissioner Kidwell then offered opinion stating the fiscal impact statement is incorrect and there is no evidence supporting the request. He seconded the original standing motion for discussion and expressed opposition to the modification.

Commissioner Bassett proposed in the form of a motion alternate language for the modification to read, beginning with Section 405.1.1: *It shall be prohibited to place a return air intake in the following locations, public bathrooms and non-dedicated kitchen systems.* He then proposed striking Section 405.1.2, *Exception: microwave ovens.* Commissioner Bassett explained the reason for the change in the wording is because of the trend in private residences to install large master bathrooms.

Commissioner Marshall seconded the motion.

Mr. Richmond stated there had been substantial comments regarding the fiscal impact of the modification and the proponent of the modification stated there were no cost impact. He asked Commissioner Bassett if he would offer a finding concerning the fiscal impact analysis.

Commissioner Bassett responded stating there would be a slight increase in cost justified by the standard practice of what is currently being required.

Pete Quintela, Member Mechanical TAC

Mr. Quintela offered support for Commissioner Bassett's comments stating that was the intent of the TAC when the modification was reviewed. He added the wording proposed by Commissioner Bassett helps clarify the modification for the purpose of enforcement.

Commissioner Corn requested clarification regarding a non-dedicated kitchen system.

Commissioner Bassett replied a dedicated kitchen system would be a system that

only serves the kitchen and no other areas of the building. He then added *non-dedicated air conditioning systems* for further clarification to his proposed language.

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

PLUMBING TAC

Approved as Submitted

Modification #'s 433, 953, 962, 955, 956, 957, 958, 959, 960, 554, 1010, 451, 473, 579, 822, 777, 821, 776, 987

Ken Gregory, President, Central Florida Chapter, Swimming Pool Association

Mr. Gregory stated the proposals for swimming pools had received unanimous agreement by contractors throughout the state. He continued most of the modifications were bringing the Code into compliance with the 2003 ANSI-5 standards required by the NSPI.

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

Received Less Than 75 Percent Vote

Modification #'s 954, 868, 806, 573, 838, 729, 727, 807, 577, 803, 832, 828, 316, 318, 775

Gary Duren

Mr. Duren requested the Commission pull Modification # 868 stating the modification would bring the Florida Building Code up to date with the current action taken at the International Code Council with respect to the IRC and the IBC as well as introduce a standard into the Code where there is no standard currently.

Ken Gregory, Plumbing TAC

Mr. Gregory requested Modification # 954 which addresses an issue very important to the swimming pool industry. He respectfully stated emotions had previously clouded facts in terms of the issue. Mr. Gregory then stated there is a large amount of data which he has available to share with the Commission.

Allen Cooper, Swimming Pool Contractor, Central Florida

Offered support for Mr. Gregory's request.

Roy Lanoy, Swimming Pool Contractor, President, Central Florida Chapter of the Florida Pool and Spa Association

Offered support for Mr. Gregory's request.

Larry Bowles, Larry Bowles Pools

Offered support for Mr. Gregory's request.

Mike Maloggin, Signature Pools

Offered support for Mr. Gregory's request.

Commissioner Greiner requested Modification #'s 954 and 868 be pulled for discussion.

Commissioner Greiner seconded the standing motion. Vote to approve the motion was unanimously opposed. Motion failed.

Received No Second

Modification #'s 652, 809, 800, 779, 961, 316, 308, 426, 315, 968, Pinellas County, City of Boca Raton, City of Boca Raton, City of Boca Raton, Pinellas County, Town of Palm Beach, Pinellas County, City of Boca Raton

Commissioner McCombs seconded the standing motion. Vote to approve the motion was unanimously opposed. Motion failed.

Approved as Modified

Modification # 949

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

Modification # 474

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

Modification # 720

George Camanero, Office of Building Compliance, Miami-Dade County

Mr. Camanero stated when Modification #720 was presented before the TAC there was confusion when a typographical error was corrected. He stated an additional typographical error was created in the second sentence: *Example for a 5-inch designed rainfall . . .* Mr. Camanero explained the “5” should be changed back to a “5”.

Commissioner Greiner seconded the standing motion to approve the modification as amended. Vote to approve the motion was unanimous. Motion carried.

Selected Modifications for Discussion

Modification # 954

Commissioner Greiner stated the proposal creates a pool that is 4 ½ ‘ deep or deeper with two main drains. He continued stating in the Code there have intentionally been no requirements specifying how deep the pool should be in order to avoid situations where there may be arguments in terms of the depth of the pool following a drowning incident. Commissioner Greiner offered support for the TAC action not to approve the modification.

Commissioner D’Andrea seconded the standing motion. Vote to approve the standing motion was unanimously opposed. Motion failed.

Modification # 868

Commissioner Greiner deferred discussion to Mr. Duren.

Gary Duren,

Mr. Duren offered comment regarding Florida has done well in prescribing requirements that will provide the level of protection sought if the requirements are enforced. He stated Florida has unfortunately failed to provide the proper industry national consensus standards because the referenced ASME-19.17 had not yet been printed. Mr. Duren noted the document has since been published and has been reflected in the 2003 IRC and will likely appear in the next supplement of the IBC. He encouraged the Commission to consider that inclusion of the proper national standard enforcement and regulation of the systems will be in compliance with the model codes.

Mr. Richmond stated the standard was not available during the TAC meeting resulting in it not being available 45 days in advance of the TAC meeting resulting in the modification not being appropriately considered. He then recommended a negative roll call with regard to the modification stating it is a good standard but should not be incorporated into the Code at the present time. Mr. Richmond advised that building officials may utilize the standard as a means to approve the systems until the Commission can appropriately include it into the Code.

McCombs seconded the standing motion. Vote to approve the motion resulted in 3 in favor and 16 opposed. Motion failed.

SPECIAL OCCUPANCY TAC

Approved as Submitted

Modification #'s 567, 660, 662, 664, 726, 728, 731, 733, 734, 658, 735, 742, 737, 738, 739, 370, 371, 372, 377, 382, 384, 385, 444, 386, 387, 389, 445, 390, 391, 446, 392, 393, 447, 394, 395, 397, 398, 399, 400, 448, 401, 931

Commissioner Greiner seconded the standing motion.

Commissioner Wiggins requested Modification # 445 be removed from the consent agenda for discussion.

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

Received Less Than 75 Percent Vote

Modification # 428, 693, 808

Commissioner McCombs seconded the standing motion. Vote to approve the motion was unanimously opposed. Motion failed.

Received No Action

Modification #'s 443, 930, 586, 646, 648, 433, 654, 988, 725, 893, Greenacres City, Pinellas County

Commissioner Greiner requested Modification # 654 be removed from the consent agenda for discussion.

Commissioner Corn seconded the standing motion to approve the consent agenda as amended. Vote to approve the motion was unanimously opposed. Motion failed.

Approved as Modified

Modification #'s 730

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

Modification # 745

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

Modification # 380

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

Modification # 381

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

Modification #388

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

Modification # 396

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

Selected Modifications for Discussion

Mr. Richmond requested a motion to reconsider the consent agenda for Special Occupancy No Second Received. He explained Modification # 988 appeared in Code Administration and was approved as amended.

Commissioner Greiner moved to reconsider the consent agenda for Special Occupancy No Second Received. Commissioner Corn seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Greiner seconded the standing motion to approve the consent agenda as amended. Vote to approve the motion was unanimously opposed. Motion failed.

Modification # 445

Commissioner Wiggins asked Mr. Hamrick for clarification regarding the definition of the word "relocatables".

Mr. Madani responded stating there is a definition which clearly defines the word in

the manufacturer's rule, Section 420A.

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

Modification # 654

Commissioner Greiner stated # 931 covers the modification.

Commissioner McCombs seconded the standing motion. Vote to approve the motion was unanimously opposed. Motion failed.

Commissioner Vann stated it was brought to his attention an individual from the public was not given adequate opportunity to offer comment on a plumbing issue. He then moved to reconsider Modification # 954. McCombs seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Unidentified

Mr. Unidentified apologized for bringing back a previous modification stating he misunderstood whether he could offer comment. He stated the issue of main drain has been before the Commission for a long time. He continued stating there is no improvement in terms of public safety by approving Modification #954 but additional cost is being added to the swimming pool construction. Mr. Unidentified stated there had also been confusion among the building officials regarding the VAC-Alert valve, and the engineered vent lines. He presented data to the Commission from a document dated October 1996 published by the Consumer Products Safety Commission stating there has only been three swimming pool evisceration or disembowelment cases in forty years with no deaths. He added all three cases were on commercial wading pools, none for residential. He further stated there were thirty cases of hair entrapment with twenty-nine in spas, not swimming pools. Mr. Unidentified proposed dual main drains with proper safety cover is all that would be necessary in a swimming pool and asked that the Commission reconsider the modification.

Commissioner Marshall asked why the words "the protection against user entrapment by either an approved antivortex cover, 12" X 12" grate or larger, or other approved means" were stricken from the proposed modification.

Commissioner Greiner responded stating the submission was in addition to a previously submitted change which already included the language referenced.

Gary Duran, Florida Association of Plumbing, Mechanical and Gas Inspectors

Mr. Duran expressed concern regarding how the modification has been

reconsidered by the Commission. He expressed opposition to the comments offered by the previous speaker. Mr. Duran stated there has not been enough experience with dual drains to determine if there is a problem. He added that pools built to the prior NSPI standards have resulted in causing entrapments and serious injuries. He then appealed the Commission to uphold the prior action taken on the issue.

Commissioner Wiggins asked if the International Plumbing Code addresses the issue different in terms of drains and the depth of the pool.

Commissioner Greiner responded it does not.

Mr. Duran added the current 2003 IRC in Appendix F provides for ASME 19.8 approved covers which are referred to in the Florida Building Code as antivortex covers with no particular standard. He continued stating the 2003 IRC introduces the ASME A112.19.17 standard for the vacuum release devices eliminating other approved means as well as the approved vent piping options.

Commissioner Greiner added the International Code would be considered secondary to the Florida Building Code with regard to swimming pool regulation. He then seconded the standing motion.

Mr. Blair called for a vote on the motion. Vote to approve the motion resulted in 3 in favor and 16 opposed. Motion failed.

Commissioner Greiner entered a motion to reconsider Modification # 725. Commissioner Corn seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Greiner then seconded the consent agenda as amended. Vote to approve the motion was unanimous. Motion carried.

Commissioner Greiner stated his amendment to the modification has been prepared and was displayed via overhead projector for the Commission. He explained his rationale is that Section 313 of the Florida Building Code, Plumbing, specifically addresses public food service establishments and food establishments. Commissioner Greiner expressed there is a distinct difference between the two establishments. He stated a public food service establishment is regulated under Florida Statute Chapter 509 while food establishments is regulated under Florida Statute Chapter 500. He continued stating Section 313 of the Florida Building Code, Plumbing, refers the reader to the Florida Building Code, Chapter 4, Special Occupancy, to elaborate on the issue, which is Section 426. Commissioner Greiner further stated Section 426 does not accurately reflect the language in Section 313 concerning the two different types of establishments.

Commissioner Greiner then moved approval of his amendment to Modification # 725 as presented. Commissioner Corn seconded the motion. Vote to approve the

motion was unanimous.

STRUCTURAL TAC

Approved as Submitted

Modification #'s 990, 841, 749, 592, 591, 681, 598, 423, 599, 600, 682, 692, 605, 607, 641, 684, 616, 685, 621, 622, 629, 631, 633, 634, 637, 869, 469, 361, 704, 705, 852, 317, 1002, 555, 975, 853, 349, 425, 569, 570, 555, 475, 856, 976, 857, 945, 987, 708, 707, 712, 713, 714, 715, 718, 833, 858, 860

Lorraine Ross, Building Code Alliance

Ms. Ross offered comment regarding Modification #'s 708, 707, 712, 713, 714, 715, 718 which deal with the High Velocity Hurricane Zone. She stated these section of the Code deal with product approval which include a term *Notice of Acceptance (NOA)* which is defined as "the approval document indicating compliance with the Florida Building Code issued by Miami-Dade County Product Control Division for construction products and assemblies. All items requiring product approval in the HVHZ must first obtain an NOA before they are installed or before a building permit is issued". Ms. Ross continued stating since the approval of 9B-72 as a final rule, which outlines getting testing performed at approved laboratories for HVHZ product testing, modification for the definition of Notice of Acceptance as it appears in the Code is necessary as the new Product Approval Rule clearly identifies means other than Miami-Dade County Product Control Division to demonstrate compliance.

