

STATE OF FLORIDA  
**DEPARTMENT OF COMMUNITY AFFAIRS**

*"Dedicated to making Florida a better place to call home"*

**JEB BUSH**  
Governor

**STEVEN M. SEIBERT**  
Secretary

**BOARD MEETING  
OF THE  
FLORIDA BUILDING COMMISSION**

**PLENARY SESSION  
December 10, 2002**

**PENDING APPROVAL**

The meeting of the Florida Building Commission was called to order by Chairman Raul Rodriguez at 8:00a.m. on Tuesday, December 10, 2002, at the Rosen Centre Hotel, Orlando, Florida.

COMMISSIONERS PRESENT:

Raul Rodriguez, Chairman  
Dan Shaw  
Peggy Patterson  
Hamid Bahadori  
Michael Mc Combs  
Craig Parrino  
Herminio Gonzalez  
George Wiggins  
John Calpini  
Leonard Lipka  
Christ Sanidas  
Karl Thorne  
Nick D' Andrea  
Richard Browdy  
Stephen Corn  
Dale Greiner  
Paul Kidwell

Do Y. Kim  
Ed Carson  
Steven Bassett  
Doug Murdock, Adjunct Member

COMMISSIONERS ABSENT:

Diana Richardson  
Suzanne Marshall

OTHERS PRESENT:

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

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

Chairman Rodriguez opened the meeting of the Florida Building Commission with a welcome to all in attendance and brief overview of the meeting's assignments. He then directed the Commission to Jeff Blair for a review of the agenda.

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

Commissioner Wiggins moved approval of the agenda as presented. Commissioner Calpini seconded the motion. Vote to approve the motion was unanimous. Motion carried.

### **REVIEW AND APPROVAL OF OCTOBER 29 & 30, 2002 MEETING MINUTES**

Chairman Rodriguez then called for corrections or additions to the October 29 & 30, 2002 meeting minutes.

Commissioner Gonzalez noted the name Sorenson may be misspelled and ask for the name to be corrected.

Mr. Richmond referenced Declaratory Statement DCA02-DEC-252 by Sam Garber, SAMCO Plumbing, which was submitted by the Plumbing TAC during the October meeting and appears in the second hearing declaratory statements for the current meeting agenda. He stated Commissioner Shaw has filed a memorandum of voting conflict for state officers which was previously discussed. Mr. Richmond noted as an amendment to the minutes that Commissioner Shaw had contact with the petitioner in the past which also was fully disclosed at the TAC meeting.

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

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

Mr. Dixon conducted a brief overview of the Commission's workplan noting there were some minor changes. He referenced page 7 of the Agenda Packet, Item EE, stating it was recommended that the approach to

developing the Code commentaries be altered with the TACs reviewing the model code commentaries, on which the Florida Building Code is based, in February then select a contractor to begin working on the commentaries on the Florida-specific requirements also by February.

Mr. Dixon then noted a change to Additional Task #4. He stated legislation had passed authorizing the advisory opinions process and follow-up to the formal adoption should be implemented. He stated it is proposed to move the adoption to February.

Commissioner Lipka moved approval of the updated workplan. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

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

Chairman Rodriguez stated each year a recommendation to the Legislature is finalized and included in the annual report. He stated policy decisions from the current meeting will be included in the report and staff will then work with a contractor to complete a draft report to submit to the Legislature. Chairman Rodriguez reminded the Commission the deadline for returning the policy recommendations for rehab buildings is January 1, 2003, which will require submitting a draft report initially with a final report completed prior to the January Commission meeting. He proposed to the Commission that he be given authorization to review and approve the draft and final report to the Legislature.

Commissioner D'Andrea moved approval to authorize Chairman Rodriguez to review and approve the draft and final report to the Legislature. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous.

Chairman Rodriguez stated for each of the adoption hearings, the public will be offered an additional opportunity to comment on the proposed amendments then proceed with rule adoption by filing the rule. He continued stating following the public comments, the Commission should consider whether the comments merit immediate action rather than reviewing them during the next year's Code review process. Chairman Rodriguez noted if it is decided to make changes, a Notice of Proposed Change would be required as well as an additional hearing which would constitute a two-month delay to the rule. He urged the Commission to carefully consider if changes are essential.