Jaime Gaston, Miami-Dade County Product Control

Mr. Gaston expressed support for the need for uniformity as presently stated in the Code for uniformity in the High Velocity Hurricane Zones.

Billy Kelly, President, Roofing Contractors Association of South Florida

Mr. Kelly offered support for the TAC recommendation concerning the modifications.

Kari Hebrank, Florida Building Materials Association

Ms. Hebrank offered comment concerning reconciling the Code with Product Approval. She stated the language does need to be modified because Miami-Dade will be required to accept products approved statewide that meet the standards in the HVHZ.

Commissioner Kim requested Modification # 945 be selected for discussion. He then noted he would prefer it be discussed with its companion Modification # 944.

Commissioner Parrino seconded the standing motion. Vote to approve the motion was unanimous

Received Less Than 75% Vote

Modification #'s 419, 590, 604, 606, 609, 619, 625, 632, 746, 690, 750, 751, 1005, 851, 965, 706, 874, 691, 997, 472, Greenacres City, Seminole County, Town of Palm Beach

Commissioner Gonzalez requested Modification # 874 be pulled for discussion.

Commissioner D'Andrea seconded the standing motion. Vote to approve the motion was unanimously opposed. Motion failed.

Received No Second

Modification #'s 676, 677, 897, 351, 314, 402, 367, 325, 683, 670, 420, 617, 620, 671, 686, 941, 624, 937, 687, 627, 630, 589, 672, 673, 674, 940, 639, 515, 1006, 831, 694, 948, 320, 321, 906, 992, 414, 352, 309, 872, 655, 675, 899, 470, 588, 927, 471, 323, 628, 363, 689, 748, 907, 964, 319, 368, 319, 678, 694, 413, 344, 993, 994, 587, 999, 1000, 1001, 995, 996, 998, 334, 510, 780, 898, 947, 928, 983, 984, 314, 717, 890, 863, City of Boca Raton, Town of Palm Beach, Boca Raton, Town of Palm Beach, Town of Palm Beach, Boca Raton, Town of Palm Beach, Broward County, Volusia County, Winter Park, West Palm Beach, Palm Beach County, Winter Garden, Pinellas County, Ormond Beach, Apopka, West Palm Beach, West Palm Beach, West Palm Beach, Boca Raton, Boca Raton, Town of Palm Beach, Palm Beach County, Green Acres City, Town of Palm Beach, Town of Palm Beach, Town of Palm Beach, Town of Palm Beach, West Palm Beach, Boca Raton, Palm Beach County, Green Acres City, Winter Park, West Palm Beach, Boca Raton, Palm Beach County, Green Acres City, West Palm Beach, Winter Park, Winter Park

Ward Gool

Mr. Gool requested that Modification # 344 be removed from the consent agenda for discussion. He explained the modification received no second by the TAC so that additional language could be developed and placed in the text. He stated the language has been developed and has been posted in comments providing all necessary information to consider the modification.

Peter Nelson

Mr. Nelson requested Modification # 694 be removed from the consent agenda for discussion. He explained the original modification document was not specific in terms of sections. He added the most recent modification does specify sections as well as offers a

generic product.

Roland Holt, Building Official, Palm Beach County

Mr. Holt offered comment on behalf of the Palm Beach County Building Code Advisory Board requested reconsideration of Modification # 628 dealing with the application of structural shims at the fastening points of a window. He explained when the modification was before the TAC a representative from the window industry stated the issue was being addressed in another modification which he thought was better. Mr. Holt stated as a result of the preference by the industry, he withdrew Modification # 628 from consideration by the TAC. He then stated it was later discovered the issue had not been addressed in a different modification so he requested the Commission reconsider Modification # 628.

Dennis Braddy

Mr. Braddy offered support for Mr. Holt's request stating he was the representative who thought the issue was addressed in another modification.

Kari Hebrank

Ms. Hebrank wished the Commission a happy Columbus Day and requested that Modification # 471 be removed from the consent agenda for discussion.

Vance Poole

Mr. Poole requested Modification # 967 be removed from the consent agenda for discussion.

Steve Pfieffer, Representing Isonene Corporation

Mr. Pfieffer explained Isonene Corporation manufactures a foam insulation product that is well suited for use in unventilated attics. He then requested Modification # 587 removed from the consent agenda for discussion. Mr. Pfieffer stated unvented attics is a good building technique providing all the protections ventilated attics provide with additional advantages in terms of energy conservation as well as moisture and mold reduction and have been used for more than a decade throughout Florida.

Commissioner D'Andrea requested Modification #'s 471, 344, 694, 628, 587 be removed from the consent agenda for discussion.

Chairman Rodriguez called for a vote on the motion to approve the consent agenda as amended. Vote to approve the motion was unanimously opposed. Motion failed.

Approved as Modified

Modification # 460

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

Modification # 484

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

Modification # 680

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

Modification # 593

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

Modification # 596

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

Modification # 602

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

Modification # 610

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

Modification # 612

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

Modification # 635

Commissioner Wiggins seconded the standing motion. Vote to approve the motion

was unanimous. Motion carried.

Modification # 695

Lorraine Ross, Florida Building Code Alliance

Ms. Ross expressed concern regarding the definition of the term *Notice of Acceptance* and requested that staff be directed to reconcile the definition when the draft rule is published.

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

Modification # 688

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

Modification # 348

Commissioner D'Andrea seconded the standing motion.

Commissioner Bassett requested clarification regarding the separate minimum clearance in High Velocity Hurricane Zones.

Commissioner Parrino offered clarification stating the reference to a separate minimum height clearance in High Velocity Hurricane Zones changes nothing in the Code. He explained the language directs the reader to a table in Chapter 15 for the clearances.

Mr. Blair called for a vote on the motion. Vote to approve the motion was unanimous. Motion carried.

Modification # 944

Joe Belcher, Proponent

Mr. Belcher asked if the proponent would be given an opportunity to rebut following opponent commentary. He then stated as proponent of the modification there had been communication sent to the Commission in opposition to the modification. Mr. Belcher addressed issues raised by the opponents. He explained one opposition was that the guide was not available for review and responded he had submitted copies of the modification to include an adequate supply for the Commission members as well as the Structural TAC members. He continued stating his contact information was included on the modification and copies were available for anyone who requested them. Mr. Belcher

then addressed the second opposition issue stating the document is a prescriptive document which gives the contractor an option. He stated engineering books or hiring an engineer for site-specific work are still available options.

Commissioner Greiner requested clarification regarding the document being similar to the language which is currently in Section 1606.

Mr. Belcher responded concurred stating the document is very similar to SSTE-10 which was adopted in Section 1606.

Mr. Madani added he had received sixty faxes as well as letters from representatives opposing the modification.

Mr. Belcher added the Aluminum Association has more than 370 members supporting the document.

Tom Tefelske, Contractor, Building and Aluminum

Mr. Tefelske countered stating he is a member of the Aluminum Association of Florida, West Coast Chapter, and expressed opposition to the modification on behalf of the 60+ members of his association. He stated there are not 350 members of the Aluminum Association who support the document. Mr. Tefelske continued stating the document has not been available for review. He stated he had called the Department of Community Affairs to receive a copy of the document and was directed to the Aluminum Association of Florida. He stated he then contacted the association through his local chapter and formally requested a copy of the document and was denied. Mr. Tefelske further stated the document has been revised since its last Commission review with the completed document not being available until August 2003. He appealed to the Commission the document should be a consensus document representing the will and desire of the industry.

Mr. Madani added Mr. Belcher had provided copies of the document to staff as well as TAC members. He stated he recalls when requests were submitted to review the document he would make his copy available or direct callers to Mr. Belcher or the association for comment.

Jack Johnson, President, West Coast Chapter Aluminum Association of Florida

Mr. Johnson expressed opposition on behalf of the association as well as the Florida Alliance for Construction Education of which he is also a member. He stated the document has not been reviewed properly by interested parties.

Commissioner Wiggins seconded the standing motion.

Commissioner Kim stated the issue deals with an area of the industry which has

suffered severe losses in damage from high winds. He then requested legal provide an opinion as to whether the document meets the spirit of the rule.

Mr. Madani responded the submittal met the 45 day requirements and was available for review like all other Code changes that were submitted for consideration.

Commissioner Kim continued stating he was a supporter of Mr. Belcher's proposal and had had the opportunity to review the entire document for several months. He stated he had spoken to the design engineer of record and had continued to support the document until he reviewed the 70+- pages of modifications which were most recently submitted. Commissioner Kim explained the modifications include using wind pressures that are 23% less than what the Florida Building Code requires then stated he can no longer support the use of the document based on technical merits.

Chairman Rodriguez asked Structural TAC Chair, Commissioner Parrino, to offer his opinion as to the risk or reward in terms of the Commission not approving the modification.

Commissioner Parrino responded stating the issue should be considered by the Commission. He stated if the document is not adopted during this process there would be no consequences. He continued stating there was never any negative opinions associated with the document until Commissioner Kim expressed issue with the wind pressure requirements. Commissioner Parrino reminded the Commission there is still a comment period as well as rule adoption so if further changes or review needs to take place there is still adequate time for that process.

Commissioner Greiner added if the modification is adopted it is not a mandatory requirement rather an optional method.

Commissioner Kim stated there will be no negative effects in terms of how aluminum structures are currently built. He added if the document is adopted it is less stringent than the base code requirements for windload.

Commissioner Sanidas offered comment stating there is another document being used currently which has not been accepted or reviewed by the Commission.

Mr. Madani added the document will provide local jurisdictions and building officials a standard of compliance on which to rely. He concurred many jurisdictions and officials are relying on documents which have not been accepted or reviewed by the Commission. Mr. Madani stated the approval of the modification is a first step in the right direction.

Commissioner Wiggins suggested hearing from the proponent a response to the wind pressure issue.

Mr. Belcher responded stating .77 is the correct factor on the table. He added the

table reflects low hazard to human light then stated carports are not usually occupied during storms or hurricanes.

Mr. Blair called for a vote on the motion. Vote resulted in 14 in favor and 4 opposed. Motion carried.

Modification # 873

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

Modification # 450

Commissioner Wiggins seconded the standing motion.

Commissioner Greiner asked if the TAC had addressed flood issues with FEMA.

Commissioner Parrino responded stating the FEMA reference is dealing with a calculation of a flood force.

Mr. Madani added the Code provides the factor and FEMA is referenced to enhance the Code.

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

Modification # 561

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

Modification # 974

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

Modification # 462

Kari Hebrank, Florida Building Materials Association

Ms. Hebrank expressed opposition to the proposed modification. She stated the modification completely reverses what has been accomplished through the glitch code amendments for the door industry. She the requested the Commission not approve Modification # 462 which appears in two places in the Code; Chapter 17 and in Chapter 35.

Joe Haskel, DASMA

Mr. Haskel stated the modification would eliminate other options relating to product approval for rolling doors. He added there is not technical or economic justification for the modification.

Joe McFee, Window and Door Manufacturer's Association

Mr. McFee offered support for Ms. Hebrank's and Mr. Haskel's comments.

Roland Temple

Mr. Temple offered support for Ms. Hebrank's comments.

Commissioner Parrino seconded the standing motion then stated the TAC recommendation received a unanimous vote.

Commissioner Carson asked if any of the opponents were present during the TAC meeting.

Ms. Hebrank interjected the modification did not receive a second during the August meeting.

Mr. Madani offered clarification stating the modification was approved through the appropriate 45-day process.

Ms. Hebrank stated the issue is with the discrepancy relating to the term "and listed". She stated the Code defines "listed" differently than the product approval rule. She explained under the product approval system and the current Code, a product could be taken to a testing lab, reviewed by an engineer, then approved following rational comparative analysis meeting the requirements of the Florida Building Code. She added testing labs do not "list" door systems which leaves only one option for approving doors to meet the Code requirements. She recommended striking the words "and listed".

Mr. Gaskon offered clarification explaining how the words "and listed" were added to the modification. He then concurred with Ms. Hebrank stating the wording does add confusion to the issue.

Commissioner D'Andrea moved approval for an amendment to the modification that "and listed" be deleted. Commissioner Greiner seconded the motion to amend

Commissioner Parrino noted the term "and listed" had been deleted during the glitch cycle. He then accepted Commissioner D'Andrea's amendment as a friendly amendment. Vote to approve the modification as amended was unanimous. Motion

carried.

Modification # 967

Vance Poole

Mr. Poole expressed opposition to the amendment. He stated the changes in the modification are dealing with the crack prevention capabilities of fibers. He explained how the dosage rates had varied through the process then noted 40% of the fibers currently deployed in Florida are not accepted under the Code stating three-quarter-pound dosage rate would be the lowest approved fibers currently available in the marketplace. He proposed changing from the original three-quarter-pound back to the original pound-and-a-half to provide the crack containment abilities of fibers.

Joe Belcher, Proponent

Mr. Belcher stated the system in the modification is a tested system which has been used on the west coast for many years as well as it being an ICCES standard.

Randy Shelby, S I Concrete Systems

Mr. Shelby expressed opposition to the amendment. He distributed his written comments to the Commission. (See *Engineering Analytics, Inc.* Attachment.)

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

Modification # 1003

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

Modification # 457

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

Modification # 900

Ted Burman, Proponent

Mr. Burman withdrew his proposed amendment. He stated Modification # 920 covers the same topic and appealed to the Commission to approve Modification # 920.

Commissioner D'Andrea seconded the standing motion. Vote to approve the

motion was unanimously opposed. Motion failed.

Modification # 920

Ziggy Valentine, Representing the American Architectural Manufacturers Association

Mr. Valentine stated the curtain wall and storefront members have issue with the language in the modification. He stated the curtain walls and storefront are tested only to the laboratory requirements of the standards. He then recommended adding the words "laboratory requirements" to the language in the modification. Mr. Valentine added there will be fiscal increases due to dynamic testing requirements.

Lorraine Ross, Florida Building Code Alliance

Ms. Ross pointed out a typographical error in the language which defines AAMA. She stated the correct language should read the American Architectural Manufacturers Association.

Commissioner D'Andrea moved approval for the standing motion with a correction to the language. Vote to approve the motion was unanimous. Motion carried.

Modification # 991

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

Modification # 989

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

Modification # 340

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

Modification # 748

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

Modification # 456

Commissioner Greiner seconded the standing motion. Vote to approve the motion

was unanimous. Motion carried.

Modification # 462

Kari Hebrank, Florida Building Materials Association

Ms. Hebrank stated the referenced standard was a 2002 E330 standard however during the most recent TAC meeting additional options were referenced; i.e., 1984, 1998, and 2002 which should be reflected in the appropriate section of the Code.

Mr. Madani added the Code will primarily refer to the most recent standard which would be the 2002 standard.

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

Modification # 465

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

Modification # 969

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

Modification # 929

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

Modification # 709

Lorraine Ross, Florida Building Code Alliance

Ms. Ross noted for the record the modification references the term "Notice of Acceptance" which should be reconciled with rule 9B-72.

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

Modification # 710

Lorraine Ross, Florida Building Code Alliance

Ms. Ross offered the same comment as stated for the previous modification.

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

Modification # 711

Lorraine Ross

Same comment

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

Modification # 716

Lorraine Ross

Same comment

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

Modification # 719

Lorraine Ross

Same Comment

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

Modifications Selected for Discussion

Modification # 945

Joe Belcher

Mr. Belcher stated Modification # 945 simply places the Chapter 35 guide as a reference document.

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

Modification # 874

Ted Burman, Proponent

Mr. Burman stated he has additional information concerning the modification to submit to the Commission. He explained the text of the Code allows for interchangeable components for door assemblies. Mr. Burman stated some of the components are the only structural value connecting them to the structure; i.e., locks, hinges, thresholds, etc. He continued stating the components are the last source of resistance to prevent the assembly from opening. Mr. Burman further stated the testing for door components does not test the structural resistance of the component which is the purpose of his proposal.

Kari Hebrank, Florida Building Materials Association

Ms. Hebrank expressed opposition for Modification # 874. She stated a glitch amendment had been approved on structural components which had appeared before the Structural TAC as well as the Product Approval POC. She further stated the modification reverses a glitch amendment that has already gone through process.

Commissioner D'Andrea seconded the standing motion. Vote to approve the motion resulted in 1 in favor; 17 opposed. Motion failed.

Modification # 471

Kari Hebrank, Florida Building Materials Association

Ms. Hebrank requested the Commission's support for Modification # 471. She stated the modification places into the Code a standard for exterior door component testing.

Jamie Gaston

Mr. Gaston stated the modification represents a standard that is being adopted into Chapter 17 which does not include a High Velocity Hurricane Zone section in it. He urged the Commission not to confuse the language in the modification to be applicable in high velocity wind zones.

Commissioner Parrino stated in the form of a motion approval of Modification # 471 with the assurance that it does not apply to High Velocity Hurricane Zones, as well as striking the last paragraph which follows the recommendation of the Structural TAC. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion to approve Modification # 471 as amended carried.

Modification # 344

Warren Gool

Mr. Gool stated the modification is the result of work in coordination with the Structural TAC. He explained Chapter 23 did not include specifications for corrosion resistance which could result in no corrosion resistance materials being used.

Commissioner D'Andrea referenced the comment in Document 2, page 92 and offered support for the changes. He then moved approval to accept the amendments as presented. Commissioner Parrino seconded the motion.

Commissioner Bassett stated there are many grades of galvanized coating for bolts and straps and suggested specificity may be in order.

Mr. Gool responded stating language had been proposed previously that specified different levels of galvanizations and it was determined by the TAC not to include it. He explained other sections of the Code will either specify standard or heavy galvanization or will direct the building official to make the determination.

Commissioner Kidwell stated the modification will exclude manufacturers in the industry who do not provide galvanization. He then expressed opposition to the modification based on the fiscal impact to the industry.

Commissioner Parrino stated the Structural TAC had reviewed the modification twice previously. He explained the language is improving but is still not specifying the exposure of the exterior connectors or fasteners.

Chairman Rodriguez called for a vote on the motion. Vote to approve the Commissioner D'Andrea's motion resulted in 2 in favor and 14 opposed. Motion failed.

Modification # 694

Peter Nelson

Mr. Nelson stated Modification # 694 requests that a sentence be added stating other products can be used.

Jamie Gaston

Mr. Gaston stated the proposed language gives the building official authority. He then recommended language in line with the product approval rule be used.

Commissioner Parrino asked if a comment document which was presented concerning the modification. He then offered comment stating the modification appeared to be a product approval item and suggested the language be rewritten and resubmitted under the product approval rule.

Mr. Nelson stated there has been a rewrite since the Structural TAC meeting which appeared on the website as well as in Document 2.

Commissioner Parrino moved approval to accept the language presented in Document 2. Commissioner Sanidas seconded the motion.

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

Modification # 628

Roland Holt, Building Official, Palm Beach County Building Code Advisory Board

Mr. Holt stated the modification would require shims to be adequate to carry the loads and located where fasteners through window and door jams go into the substrate.

Mr. Richmond recommended a negative roll call be conducted for the amendment since the modification was withdrawn initially by the proponent.

Commissioner Parrino seconded the standing motion. Vote to approve the motion resulted in 1 in favor; 18 opposed. Motion failed.

Modification # 587

Phillip Fairey, Florida Solar Energy Center

Mr. Ferry expressed support for comment # 6 concerning the modification. He noted a similar proposal was made to the International Residential Code which was passed. He then provided written documentation supporting his comments. (See *Re: Mod 587 IRC R806.4* Attachment.)

Steve Pfeiffer

Mr. Pfeiffer concurred with Mr. Ferry then added the experience in Florida with unvented attics is great. He stated the application has been used in residential buildings throughout Florida for more than a decade with very good experiences in terms of energy efficiency as well as wood preservation. He explained the modification is needed because of the differences in opinion among building code officials as to whether unvented attics are permissible under the Florida Building Code. He added there is no fiscal impact of the amendment because it is an alternative technique. Mr. Pfeiffer then encouraged adoption of the modification as presented with modifications as stated in Document 2 as well as with Mr. Ferry's recommendations.

Billy Kelly, Florida Roofing and Sheet Metal Contractors Association

Mr. Kelly stated he knows of no manufacturers of shingles or roofing products that do not require or have not emphasized strongly that attics be vented. He added the manufacturer's emphasis on vented attics is so strong many will not warranty roofing products over a nonvented roof system. He urged the Commission to follow suit with the TAC and not approve the modification.

Lorraine Ross, Asphalt Roofing Manufacturer's Association

Ms. Ross expressed opposition to the modification based on two issues. She explained the first is a procedural issue concerning the comment 6, page 98 in Document 2, which was referenced by the proponents is a new concept that the TAC has not had opportunity to review. Mr. Ross addressed the technical issues referencing page 99, stating the definition for conditioned attic contains the phrase "air impermeable roof installation". She stated there is only one product that meets the definition and stated opposition to the Code being used to market a particular proprietary product. She then referenced page 100 challenging the statement "the impact to local entity relative to enforcement of Code" meaning there will be time saved by local code enforcement which poses problems again specifying proprietary products for use. Ms. Ross addressed "the impact to building and property owners relative to cost and compliance" means it will save property owners money that is currently being spent presenting to local code enforcement for approval which satisfies the requirement with only one product. She stated item number three received strong opposition due to the proprietary product discriminating against other types of products and other systems. Mr. Ross concluded her comments stating comment had been heard concerning whether shingles may or may not be effected, which is a warranty issue with an inadequate supply of current data to support the statement. She then corrected a comment made by Mr. Ferry that a similar proposal passed at the ICC in September. She stated she was present at the hearings which were the first concerning this issue and the ICC procedure states an opportunity for challenge will be provided at the May hearing.

Michael Goolsby,

Mr. Goolsby expressed opposition for the modification. He read a quote from an article which highlighted some of the benefits of a sealed attic: *however, the space, conditioning, energy use, and roof temperature implications of this approach have not been extensively studied.* Mr. Goolsby added the Engineered Wood Association, the National Roofing Contractors Association, the Roof Tile Institute, have not embraced the concept and all advocate attic ventilation. He noted in Chapter 1, Section 103, there is a mechanism for a building official to make determinations on the installation on an individual basis at his discretion.

Dave Marcus, Isonene, Inc.

Mr. Marcus countered stating there are other materials which will do the same thing as their product. He then addressed moisture control stating when infiltration of

humid air is eliminated there is ample data to show it aids in controlling humidity levels within 30 to 40% on a continuous basis. Mr. Marcus then addressed the warranty issue stating the same manufacturers extend their warranties in Nevada and Arizona which are warmer climates than Florida. He informed the Commission the proposal which was presented to the ICC on the issue was submitted by DOE who would have substantive data to support the statements made.

Mr. Fairey offered rebuttal referencing a document which was distributed to each Commissioner. (See *Attic Ventilation, Question/Answer* Attachment.)