**RULE HEARING ON AMENDMENTS TO RULE CHAPTER 9B-74,  
PROTOTYPE BUILDINGS**

Mr. Richmond called rule hearing 9B-74 to order. He then stated the changes were implemented to require indexing of plan alternates on the cover sheet of any plans submitted for prototype approval as well as to limit the application of the system to buildings of three stories or less, or less than a designated square footage.

Commissioner Browdy asked for an update on the proposed administration of the prototype building program.

Commissioner Carson responded stating an administrator has been selected and fees have been discussed and approved. He stated a contract with the administrator would be implemented within days.

Commissioner Calpini moved approval to proceed with rule adoption for Rule 9B-74. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

**RULE HEARING ON AMENDMENT TO RULE 9B-3.053, PRIVATE  
INSPECTION FORMS**

Mr. Richmond stated the Legislature had charged the Commission with the adoption of two forms in relation to the alternate plans review and inspection method adopted by the Legislature. He then called the hearing to order.

Commissioner D'Andrea moved approval to proceed with rule adoption for Rule 9B-3.053. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

**RULE HEARING ON AMENDMENT TO RULE 9B-3.047, FLORIDA  
BUILDING CODE**

Chairman Rodriguez reminded the Commission rule hearing on amendment to rule 9B-3.047 for the Florida Building Code is the next step in implementing amendments to the Code that have gone through a deliberative process.

Mr. Richmond opened the hearing.

PUBLIC COMMENT

*Joe Belcher, Representing 3M Corporation*

Mr. Belcher stated he was representing the 3M Corporation with regard to modifications 115 and 116 which have already been approved. He stated he was sensitive to the issue of changes causing a delay in the process of implementation of the Code then expressed there were compelling reasons to eliminate the changes that were made to 419.3.11.8 and 420.3.15.3. He stated those changes would prohibit the use of a recognized system for providing fire rating for ducts on cooking equipment. Mr. Belcher continued stating the system is recognized by the Florida Building Code, Mechanical, and the International Mechanical Code, as well as the former model code and has been in use for more than ten years.

*Ted Burman, Miami-Dade County Building Code Compliance*

Mr. Burman offered comment regarding a clarification of an approved item relating to garage doors in modification #94. He stated the way it is written indicates it can only be used in the high velocity wind zone areas.

*Jack Glenn,*

Mr. Glenn referenced Modification #162 on page 8 of the tracking chart, relating to garage ventilation requirement. He then referred to his comment letter on page 26 of the *Comments to the October 2002 Proposed Glitch Amendments to the Florida Building Code* document, stating his proposal asked if the requirements were necessary since they are Florida-specific. He then added it would be a burden placed on the residential construction community adding additional cost. He further commented there had been no need demonstrated during the process nor a cost analysis performed.

Mr. Richmond offered clarification identifying the specific documents being referenced. He then noted the Joint Administrative Procedures Committee had contacted the Commission with concern relating to citations to the Florida Administrative Code. Mr. Richmond stated he had reviewed the citations and has placed a call to JAPC to clarify any concerns and provide opportunity for the Commission to address them. He then recommended recessing the hearing following public comment and resuming after he has heard from JAPC.

*Pete Quintela, Member of Mechanical TAC*

Mr. Quintela addressed the modification on which Jack Glenn had spoken stating the TAC had reviewed a declaratory statement during their recent meeting and language had been entered which should correct the situation for residential application. He then addressed comments on page 7 regarding mechanical section 43.2 exception #2 stating the exclusion from the exception was approved by the Mechanical TAC and should remain.

*Morris Swope, Roofing Contractor, Tampa*

Mr. Swope offered comment relating to 1507.3.9.2. He stated the change was originally submitted to the Structural TAC as a glitch. He continued stating the change was voted down because it was not a glitch. He explained the change allows a light-gauge galvanized metal to be used under asphalt shingles, and stated the asphalt shingles are air permeable allowing condensation to form on the underside which would result in the metal rusting and corroding and possibly allowing water to seep in causing a leak. He then recommended a change to aluminum or copper which would be a Code change and could be done. Mr. Swope then stated deleting the usage of the rolled or modified roofing in enclosed valleys would create a serious problem for many homeowners.