Ms. Ross countered stating the Certainteed website states: *Why Ventilate? In addition to protecting a home from damage and high energy costs, proper attic ventilation is required to validate the warranty coverage for most roofing shingles so any time new shingles or roofing materials are installed, you should also include an installation or upgrade of ventilation. Remember most shingle manufacturers require ventilation for warranty compliance.* She then stated she serves as the technical director for the Poly-Iso Insulation Manufacturers Association which was noted to meet the definition of air impermeable roof insulation, and added the product is not recommended for installation on the underside of the roof deck due to concerns about air and roof deck rotting.

Commissioner Sanidas seconded the standing motion.

Commissioner Bassett stated he is actively involved in trying to solve mold and mildew problems in South Florida homes. He continued stating great measures are taken to try to eliminate the sweating of devices in the attic. He stated the moisture must be stopped from entering the attic from the outside otherwise continued moisture problems will continue to occur.

Commissioner Bassett then moved in the form of a substitute motion to approve Modification # 587 as presented with Comment 6 with the following additional exception which states: *a Florida registered architect or engineer may eliminate the attic ventilation in areas where such ventilation would have a harmful effect on the structure or occupants.*

Commissioner Marshall seconded Commissioner Bassett's substitute motion.

Commissioner Kim offered comment stating research relating to the mold issue supports the statements made by Commissioner Bassett. He stated the National Roofing Contractors Association's website reflects a neutral position in terms of vented attics.

Commissioner Kidwell concurred then stated there has not been adequate research to substantiate the product as presented in the modification.

Commissioner Gonzalez stated the Florida Building Code Section 103 addresses the issue. He continued stating the issue has been presented before the Structural TAC and did not receive a second. He expressed opposition to the motion stating the

Structural TAC is a committee composed of a diverse group of members who decided this product should not be approved at this time.

Ms. Ross interjected a procedural issue regarding Comment 6 which is being considered as part of an amendment to the modification stating it is completely new and has not been submitted before the TAC for review. She then requested clarification from legal as to whether procedurally the comment can appropriately be considered with the modification.

Mr. Richmond stated the initial modification did amend Section 2309.7 and Chapter 2's definitions are open for amendment. He expressed concern because the comment is substantial and has not been reviewed by the TAC then stated other modifications have been adopted by the Commission which leaves it at the Commission's discretion.

Commissioner Gonzalez added if the modification is adopted it will effect other sections in the Code dealing with ventilation.

Mr. Richmond then stated the fiscal impact findings relating to the amendment should be addressed.

Commissioner Bassett responded there is no detrimental fiscal impact.

Open discussion ensued regarding the exact wording of Commissioner Bassett's amendment for the modification.

Chairman Rodriguez called for a vote on Commissioner Bassett's substitute motion. Vote to approve the motion resulted in 5 in favor and 12 opposed. Motion failed.

Vote to approve Commissioner Sanidas' second to the standing motion resulted in 6 in favor and 11 opposed. Motion failed.

Commissioner D'Andrea moved approval to correlate Rule 9B-72 with the information presented previously. Commissioner Corn seconded the motion. Vote to approve the motion resulted in 1 opposed. Motion carried.

Commissioner Parrino moved approval of the entire package of TAC recommendations. Commissioner McCombs seconded the motion. Vote to approve the motion was unanimous. Motion carried.

RECESS PLENARY SESSION

The plenary session was recessed at 6:42 p.m. to resume October 14, 2003.

TUESDAY, OCTOBER 14, 2003

REVIEW AND APPROVAL OF MEETING AGENDA

Chairman Rodriguez opened the meeting with a brief overview of the meeting agenda topics.

Mr. Blair then conducted a review of the meeting agenda.

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

REVIEW AND APPROVAL OF AUGUST 26, 2003 MEETING MINUTES

Chairman Rodriguez then called for changes or corrections to the minutes from the August 26, 2003 Florida Building Commission meeting.

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

REVIEW AND UPDATE OF COMMISSION WORKPLAN

Mr. Blair conducted a review of the updated Commission workplan which began on page 4 of the Commission agenda packet. He started by discussing the 2004 meeting schedule.

Mr. Richmond addressed the issue of hearing and workshop notices and accessibility waiver considerations stating the dates for the meetings should be approved as tentative until further research for dates can be confirmed.

Commissioner Wiggins moved approval of the 2004 meeting schedule pending proper notice consideration for workshops and hearings. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair continued with a review of the Commission workplan.

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

CHAIR'S DISCUSSION ISSUES AND RECOMMENDATIONS

Chairman Rodriguez first addressed the role of the TACs, assignments and appointments. He stated it may be useful to review the Commission's approach in terms of obtaining input from the TACs on Code development issues. He continued stating the

addition of the existing building code and the residential building code may cause complexities of correlation with other parts of the Code which gives rise to the issue of coordination and correlation between the committees. Chairman Rodriguez then stated the technical staff has recommended that the Commission make a simple and more manageable approach of subject matter determine assignments for the TACs rather than a Code volume or chapter assignment. He further stated staff would additionally be making recommendations for reorganization for the relocation of certain Florida specific requirements to more appropriate subcodes, chapters, or sections of the Code.

Chairman Rodriguez announced the following appointments to TACs: Commissioner Bassett has agreed to chair the Mechanical TAC; Commissioner Corn has agreed to chair the Energy TAC; and Gary Duren has agreed to serve on the Plumbing TAC.

Chairman Rodriguez advised the public the Commission will be conducting discussions concerning recommendations to the Legislature and Legislative initiatives in November. He stated the recommendations on which the Commission decides will be included in the 2004 Annual Report to the Legislature which will be finalized during the January meeting for submittal to the Legislature during session. Chairman Rodriguez continued stating the report on the Alternative Plans Review and Inspection System will be finalized in November as well.

CONSIDERATION OF ACCESSIBILITY WAIVER APPLICATIONS

Mr. Mellick approached for presentation of the requests for waiver. He stated there were 14 waiver requests and presented the waivers in the order they appear in each Commissioner's packet.

#1 World Jet, Inc.

Mr. Mellick stated the request was continued from the September meeting. He continued stating the applicant had requested a deferral until the November meeting.

Commissioner Parrino moved to approve Council's recommendation to defer. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#2 Montessori World School

Mr. Mellick explained the applicant is requesting a variance from the heights of water closets, lavatories, and grab bars within a children's facility. He stated the Council recommended approval.

Commissioner Greiner moved approval of Council's recommendation. Commissioner D'Andrea seconded the motion. Vote to approve the motion was

unanimous. Motion carried.

#3 Pine Hills Head Start

Mr. Mellick stated the case is another request for variance from installing water closets, lavatories, grab bars to the ADAAG adult height requirements. He continued stating the Council recommended approval of the waiver.

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

#4 The Spy Club

Mr. Mellick explained the applicant was requesting waiver from providing vertical accessibility to the second floor of a two-story night club. He stated the building department noted there had been approximately \$70,000 in alterations had been performed over the past three years with no record of vertical accessibility waiver. Mr. Mellick stated the Council recommended approval of the request based on the provisions of 553.512 relating to 20% disproportionate cost.

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

#5 Holiday Inn Suites Resort

Mr. Mellick stated the applicant was requesting a waiver from providing vertical accessibility to all levels of four separate water play structures of a resort hotel. He stated the Council recommended approval based on the plans submitted by the applicant.

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

#6 CVS Pharmacy

Mr. Mellick explained the request was for waiver from providing vertical accessibility to an observation and security raised area within a pharmacy. He stated the Council recommended approval based on automatic exemption in Section 11-44.13(5) of the Florida Building Code.

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

Commissioner Wiggins recommended informing applicants when their request is authorized under state statute they don't have to continue through the entire process of bringing the request to the Commission.

Mr. Dennis added the 553.509 exemption requires some discretion on the part of the building official which will bring certain situations to the Council or Commission for consideration and decision.

Chairman Rodriguez stated the Commission would save a lot of time and resources if Commissioner Wiggins' suggestion could be carried out. He then recommended legal draft a letter to send to the building departments to reinforce the issue.

Commissioner Gross offered comment stating the issue has been discussed in the Accessibility TAC meetings at length. He suggested there be a checklist developed so when the applicant completes the application it demonstrates qualification for the exemption.

Mr. Mellick added perhaps legal clarification could be posted on the BOAF website to further communicate the information.

#7 Dadeland Mall

Mr. Mellick stated the applicant is requesting waiver from providing the required number of parking spaces on parking deck number three based on the calculation of spaces particular to the parking garage. He continued stating their plan exceeded the total number of spaces required and added Council recommended dismissing the case for lack of jurisdiction.

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

Commissioner Corn asked why there is no authority to reach a decision on the case.

Mr. Shine responded stating the Commission can only grant waivers from the Florida specific requirements which differ from the federal rule. He then explained the applicant could possibly appeal the requirement at the local level to the building code compliance; or the applicant could get an opinion letter from BOAF; or the applicant could contact the Department of Justice and call their hotline for their interpretation of the federal code.

Commissioner Greiner stated the only appeal in the current case would be to the Department of Justice.

Mr. Fine offered comment stating the issue could be a prime candidate for a declaratory statement for accessibility. He stated there are limitations due to a matching federal law. He continued stating a declaratory statement could provide clarification without exceeding the limitations of federal law and suggested the Accessibility TAC consider limited use of declaratory statements to provide clarification for the building officials.

Chairman Rodriguez requested Mr. Fine submit his recommendation in writing to the Commission. He then called for a vote to approve the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Mellick added the Council had recommended contacting BOAF for a nonbonding interpretation which would have also provided clarification for the building official.

#8 Executive Suites, #9 Alpha Omega Sorority, #11 Myers and Fuller Law Office, and #14 Playpen South

Mr. Mellick stated the Council had recommended deferring all four requests until the November meeting.

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

#10 Palm Beach Drama Works

Mr. Mellick stated the Council recommended deferring the case based on the applicant's request.

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

#12 AmeriSoft

Mr. Mellick stated the applicant was requesting waiver from providing vertical accessibility to the second floor of a two-story office building undergoing renovations. He stated the Council recommended approval of the waiver based on the provisions in 553.512 relating to disproportionate costs.

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

#13 Upstairs

Mr. Mellick explained the applicant was requesting a waiver from providing vertical accessibility to a second floor lounge undergoing renovations. He stated the Council recommended approval based on disproportionate costs.

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

Mr. Shine offered additional comment stating the Commission could find compliance with the requirements of the law which will cause an unnecessary, unreasonable, or extreme hardship which was used as a basis for finding the hardships in the applications which were submitted.

Commissioner D'Andrea asked if a building official can use the disproportionate cost under the 20% rule or is the Commission the jurisdictional authority.

Mr. Dennis responded stating the building official may not use 553.512 as the law requires qualification for disproportionate cost requirements of 36.403 in the federal code. He continued stating the applicant is required to apply and be granted a waiver.

LEGAL REPORTS:

DCA03-BC-269 by Lovelace Gas Service, Inc.

Mr. Richmond explained the details of the petition and directed the Commission to a Final Order document which was distributed to each Commissioner. (See *Final Order Denying Petition to Initiate Rulemaking* Attachment.) He stated the Commission has explicit authority to incorporate by reference all laws and rules that pertain to and govern the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and enforcement of such laws and rules except as otherwise provided in Section 553.73. Mr. Richmond added the Legislature expects LP Gas provisions to be in the Florida Building Code. He then recommended that the petition to initiate rulemaking be denied.

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

Petitions for Declaratory Statement:

Second Hearings-

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

Mr. Richmond stated the petition applies to the smoke evacuation issue. He stated the building is fully sprinkled, garage is located on the bottom floor as part of the same structure with the upper floors being apartment floors. He explained the petitioner is asking whether Section 412.5 of the Building Volume requires a mechanical air handling system to remove products of combustion, whether smoke testing is required to demonstrate compliance, whether mechanical air handling systems are required to remove products of combustion where there are interior spaces that have fewer interior doors than defined in 412.5.1 of the Florida Building Code, whether a mechanical air handling system is required for the removal of products of combustion in an open garage in a fully sprinklered high rise building that has fewer interior doors as indicated previously, and whether it is the intent of 412.5 to require mechanical smoke control in a fully sprinklered high rise building where the building meets the letter of 412.5.1 and operable windows are behind closed doors.

Mr. Richmond stated the answers are contained in the body of the declaratory statement and stated there are local amendments which may or may not be in place and the declaratory statement does not intend to interpret those local amendments.

Commissioner Wiggins moved approval or the TAC recommendation.
Commissioner D'Andrea seconded the motion.

Bob Andrews, Broward County Board of Rules and Appeals

Mr. Andrews explained he stated objections during the September meeting during the first reading of the declaratory statement. He stated the declaratory statement is in direct violation of the Florida Statute. He continued stating F.S. 553.77 provides specific powers to the Florida Building Commission explaining subsection (1)(d) discusses the authority to issue declaratory statements. He noted the last sentence in the section states "paragraph (h) provides exclusive remedy for addressing local interpretations of the Code," then paragraph (h) states "hear appeals of the decision of local boards of appeals regarding interpretative decisions of the local building officials or if no local board exists hear appeals and decisions of the local building officials with regard to interpretations of the Code". Mr. Andrews further stated the request was denied by the building official in the Broward County Building Department and should have been appealed.

Mr. Richmond responded stating the issue becomes how the question is asked. He explained under Chapter 553 there is an alternative method for an appeal in determining whether a building official is right. He continued stating there is a requirement to appeal to the local board if the desired result is a ruling on whether a building official is correct or incorrect. He further stated if the desired result is a conceptual interpretation of the Code then the petition may be brought before the Commission for that interpretation.

Robert Fine, Representing Developers of Project

Mr. Fine stated the building official made no ruling or interpretations to be appealed, the petition was entered so the engineers could enter advance planning should they prevail on the amendments.

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

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

Mr. Richmond stated the petition pertained to the use of water bottles in lieu of the minimum number of drinking water fountains required under Table 403.1 of the Florida Building Code Plumbing Volume in a 4,000 square foot 5-unit building identified as a business occupancy . He stated the recommendation was that 410.1 of the Plumbing Volume does not nullify the requirement for drinking fountains but does require that bottled water dispensers are an acceptable alternative to the drinking fountain requirement on a one-to-one basis.

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

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

Mr. Richmond stated the petition seeks clarification regarding the provisions of 2406.2 of the Florida Building Code Building Volume in terms of whether the submittal of acceptable engineering documents is sufficient or whether the Florida Building Code intends to allow jurisdictional determination regarding product testing. He stated the TAC recommended Section 2406.2 requires engineering design in accordance with applicable provisions as set in Chapter 16 Structural Loading, Chapter 24 Glass and Glazing with such design and documentation subject to building official review and approval.

Darren Goff, Weathermaster Building Products

Mr. Goff stated the problem is with testing the larger sized glass with the difference being extrapolated.

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

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

Mr. Richmond stated the petition pertains to termite baiting issue and the contracts necessary to comply with Section 1816.1 of the Florida Building Code Building Volume, specifically whether it requires a contract for 5 years of service to comply with the Code and whether the Code requires the standard contract wording to provide one year of service and guaranteeing the property owner the option to renew no less than an additional four years. He stated the TAC recommendation states the Code intends that builders choosing termite baiting systems using termiticides registered in the state of Florida and labeled for use as new construction termite control be required to contract for five years of service to comply with the Code with prepayment not being required.

Roland Holt, Building Official, Palm Beach County

Mr. Holt stated there is a subparagraph in the Code that requires the contract for baiting systems to assure the system will be maintained and kept in service for five years after the date of the C.O.

Mr. Richmond responded stating the Commission is familiar with the section of the Code containing language requiring a minimum five year contract to assure service. He further stated Chapter 482 of the Florida Statutes specifically vests the authority to establish the contracting requirements for termite protection with the Department of Agriculture and Consumer Services who decided the language requiring a one year contract with four annual renewals equates to a five year contract.

Commissioner D'Andrea moved approval of the TAC recommendation.
Commissioner Greiner seconded the motion.

Commissioner Kidwell disclosed the builder referenced in the document is a former client of his firm.

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

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

Mr. Richmond stated the petition seeks clarification as to whether a breezeway as depicted is required to meet the requirements of Section 1014.1.1 including the minimum fifty percent opening along the long side. He stated the TAC recommendation was no it is not required to comply with Section 1014.1.

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

First Hearings

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

Mr. Richmond presented the petition which requests a clarification of the definition of a vinyl and acrylic windbreak panels as it relates to non-habitable space. He stated the TAC recommendation was the structure in question lies within the definition of screen enclosure and is not within the definition of habitable space.

Joe Belcher

Mr. Belcher stated the vote of the TAC was close. He added he was a proponent of the change exempting screen enclosures from habitable space prompted by electrical outlets being required in some jurisdictions.

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

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

Mr. Richmond stated the declaratory statement states shutters must be installed on the outside of glazed openings rather than on the inside of glazed openings.

Commissioner Parrino moved approval of the TAC recommendation. Commissioner Corn seconded the motion. Vote to approve the motion resulted in 5 opposed and 14 in favor. Motion carried.

DCA03-DEC-247 by George Hegedus of Structural Systems, Inc.
DCA03-DEC-261 by Robert Andrews of Broward County

Mr. Richmond stated the part of the recommendation of the TAC was to consolidate the two declaratory statements because they both address the same issue. He continued stating the issue is the ventilation requirements of the Mechanical Code for garage spaces. He further stated the TAC recommended natural ventilation is required and the garage door can be used in the calculation of the 4% opening requirement. Mr. Richmond explained several specific questions were presented asking whether garages are habitable space, TAC recommended they are not; whether natural ventilation is available for garages, TAC recommended the ventilation requirements of Chapter 4 including the options in 402 or 403 do not apply; whether the 100 cubic feet per minute requirement for outside air could be satisfied by natural or mechanical ventilation, TAC recommended no – garages may not comply with Section 403 by natural ventilation; whether the garages may use natural ventilation to comply with 403.3, TAC recommended the requirements for natural ventilation require 4%; whether the requirement for 100 cfm per car to prevent contaminants from entering the occupiable interior, TAC recommended if mechanical ventilation is used 100 cfm per car is intended to provide ventilation and prevent migration of contaminants into the adjoining occupiable

space; whether Table 403.3 for certain areas such as bathrooms allow for intermittent ventilation rates for garages, TAC recommended the Code does not specify intermittent ventilation; whether ventilation for the garages is continuous then would a garage door which is normally closed be acceptable to provide the 100 cfm per car requirement, TAC recommended ventilation by 100 cfm per car is by mechanical means while opening the garage door meets the natural ventilation requirement as long as the door meets the 4% openable space requirement of Section 402. Mr. Richmond continued explanation of the questions and TAC recommendations as they appeared in the body of the document.

Commissioner Kidwell moved approval of the TAC's recommendation along with legal's request to consolidate the declaratory statements. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Richmond then introduced Mr. Shine, new legal advisor for the Commission.

COMMITTEE REPORTS AND RECOMMENDATIONS

Chairman Rodriguez explained the process of reporting TAC actions and recommendations. He requested the TAC chairs to frame issues requiring Commission action in the form of a motion.

Accessibility TAC

Commissioner Gross presented the report of the Accessibility Technical Advisory Committee. (See *Accessibility Technical Advisory Committee Minutes Attachment*.)

Commissioner Bassett stated the Accessibility TAC was asked to begin addressing escapability issues in terms of large buildings and he asked if that request is being addressed.

Commissioner Gross responded stating a subcommittee is scheduled to respond during the November meeting.

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

Mechanical TAC

Commissioner Bassett presented the report of the Mechanical Technical Advisory Committee. (See *Mechanical Technical Advisory Committee Minutes Attachment*.)

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

Structural TAC

Commissioner Parrino presented the report of the Structural Technical Advisory Committee. (See *Structural Technical Advisory Committee Minutes Attachment*.)

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

Mr. Holt offered comment regarding an issue which had been presented before the Structural TAC. He explained he was a proponent of Modification # 628 during the Structural TAC meeting in June. He stated an industry representative stated a duplicate proposal would be considered so he withdrew the modification. He then asked if the issue could be re-submitted for discussion and action.

Mr. Richmond responded stating if a modification is withdrawn is merely moves forward before the Commission as withdrawn it does not receive consideration. He deferred to the Commission for further consideration.

Commissioner Kim stated Mr. Holt's modification was an issue the TAC would have supported as well as the industry. He offered support for Mr. Holt's request for a remedy to address the issue.

Mr. Holt asked if the issue had been answered.

Chairman Rodriguez responded the issue may not be considered during this meeting however he stated the issue should be worked into one of the Code changes.

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

Commissioner Carson presented the report and recommendations of the PA/PB/MB POC meeting. (See *Product Approval / Prototype Buildings / Manufactured Buildings Programs Oversight Committee Minutes Attachment*.) He presented the following items for Commission action in the form of a motion:

#1. Revise the Fee Schedule for the Manufactured Buildings Program

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

#2. Proceed to Implement Proposed Changes to the Prototype Building Program

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

#3. Conditionally Approve Selection of CPA Firm Pattersol and Pattersol to

Conduct Audit of the Prototype Buildings Program / Accept Certified Quarterly Financial Statements Until the Threshold of \$300,000 of Program Expenditure is Reached

Mr. Carson stated a condition to the motion is for staff to confirm that Pattersol & Pattersol is in good standing with DBPR.

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

#4. Extend the Contract with ARA as Administrator of Prototype Buildings Program

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

#5. Approve the ICC Evaluation Service, Inc. / Evaluation Entity

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

#6. Approve Architectural Testing Inc., Minnesota / Test Laboratory

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

#7. Approve FM Approvals Testing Lab / Test Laboratory

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

#8. Approve Timber Products Inspection, Inc. / Quality Assurance Entity

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

#9. Approve PSI Pittsburgh Testing Laboratory / Quality Assurance Entity

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

#10. Approve National Accreditation and Management Institute / Quality Assurance Entity

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

unanimous. Motion carried.

#11. Approve Keystone Certifications, Inc. / Quality Assurance Entity

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

#12. Approve FM Approvals – Q A / Quality Assurance Entity

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

#13. Approve Architectural Testing, Inc. / Quality Assurance Entity

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

#14. Approve PRI Asphalt / Validation Entity

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

#15. Approve UL / Validation Entity

Parrino D'Andrea unanimous

#16. Approve Architectural Testing, Inc. / Validation Entity

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

#17. Approve Staff Authority to Continue Conditional Approval for Entities until November Commission Meeting

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

#18. Approve Product Application # 131

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

#19. Conditional Approval for Product Application #'s 389, 418, 441, 478, 483, 405, 419, 417, and 388

Commissioner Carson explained the approvals are contingent on the applicant providing non-HVHZ language and the limitations of use appeal on their application.

Commissioner D'Andrea seconded the motion.

Mr. Richmond offered comment regarding the conditions stating the condition was sought to be approved on all of the product applications. He stated applying it broadly based is near applying it as a rule of the product approval section which has not been adopted. He continued stating there are numerous other provisions of the Code with which the products do not comply. Mr. Richmond added the non-compliance sections will not be indicated on the limitations of use. He then stated the conditions are evident in terms of the technical documentation submitted with the product applications as well as the testing standards the products were subjected to. He requested the condition be removed or approved contingent upon indication to reference the technical documentation for all applicable limitations.

Commissioner Greiner asked if the product should be approve based on its technical merits and standards which would indicated where the product could be applied to the Code as necessary. He then offered a friendly amendment to the motion that the requirement for HVHZ be removed.

Commissioner Gonzalez stated because there is a standard reference on the product approval does not mean that the product meets the High Velocity Hurricane Zone. He continued stating Tabs 201, 202, and 203 can be tested and would not meet the requirements of the Code due to deflection that would allow the glass to break. Commissioner Gonzalez stated there will be confusion for the building official during plans review.