*Roger Sanders, Hernando County Building Department*

Mr. Sanders addressed the 1507.3.9.2 issue stating the metal in the valley is not used as a water preventative, rather as a valley re-enforcement. He continued stating if use of the 36-inch valley liner is eliminated it will void all the installation requirements and instructions of the manufacturers.

Mr. Sanders then addressed the issue of balancing return air systems referencing page 8 in the tracking chart. He stated the issue is not specific to the Florida Building Code. He continued stating according to the Department of Health balanced air is a way of preventing intrusion of gases, mildew, and humidity by preventing negative pressures from developing in the plenum area or within the return air location. Mr. Sanders cited Section 409.2 of the SBCCI stating "return air may come through the living space if there is no restriction such as solid doors in the air movement."

*Phillip Simmons, Orange County Building Department*

Mr. Simmons expressed support for Mr. Sanders' comments regarding the need for requiring balanced air. He stated the Mechanical TAC had considered the matter and had attempted many solutions in response to the industry and not cost prohibitive to the consumer. He further stated balanced air is necessary in homes in order to provide a more constant air balanced system. He then noted the proposed recommendation by the Mechanical TAC and urged the Commission to consider the issue very seriously and approve the proposed modification.

Mr. Sanders added the state of Florida is the worst indoor air quality state due to mass influx of water through roofs and oversized air conditioning units, according to Dr. Cook at the University of Florida.

Mr. Belcher reminded the Commission the issue he spoke about previously concerning fire rated wrapping on the cooking equipment duct stating it had been submitted to the Mechanical TAC for review and the TAC agreed with the AHCA position that it should be removed.

Mr. Richmond stated there may be additional issues for consideration upon receiving the JAPC comments then recessed the hearing until later in the meeting.

**RULE DEVELOPMENT WORKSHOP FOR RULE CHAPTER 9B-72,  
PRODUCT APPROVAL**

Commissioner Carson stated the POC had met twice regarding the product approval issue and had identified, along with staff, twenty-three items for review. He continued stating the POC had discussed the items and had reached consensus regarding those items. He noted there had been additional items since the meeting that have not been reviewed by the POC then stated staff would rewrite the rule with the POC's recommendations taken into consideration. Commissioner Carson stated more time was needed to continue working on the additional items.

Chairman Rodriguez called for public comment.

**PUBLIC COMMENT**

*Dennis Braddy,*

Mr. Braddy offered comment concerning the fee schedule for product approval. He stated the committee had attempted developing a definition of what a product is and has never accomplished that task. He

suggested moving to a simple fee by the company itself.

Commissioner Lipka moved approval to conduct another POC Workshop with stakeholders and then a rule development workshop for 9B-72. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

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

Mr. Mellick addressed each waiver application as they appeared in the Commissioner's agenda packets.

#### **#1 Ghiradelli Chocolate Shop and Soda Fountain**

Mr. Mellick presented the case which was deferred from the October meeting. He stated the applicant presented the Council with the requested information and explained the nature of the waiver application. He stated the Council recommended approval of the waiver based on disproportionate cost.

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

#### **#2 Palmer College Academic Building**

Mr. Mellick presented the case which was also deferred from the October meeting. He stated the petition requested waiver from vertical accessibility to all rows of a stadium style seating in two of five lecture halls. He stated the Council recommended approval of the waiver based on the applicant's proposal to provide access to levels 1 and 3 as stated on their plans as well as agree to install a lift to access the fifth level. He stated the Council recommended approval of the waiver with the conditions noted based on technical infeasibility and financial hardship.

Commissioner Browdy moved approval of the Council's recommendation to grant the waiver subject to the terms described. Commissioner Parrino seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#### **#3 Juan Crispen**

Mr. Mellick stated the case concerns changing the use of a



residential structure to a commercial structure. He explained the request was to waive vertical accessibility to the second floor art studios. He stated the Council recommended approval of the waiver based on the 20% disproportionate cost with the condition that should there be an artist requiring accessibility, access to a first floor studio would be provided to that artist.

Commissioner Browdy moved the recommendation of the Council to approve the waiver subject to the conditions described. Commissioner Thorne seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#### #4 Kenney Communications

Mr. Mellick presented the request from vertical accessibility to the second floor of a new \$1.2 million business. He explained the Council recommended to deny the waiver based on lack of hardship. He stated the Council had agreed to an extension of time to three months past the Certificate of Occupancy for the installation of a lift.