Commissioner Kim concurred with Commissioner Greiner regarding the limitations being stated in the documents submitted with the application.

Commissioner Greiner expressed concern with recognizing one particular limitation of use stating it may be creating a situation of great magnitude.

Commissioner D'Andrea accepted the friendly amendment.

Commissioner Sanidas added it is unfair to the user if the limitation of use for the product is not posted with the product. He stated the burden will ultimately go back to the building departments who do not have staff or time to address each product.

Chairman Rodriguez called for a vote on the motion. Vote to approve the motion resulted in 3 opposed and 16 in favor. Motion carried.

#20. Approval for Product Application #'s 367, 347, 393, 362, 280, 323, 520, 158, 333, 401, 411, 78, 183, 196, 197, 206, 361, 170, 171, 173, 174, 236, 240, 244,

321, 116, 117, 118, 119, 423, 336, 234, 322, 146, 162, 519, 334, 217, 474, 503, 538, 312, 316, 317, 22, 342, 343, 385, 386, 250, 477, 478, 490, 491, 205, 404, 157, 161, 149, 153, 163, 259, 294, 98, 180, 248, 252, 304, 518, 510, 516, 517, 537, 45, 42, 43, 44, 264, 254, 255, 256, 262, 263, 398, 399, 467, 468, 469, 369, 397, 392, 394, 395, 126, 123, 124, 125, 457, 458, 459, 460, 461, 442, 443, 444, 445, 446, 447, 448, 258, 269, 351, 352, 212, 202, 208, 209, 211, 85, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 251, 253, 328, 331, 214, 239, 242, 243, 245, 261, 324, 325, 326, 329, 330, 221, 138, 132, 133, 134, 135, 137, 476, 109, 181, 184, 229, 56, 57, 107, 108, 143, 178, 179, 203, 204, 213, 219, 224, 226, 228, 402, 276, 308, 310, 314, 315, 288, 292, 293, 185, 188, 189, 190, 191, 451, 225, 227, and 511

Commissioner Wiggins seconded the motion.

Commissioner Bassett expressed discomfort with voting on a list of random numbers. He stated he would prefer to have a tracking chart with a description of what the numbers are or vest the TAC with authority to make approval without the list coming before the Commission.

Chairman Rodriguez responded stating Commission members are always encouraged to attend as many TAC meetings as they choose. He stated individual review of each items would be detrimental given the time frame provided.

Commissioner Parrino disclosed one of the applications is from the company with whom he is employed.

Commissioner Gonzalez listed the products with which he takes issue: 498, 539, 114, 405, 347, 520, 240, 503, 474, 250, 477, 479, 490, 491, 98, 248, 45, 42, 43, 44, 126, 123, 124, 18, 19, 20, 212, 208, 209, 211, 89, 181, 179, 204, 213, 219, 288, 293, 225, and 511.

Chairman Rodriguez called for a vote on the motion. Vote resulted in 2 opposed and 18 in favor. Motion carried.

#21. Approval of Product Application #'s 370, 498, 539, 318, 102, 114, and 285

Commissioner Carson explained the approval is contingent upon the applicants updating the list of standards to which the products were tested. Commissioner Kidwell seconded the motion. Vote to approve the motion resulted in 1 opposed. Motion carried.

#22. Approval of Product Application #'s 18 19 and 20

Commissioner Carson stated approval is contingent upon staff writing a letter to certification agency explaining standards relating to air, water, forced entry, and weathering of plastic.

Commissioner McCombs seconded the motion. Vote to approve the motion resulted in 1 opposed. Motion carried.

#23. Recommend the Commission Conduct a Rule Workshop for Rule 9B-72 Related to Equivalency of Standards and Continue to Work with the Metal Products Manufacturers

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

Commissioner Wiggins moved approval of the report. Commissioner Parrino seconded the motion. Vote to approve the motion was unanimous.

PUBLIC COMMENT

Chairman Rodriguez called for public comment.

Ted Burman, Miami-Dade Office of Building Code Compliance

Mr. Burman offered comment addressing the Commission action just taken. He stated after hearing the comments during the POC review process and two POC members discussing the limitations of use not being provided, the vote may have been different. He then addressed the process of the Commission approving product applications stating he is the receiver of notification that a product approval application has been submitted based on Miami-Dade county NOAs. He explained he receives the applications and studies them to find most of the applications to be complete, however he added other applications have been revised or modified after submission. Mr. Burman expressed concern regarding the application process and recommended the process be modified.

Mr. Richmond recommended Mr. Burman present his concerns to Mr. Case in the form of a letter with copies to the Commission.

Joe Belcher

Mr. Belcher expressed great appreciation to the Commission, staff, and the facilitator for completing the TAC recommendations for statewide and local amendments. He then expressed concern regarding the International Code chapters in particular the fire safety aspects. He would like assurance that a 45-day public comment period for changes that may be proposed to the chapters.

Mr. Madani responded stating the intent is to keep the process consistent with previous processes. He addressed the issue concerning the correlation of the Florida Fire Prevention Code with the IBC stating the Fire TAC will have ample opportunity to

review both codes and correlate the two.

Mr. Blair added those issues were included in the workplan which was approved by the Commission earlier in the meeting. He stated there would be plenty of opportunity for participants to engage the TACs concerning the proposals.

Commissioner Bassett stated an article had been presented to him regarding the IBC and its lack of fire safety which was written by a leader of the World Trade Center Building Performance Study. He requested the article be included in the next Commission packet.

Commissioner Marshall recommended equipping the Commissioners with computers for the meeting that could be downloaded with all the information necessary for the meeting. She stated it would save a tremendous amount of paper which could save considerable cost over a period of time.

Commissioner Corn suggested all the material that is mailed could be placed on the website.

Commissioner D'Andrea stated Ms. Jones and her staff have already been in discussion regarding possible alternatives to the paper trail which include a possible local area network and other exciting options.

Bob Kelly, Representing Vinyl Siding Institute

Mr. Kelly suggested since vinyl siding has been determined to be a part of the structural component that other siding be held to the same standards and meet the same requirements.

C.W. McAmu, Training Coordinator, Palm Beach County Building Department

Mr. McAmu expressed concern regarding the product approval system stating there has been some question regarding energy and fire rated products. He requested clarification as to what specific products are covered in the rule. He continued stating there appears to be confusion in understanding the subcategories assisting with definitions of the eight categories of products. Mr. McAmu then asked for clarification regarding the testing standards for some of the product applications which were approved during the meeting.

Mr. Madani responded stating the approval was conditional and issue should be further addressed by the POC through the rule regarding how to accept up to date standards as a means of product testing.

Randy Shackelford, Simpson Strongtie

Mr. Shackelford commended staff for the product application approval process. He then expressed appreciation to the committee for approving the submittals without limitations.

Lorraine Ross, Florida Building Code Alliance

Ms. Ross expressed appreciation to the Commission for accomplishing the approval of the TAC and local modification package. She offered comment concerning the statewide approval system stating comments have been heard stating many applications appear to be incomplete. She explained the website currently will not allow some of the fields to appear for completion. Ms. Ross stated conditional approval may penalize companies who are following the right procedures according to the website. She then requested that staff hold a workshop or meeting with stakeholders to discuss problems experienced with the system and the local jurisdiction procedures.

Mr. Madani responded stating staff shares much of Ms. Ross' concerns particularly in terms of website operation. He stated there have been two workshops announced being held in Tallahassee inviting validators and other interested parties to learn the system.

Kari Hebrank, Florida Building Materials Association

Ms. Hebrank echoed Mr. Belcher's and Ms. Ross' comments regarding the approval of the modification package. She then addressed the product approval issue stating she would support anything that would improve the system. She suggested indicating applicability to HVHZ may make it easier for the building officials. She expressed concern stating many manufacturers are submitting products in a series in which some of the products may meet the HVHZ while others in the series may not meet the requirements. Ms. Hebrank expressed great concern with building departments not accepting products which meet the requirements of the Florida Building Code. She then commended the Commission for extending the conditional approval timeline to allow manufacturers to get their products online for approval until the Commission takes final action. Ms. Hebrank requested clarification concerning the role of the Commission in educating building officials throughout the state as products receive approval and go online for integration into the local approval process.

Dennis Braddy

Mr. Braddy stated the limits of use deal with design pressure, size of the product tested, or types of glass or glazing. He continued stating there are standards in the Code and all entities test to those standards and they should be consulted to confirm compliance with the requirements of the area. Mr. Braddy expressed disappointment in Modification # 628 not being brought back for discussion. He stated it should be made very clear for all future proposals that if an item is withdrawn, it will not be allowed to be re-entered.

Amy Elverton, Product Manufacturer

Ms. Elverton thanked the Commission for rescinding the contingency on a couple of her products. She then stated she submitted the application for the company and discovered a problem with some of her company's product application numbers not appearing on the list for approval. She continued stating she had submitted the applications on September 18 which was prior to the deadline of October 1. She asked how the problem will be dealt with from this point.

Mr. Richmond responded recommending the most appropriate means to address the issue is to bring the product applications before the Commission in November.

Ms. Elverton stated the companies may be penalized from performing work. She explained local product approvals would have to be requested from every local jurisdiction stating in Volusia County alone there are 21 municipalities.

Chairman Rodriguez responded stating product applications cannot be considered unless they have been noticed. He offered apology if the error was on the part of Commission staff and stated legally there is no option.

Jamie Gaston, Miami-Dade County

Mr. Gaston commended the Commission regarding all the modifications which were approved. He expressed concern with the manner in which product approvals are being perceived to be approved in terms of the statewide product approval system. He stated particular interest in the limitations of use and how the limitations would be conveyed on the system. Mr. Gaston stated he had identified 41 questionable approvals if presented to a building department in the High Velocity Hurricane Zone. He suggested the POC receive a more detailed executive summary when the applications are presented to them.

Chairman Rodriguez encouraged Mr. Gaston's continued involvement with the POC and the product application approval process.

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

Mr. Blair conducted a review of the November Commission meeting committee assignments and issues.

SUMMARY REVIEW OF MEETING WORK PRODUCTS

Chairman Rodriguez concluded by stating the Commission had conducted a workshop on Equivalency of Product Evaluation Standards and ICC Recognition as an

evaluation entity; conducted a workshop on Private Plans Review and Inspections; reviewed and updated the workplan; decided on the Chair's discussion issues and Accessibility Waiver Applications; considered reports from legal council; decided on requests for declaratory statements; decided on Accessibility, Structural, Mechanical TAC reports; decided on Product Approval Prototype Buildings Manufactured Buildings Program Oversight Committee reports; decided on TAC recommendations regarding proposed statewide and local amendments; and reviewed assignments and issues for November's Commission meeting.

Chairman Rodriguez reminded the Commissioners to complete the meeting evaluation forms and commended staff for their excellent work. He extended condolences to Rick Dixon's family and commended staff for their efforts without Mr. Dixon.

Mr. Madani added the products that were approved will indicate *Approved* rather than *Pending Approval* by October 15th.

ADJOURN

No further business discussed, meeting adjourned at 11:39 a.m.

FLORIDA BUILDING COMMISSION

ATTACHMENT TO THE OCTOBER 13 - 14, 2003 MINUTES

FACILITATOR'S REPORT OF THE OCTOBER 13 - 14, 2003 COMMISSION PLENARY SESSION

Orlando, Florida

Meeting Design & Facilitation By



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

FLORIDA BUILDING COMMISSION

ATTACHMENT TO THE OCTOBER 13 - 14, 2003 MINUTES

Overview of Commission's Key Decisions

MONDAY, OCTOBER 13, 2003

Agenda Review and Approval

The Commission voted unanimously, 18 - 0 in favor, to approve the agenda as amended.

Amendments

Add final order for Lovelace Gas Service, Inc. to agenda.

Rule Development Workshop for Rule 9B-72.100 and .800 changed to regular workshop.

Workshop on Equivalency of Test Standards and Recognition of International Code Council IAS/IES, Rule 9B-72.100 and Rule 9B-72.180

The Commission provided an additional opportunity for members of the public to offer feedback on this issue. Chairman Rodriguez indicated that there will be a rule development workshop at the November 2003 meeting. There were no additional public comments on proposed equivalency standards.

Workshop on Private Plans Review and Inspections

Chairman Rodriguez explained that the workshop would follow the following format:

- ✓ Report overview
- ✓ Clarifying questions from Commission members
- ✓ Public Comment on the issues
- ✓ Facilitated Commission Discussion
- ✓ Next steps/Commission Action

Bob Stroh from the University of Florida's Shimberg Center for Affordable Housing presented an overview of the Center's findings. Following public comment and Commission discussion, the Commission voted to accept the assessment and review comments at the November 2003 Commission meeting prior to approval for submittal to the Legislature.

Commission Actions:

Motion— The Commission voted unanimously, 18 - 0 in favor, to accept the assessment report and to consider comments and any refinements at the November 2003 Commission meeting.

Consideration of Technical Advisory Committee Recommendations for Approval of Statewide and Local Amendments

Chairman Rodriguez welcomed Commissioners and members of the public to the amendment process. The Chair indicated that Jeff Blair, Commission facilitator, would be serving as a moderator for the code amendment process. Jeff Blair provided an overview of the Commission's approved process (unanimous vote at the August 2003 Commission meeting) for use during the 2004 code review process. Below is a summary of key components to the process:

- ◆ A standing motion to approve will be in effect. A second will be required to consider an amendment. If no second is received, the proposed amendment dies for a lack of a second and by default is not approved.
- ◆ Any modifications by Commission members will require addressing fiscal analysis.
- ◆ Review proposed amendments by 8 subject areas in alphabetical order.
- ◆ Each subject area has four sets of TAC actions and each area would be considered either by a consent or discussion (individual consideration) agenda.
 - ✓ Approved by TAC as submitted (consent agenda)
 - ✓ Approved as modified by TAC (discussion agenda)
 - ✓ Received less than a 75% favorable vote by the TAC (consent agenda per unanimous vote at October 2003 Commission meeting)
 - ✓ Received no second at the TAC (consent agenda)
- ◆ For each consent agenda, moderator will read amendment numbers and ask if any member of the public wishes to speak on any of the consent agenda amendments.
- ◆ Moderator will ask if any Commission member wishes to pull off any consent agenda amendments and consider them individually as a part of the discussion agenda.
- ◆ Balance of consent agenda amendments (those not pulled for discussion agenda) will be seconded and approved as a package. This will be done individually for each of the three consent agendas.
- ◆ Moderator will introduce balance of amendments (those not on a consent agenda) separately by offering members of the public an opportunity to comment.
- ◆ Following public comment a second will be solicited and if received, the Commission will discuss, refine, and vote for the amendment. If no second, amendment dies and moderator proceeds to the next amendment.
- ◆ This entire process will be repeated for each of the 8 subject areas.
- ◆ At the conclusion of the review process, the Commission will vote to approve the entire package of 2004 code amendments.

Commission Actions:

Motion—The Commission voted unanimously, 19 - 0 in favor, to approve the standing motion for use during the 2004 code review process.

Motion—The Commission voted unanimously, 19 - 0 in favor, to consider those amendments that did not receive a 75% favorable recommendation from the TACs as a third consent agenda package.

Motion—The Commission voted unanimously, 19 - 0 in favor, to approve the entire package of recommendations reflecting their actions on proposed statewide and local code amendments.

Motion—The Commission voted, 18 - 1 in favor, to direct staff to correlate the Florida Building Code requirements (definitions, terminology, and references) with the provisions of Rule 9B-72 (Product Evaluation and Approval Rule).

Adopted Standing Motion To Approve Amendments To The Florida Building Code

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

- A. The amendment has a reasonable and substantial connection to the health, safety, and welfare of the general public; and,
- B. The amendment does not degrade the effectiveness of the Code and either strengthens or improves the Code or provides for innovation or new technology by allowing equivalent or better products, methods, or systems of construction; and,
- C. The Amendment does not discriminate against products, methods, or systems of construction of demonstrated capabilities; and,

D. The Amendment has the following fiscal impact:

- 1. The fiscal impact of enforcement imposed upon local government is as indicated by TAC review.
 - 2. The fiscal impact of compliance imposed upon property and building owners is as indicated by TAC review.
 - 3. The fiscal impact of compliance imposed upon industry is as indicated by TAC review.
- E. The Amendment's benefits noted with regard to fiscal impact and efficacy outweigh the costs imposed.

Recess

Motion— The Commission voted unanimously, by a vote of 19 – 0 in favor, to recess the plenary session until Tuesday, October 14, 2003 at 8:30 AM.

TUESDAY, OCTOBER 14, 2003
COMMISSION PLENARY SESSION

Agenda Review and Approval

The Commission voted unanimously, 14 - 0 in favor, to approve the agenda as amended at the Monday plenary session.

Review and Approval of August 26, 2003 Meeting Minutes

The Commission voted unanimously, 14 - 0 in favor, to approve the minutes as presented for the August 26, 2003 Commission meeting.

Review and Approval of Commission's Updated Workplan

Commission Actions:

Motion—The Commission voted unanimously, 18 - 0 in favor, to approve the updated workplan as amended.

Amendments

Product Approval Rule recognition of equivalent standards dates changed to rule development workshop in November 2003 and rule adoption and effective dates changed to January 2004.

Motion—The Commission voted unanimously, 18 - 0 in favor, to approve the updated workplan for the development of the 2004 FBC using the IBC as base documents. In addition, the Commission selected option 2 for Chapters 9 and 10.

Motion—The Commission voted unanimously, 16 - 0 in favor, to approve the revised 2004 meeting schedule and locations plan.

(Attachment 2—Commission's Updated Workplan)

Chair's Discussion Issues/Recommendation

TAC Appointments

Chairman Rodriguez made the following TAC appointments:

9 Steve Bassett as chair to the Mechanical TAC

10 Steve Corn as chair to the Energy TAC

11 Gary Durham as member of the Product Approval POC

TAC Roles and Assignments

Chairman Rodriguez indicated that in the future, TACs will be making their recommendations to the Commission by subject area, rather than by code volume or code chapter as has been done in the past.

The Chair indicated that he has assigned staff with the initial drafting for reorganization of the Code for integrating the IBC, IRC, and IEBC, as well as relocating certain Florida specific requirements to more appropriate sub-codes, chapters, or sections of the Code. In addition, staff was tasked with negotiating organization and packaging decisions with the contractor selected to publish the Code.

Consideration of Accessibility Waiver Applications

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

Legal Staff Reports/Discussions/Recommendations and Approval

Commission Actions:

Motion—The Commission voted unanimously, 17 - 0 in favor, to approve the recommended final order denying Lovelace Gas Services Inc.'s petition to initiate rulemaking.

PETITIONS FOR DECLARATORY STATEMENTS

Following are the actions taken by the Commission on petitions for declaratory statements. Jim Richmond served as legal counsel for the Commission.

SECOND HEARINGS

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

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

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

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

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

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

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

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

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

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

FIRST HEARINGS

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

Motion— The Commission voted unanimously, by a vote of 19 - 0 in favor, to approve the TAC recommendation on the petition as presented.

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

Motion—The Commission voted 14 – 5 in favor, to approve the TAC recommendation on the petition as presented.

DCA03-DEC-247 by George Hegedus of Structural Systems, Inc. (and)

DCA03-DEC-261 by Robert Andrews of Broward County

Motion—The Commission voted unanimously, by a vote of 18 – 0 in favor, to consolidate 247 and 261 based on presentation of the same issue, and to approve the TAC recommendation on the petitions as presented.

COMMITTEE REPORTS AND RECOMMENDATIONS

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

Accessibility TAC Committee Report and Recommendations

Commissioner Gross presented the committee’s workshop report, there was not a quorum present. The Commission unanimously accepted the Committee’s workshop report by a vote of 17 - 0 in favor. (See Commission Minutes for Committee report)

Mechanical TAC

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

Structural TAC

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

Product Approval/Prototype Buildings/Manufactured Buildings Program Oversight Committee

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

Commission Actions:

Motion— The Commission voted unanimously, by a vote of 18 – 0 in favor, to revise the fee structure for the Manufactured Buildings Program as submitted.

Motion— The Commission voted unanimously, by a vote of 18 – 0 in favor, to proceed to implement the proposed changes to the Prototype Buildings Program.

Motion— The Commission voted unanimously, by a vote of 18 – 0 in favor, to conditionally approve the selection of the CPA firm of Patersol and Patersol to conduct the audit of the Prototype Buildings Program and to accept certified quarterly financial statements until the threshold of \$300,000 of program expenditures has been reached. Conditional approval will be based on staff confirming that the firm is in good standing with the Department of Business and Professional Regulation.

Motion— The Commission voted unanimously, by a vote of 18 – 0 in favor, to extend the contract with Applied Research Associates as the administrator of the Prototype Buildings Program.

Action on Applications for Approval for Product Approval Entities

Motion— The Commission voted unanimously, by a vote of 18 – 0 in favor, to approve the ICC Evaluation Service, Inc. as an evaluation entity.

Motion— The Commission voted unanimously, by a vote of 18 – 0 in favor, to approve Architectural Testing, Inc. – Minnesota as a test laboratory.

Motion— The Commission voted unanimously, by a vote of 18 – 0 in favor, to approve FM Approvals – Testing Lab as a test laboratory.

Motion— The Commission voted unanimously, by a vote of 18 – 0 in favor, to approve Timber Products Inspection, Inc. as a quality assurance entity.

Motion— The Commission voted unanimously, by a vote of 18 – 0 in favor, to approve PSI/Pittsburg Testing Laboratory as a quality assurance entity.

Motion— The Commission voted unanimously, by a vote of 18 – 0 in favor, to approve National Accreditation and Management Institute as a quality assurance entity.

Motion— The Commission voted unanimously, by a vote of 18 – 0 in favor, to approve Keystone Certifications, Inc. as a quality assurance entity.

Motion— The Commission voted unanimously, by a vote of 18 – 0 in favor, to approve FM Approvals – QA as a quality assurance entity.

Motion— The Commission voted unanimously, by a vote of 18 – 0 in favor, to approve Architectural Testing, Inc. as a quality assurance entity.

Motion— The Commission voted unanimously, by a vote of 18 – 0 in favor, to approve PRI Asphalt as a validation entity.

Motion— The Commission voted unanimously, by a vote of 18 – 0 in favor, to approve Underwriters Laboratories as a validation entity.

Move to approve Architectural Testing, Inc. as a validation entity.

Motion— The Commission voted unanimously, by a vote of 18 – 0 in favor, to approve Architectural Testing, Inc. as a validation entity.

Product Applications

Motion— The Commission voted unanimously, by a vote of 18 – 0 in favor, to approve staff's authority to grant conditional approvals for entities until the November meeting.

Motion— The Commission voted unanimously, by a vote of 18 – 0 in favor, to approve product approval applications by compliance method using a consent agenda.

Motion— The Commission voted unanimously, by a vote of 18 – 0 in favor, to approve product application number 131 submitted as an evaluation report from Florida Registered Architect or Florida Professional Engineer.

Motion— The Commission voted 16 – 3 in favor, to approve product application numbers 389, 418, 441, 478, 483, 405, 419, 417, and 388 submitted as evaluation reports from Florida Registered Architects or Florida Professional Engineers.

Motion— The Commission voted 18 – 1 in favor, to approve product application numbers 367, 347, 393, 362, 280, 323, 520, 158, 333, 401, 411, 78, 183, 196, 197, 206, 361, 170, 171, 173, 174, 236, 240, 244, 321, 116, 117, 118, 119, 423, 336, 234, 322, 146, 162, 519, 334, 217, 474, 503, 538, 312, 316, 317, and 22 submitted as evaluation reports from a product evaluation entity.

Motion— The Commission voted 18 – 1 in favor, to approve product application numbers 498, 539, 318, 102, 285, 370, and 114 submitted as test reports.

Motion— The Commission voted 17 – 2 in favor, to approve product application numbers 342, 343, 385, 386, 250, 477, 478, 490, 491, 205, 404, 157, 161, 149, 153, 163, 259, 294, 98, 180, 248, 252, 304, 518, 510, 516, 517, 537, 45, 42, 43, 44, 264, 254, 255, 256, 262, 263, 398, 399, 467, 468, 469, 369, 397, 392, 394, 395, 126, 123, 124, 125, 457, 458, 459, 460, 461, 442, 443, 444, 445, 446, 447, 448, 258, 269, 351, 352, 212, 202, 208, 209, 211, 85, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 251, 253, 328, 331, 214, 239, 242, 243, 245, 261, 324, 325, 326, 329, 330, 221, 138, 132, 133, 134, 135, 137, 476, 109, 181, 184, 229, 56, 57, 107, 108, 143, 178, 179, 203, 204, 213, 219, 224, 226, 228, 402, 276, 308, 310, 314, 315, 288, 292, 293, 185, 188, 189, 190, 191, 451, 225, 227, and 511 submitted as certification marks or listings.

Motion— The Commission voted 19 – 1 in favor, to approve product application numbers 18, 19, and 20 submitted as certification marks or listings, but have staff write letter to certification agency explaining standards related to air, water, forced entry and weathering of plastic.

Motion— The Commission voted unanimously, by a vote of 20 – 0 in favor, to conduct a workshop for metal buildings under Rule 9B-72.

Additional Commission Actions

Commissioner Bassett requested that the agenda for each meeting have a placeholder after public comment for **Commission Member Comments/Issues**.

Public Comment

Chairman Rodriguez provided members of the public with an additional opportunity to address the Commission.

Committee Assignments/Meetings Required

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

Workshop on metal buildings (Rule 9B-72)

Staff Assignments

- ✓ Report on code formatting/correlating recommendations.
- ✓ Hold a Product Approval workshop with stakeholders to discuss system problems.
- ✓ Use overhead projector to project the workplan while reviewing.
- ✓ Recommend website improvements to make more user friendly and easier to maneuver.
- ✓ Email documents needed at the meeting in advance and bring the hard copies to the meeting to avoid duplication and older versions being printed.
- ✓ Consider providing laptops to Commission members to reduce waste and duplication.

Adjourn

Motion— The Commission voted unanimously, by a vote of 17 – 0 in favor, to adjourn the plenary session.

ATTACHMENT 1

EVALUATION RESULTS

FLORIDA BUILDING COMMISSION October 13 - 14, 2003—Orlando, FL Meeting Evaluation

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

1. Please assess the overall meeting.

- 9.6 ___ The background information was very useful.
- 9.5 ___ The agenda packet was very useful.
- 9.8 ___ The objectives for the meeting were stated at the outset.
- 9.5 ___ Overall, the objectives for the meeting were fully achieved.
- 9.6 ___ Accessibility Waiver Applications
- 9.8 ___ Chair's Issues and Recommendations
- 8.6 ___ Rule Development Workshop on Rule 9B-72.100 and Rule 9B-72.180
- 8.9 ___ Workshop on Private Inspection Forms
- 9.3 ___ Consideration of 2004 Statewide and Local Amendments
- 9.6 ___ Declaratory Statements
- 9.6 ___ TAC/POC Reports and Recommendations

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

- 9.4 ___ The participants followed the direction of the facilitator.
- 9.4 ___ The facilitator made sure the concerns of all participants were heard.
- 9.3 ___ The facilitator helped us arrange our time well.
- 9.7 ___ Participant input was documented accurately.

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

- 9.2 ___ Overall, I am very satisfied with the meeting.
- 9.7 ___ I was very satisfied with the services provided by the facilitator.
- 9.3 ___ I am satisfied with the outcome of the meeting.

4. What progress did you make?

- 9.6 ___ I know what the next steps following this meeting will be.

9.5 I know who is responsible for the next steps.

5. Do you have any other comments that you would like to add? We are very interested in your comments.

- Not all public comments via website, fax, and mail were distributed to the commission.
- Thanks to staff and facilitator for their help and organization to get through all the MOD's and prod. app. in a timely and orderly manner.
- There should be a point at the end of meeting for Commissioners to make comments on agenda.
- On the 1st Title and Summary page of the accessibility waiver requests, please add the complete address and location immediately after the heading.
- The facilitator did an exemplary job of running the code changes, keeping everyone up to speed and efficiently moving the meeting along.
- The facilitator worked continuously from 8:30 am-7pm with only one one-hour lunch break. The code amendment process was led by the facilitator efficiently and intelligently.
- Public should have tables and chairs
- The paper volume was incredible. "E-books" can be loaded with information; can be marked, and over time will save money versus printing. Each commissioner could carry FBC and appropriate F.S. for all meetings. Would be a great tool. Also could be a potential product for commission/ DCA to offer participants at a nominal fee for monthly download-
- Code
- Code updates
- Accessibility case results
- Other relevant issues and data
- E-links to standards
- Research etc
 - The device could be a:
 - Notebook computer, or
 - Hand held "Book size" device with capacity to mark up (write on) the attachments to make notes for commission meetings
 - Recommendation:
 - Recommend smaller e-mail packages for smaller system limits of recipients; please continue the e-mail of information, it saves paper and tries to provide for more commissions
 - Estimate cost of laptop versus annual or 4 year print costs
 - DCA provide e-books to commissioners or "e-book" type system
- P.S. Thank you for tea on day number two in addition to coffee.

ATTACHMENT 2

REVISED COMMISSION WORKPLAN

FLORIDA BUILDING COMMISSION 2003 WORKPLAN

2004 Update of the Florida Building Code:

Phase I, Approval of Florida specific statewide and local amendments:

Amendment submittal cutoff (independent submittals)	4/18/03
Post on website (independent/base code updates/local amends)	4/23/03
TACs review and develop recommendations	6/16-18/03
TACs complete review and recommendations	7/14/03
Post TAC recommendations on website	7/25/03
Commission considers TACs recommendations and approve amends	10/13-14/03

Phase II, Consider model code changes together with all approved statewide and local amendments, draft rule changes and adopt by rule:

Administration, Fire and Structural TACs review and develop recommendations on which Florida specific amendments to integrate into the IBC and IRC	12/03 to 1/04
Plumbing and Mechanical TACs review and develop recommendations on which Florida specific amendments to integrate into the IRC plumbing, mechanical and fuel gas chapters	12/03 to 1/04
Rule development workshop	3/1-3/04
Rule adoption hearing	4/19-20/04
2004 Code posted to Web and printed for delivery	7/1/04
Effective date of first update	1/1/05

Also, see chart

2006 Annual Interim Amendments:

Amendment submittal cutoff (independent submittals)	To be determined
Post on website (independent/base code updates/local amends)	To be determined
TAC's consider	To be determined
Post TAC recommendations on website	To be determined
Commission considers	To be determined
Rule development workshop	To be determined
Rule adoption hearing	To be determined
Effective date of first update	To be determined

Adopt Revised Chapter 34 for Existing Buildings

Schedule:

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

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

Develop Code Commentaries:

Plan:

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

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

Plan:

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

Schedule:

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

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

Schedule:

Assign to Code Administration TAC for review	Sep 2002
Develop any necessary Code amendments and/or changes to law	Sep-Dec 2002
Submit for 2004 Code Update	Apr 2003
Effective date	Jan 2005

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

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

Building Code Training Program

Core Curricula:

Develop administrative core curricula

Ed TAC develops recommendations Apr-Jul 2003

Develop technical core curricula

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

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

Rule development workshop	Oct 2003
Rule development workshop	Nov 2003
Rule adoption hearing	Nov 2003

Rule effective Dec2003

Report to Legislature Jan 2004

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

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

recommendations

Boards approve Dec 2003

Report to Legislature Jan 2004

**Develop and implement voluntary accreditation program for building code courses
(Depends on program authorization by Legislature)**

Finalize recommendation to 2003 Legislature Dec 2002

(bill did not pass in Legislature)

Continue with system concept development Feb-Nov 2003

Finalize recommendation to 2004 Legislature Nov 2003

Establish procedures for advisory opinions and adopt by rule:

Schedule:

Consider partnership with BOAF May 2002

BOAF/Staff develop proposed procedures May-Jun

2002

Approve procedures July 2002

Procedure goes into effect (law allows effective before rule) Aug 2002

RFP issued and contractor hired Dec 2002

Rule development workshop May 2003

Rule hearing Jul 2003

Rule effective Sep 2003

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

Schedule:

Contractor hired to collect data on system operation Jul 2003

Contractor report due Sep 2003

Fact finding public workshop Oct 2003

Review report to the Legislature Nov 2003

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

Establish standards and criteria for foundation permits and other "specialty permits":

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

Schedule:

Assign to Code Administration TAC
Recommendations for criteria
Submit for 2004 FBC edition amendment
Effective (2004 edition of FBC)

Sep 2002
Feb 2003
Apr 2003
Jan 1, 2005

Amend Product Approval Rule

Rule clarification:

TAC workshop 1

TAC workshop 2

Rule development workshop

Nov 2002

Dec 2002

Jan 2003

Rule adoption hearing

Apr 2003

Hearing on Notice of Proposed Changes

Jul 2003

Amendments to Rule effective

System mandatory as required by law

Aug 2003

Oct 1,

2003

Recognize Equivalent Standards:

Rule development workshop

Oct 2003

Rule adoption hearing

Nov 2003

Amendments to Rule effective

Dec

2003

Code Amendment Schedule for 2004 Edition of the Florida Building Code

Phase I	“Approve” statewide and local	Florida specific amendments
	April 18, 2003	Deadline for submittal of proposed amendments
	April 25, 2003	Proposals posted to web
45 days (min) ¹		
	Week of June 15-20, 2003	TACs consider proposals
	July 14, 2003	Structural TAC complete proposals review
	July 25, 2003	TAC recommendations posted to web
45 days (min) ¹		
	October 13-14, 2003	Commission considers proposals
Phase II	“Consider” model code changes	“Further Consider” Florida specific amendments
	December 2003 Through January 2004	TACs compare model code updates and Florida specific amendments/develop recommendations
	March 2 & 3, 2004	Commission conducts Rule Development Workshop
	April 19 & 20, 2004	Commission conducts Rule Adoption Hearing and votes to file the rule for adoption
		File Rule with DOS for adoption
	July 1, 2004	Code posted on Web
6 months (min) ²		
	January 1, 2005	Code revision implemented

¹ Minimum waiting period required by Florida Statutes

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

ATTACHMENT 3

COMMISSION WORKPLAN FBC/IBC INTEGRATION

Phase II, Consider model code changes together with all approved statewide

and local amendments, draft rule changes and adopt by rule:

- Administration, Fire and Structural TACs review and develop recommendations on which Florida specific amendments to integrate into the IBC and IRC 12/03 to 1/04
 - Plumbing and Mechanical TACs review and develop recommendations on which Florida specific amendments to integrate into the IRC plumbing, mechanical and fuel gas chapters 12/03 to 1/04
 - Rule development workshop 3/1-3/04
 - Rule adoption hearing 4/19-20/04
 - 2004 Code posted to Web and printed for delivery 7/1/04
 - Effective date of first update 1/1/05
- Also, see chart*

Phase I	"Approve" statewide and local	Florida specific amendments
	April 18, 2003	Deadline for submittal of proposed amendments
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		File Rule with DOS for adoption
	July 1, 2004	Code posted on Web
6 months (min) ²		
	January 1, 2005	Code revision implemented

¹ Minimum waiting period required by Florida Statutes

Plenary Session Minutes

October 13 & 14, 2003

Page 18

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