Commissioner Browdy moved approval of the Council's recommendation to deny the request then allowing the petitioner up to three months to install a means of vertical accessibility. Commissioner Thorne seconded the motion.

Commissioner Shaw asked if the petitioner would be in agreement with the time extension.

Mr. Mellick responded the petitioner had requested six months but had agreed to three months.

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

#### #5 Crispin, Porter, Bogusky Office Interiors

Mr. Mellick presented the waiver stating the petitioner is requesting a waiver from vertical accessibility to all rows of an eight row no-fix seat auditorium area. He explained there was a stadium-type platform with no fixed seats then stated the applicant did not provide information regarding the number of seats based on linear feet calculations. He stated the Council recommended deferring the request to the January meeting to allow time for the petitioner to provide adequate information.

Commissioner Browdy approved the recommendation of the Council to defer the request. Commissioner Corn seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#6 The Sign, Inc.

Mr. Mellick presented the case and explained it could have been exempt due to less than five on the second level. He stated, however, due to potential growth of the business as well as the space, the Council evaluated the cost and recommended approve the waiver based on 20% disproportionate cost.

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

#7 The Players Championship

Mr. Mellick presented the waiver stating the petitioner requested installation of stadium style seating for tournaments being held on the golf course. He explained the application presented during the meeting had been completely revised from the original submission. Mr. Mellick explained the proposed seating arrangement then stated the Council recommended approval of the first area, referred to as Area 1 with the condition that the seats noted would be moved closer to the tees.

Commissioner Browdy moved approval of the Council's recommendation to grant the waiver for Area 1 of the request. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Mellick then addressed the request for waiver of Area 2, the eighteenth green. He explained the application had been revised slightly and stated the Council recommended approval of the modified plans based on technical infeasibility.

Browdy moved the Council's recommendation then offered comment noting the skyboxes and the dining chalets which were shown on the plan as elevated levels were not included in the approval. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Shaw recognized the excellent work of the

Accessibility Advisory Council in reaching consensus for their recommendations to the Commission.

### **CONSIDERATION OF POLICY FOR REHABILITATION CODE**

Chairman Rodriguez opened discussion stating the policy for the Rehabilitation Code would be discussed and approved for submittal to the Legislature which is required by January 1, 2003. He continued stating the Commission would discuss implementation strategy and whether to consider the Code during the next Code review cycle or fast-track it as a separate rule adoption process. Chairman Rodriguez further stated Legislative authority would be required in order to suspend the 45-day/45-day review process and proceed directly to Chapter 120, Rule Adoption Process. He noted there had been a great deal of consensus reached regarding the Rehab Code recommendations with fast-tracking being the preferred method of implementation.

Commissioner Browdy presented the report from the recent meeting of the Residential Rehab and the Commercial Rehab sections. He stated the draft policy which was submitted by staff had been reviewed and thoroughly discussed. He noted there had been great consensus between members of the Rehab Committee and requested the Commission move the process forward.

Chairman Rodriguez called for public comment on the Rehabilitation Code.

Commissioner Browdy moved approval of the draft policy for the Rehab Code as submitted. Commissioner Corn seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Chairman Rodriguez then opened discussion concerning policy for expedited adoption of the Rehabilitation Code.

Commissioner Browdy moved approval of the policy for expedited adoption. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

### **CONSIDERATION OF POLICY FOR FIRST UPDATE OF THE FBC**

Chairman Rodriguez stated a draft policy for the first update of the Florida Building Code had been developed during the September meeting of the Florida Building Commission. He identified the following terms

which were approved by the Commission: 1) to adopt the 2003 editions of the IPC, IMC, and IFGC; 2) to review the IBC and FBC for differences and consider specific amendments appropriate for Florida and possible inclusion in the Florida Building Code; 3) to review the IRC and the Florida Building Code and consider appropriate IRC chapters for possible inclusion in the Florida Building Code. He noted during the current meeting public comment would be received and policy decisions on the update of the Florida Building Code would be finalized.

Chairman Rodriguez then stated the Commission had been asked by NFPA to consider adopting Standard 5000 as a new base code for the Florida Building Commission. He advised the Commission the issue should be discussed then reminded the Commission that the current policy is not to adopt a new base code, rather to consider review of Code updates for possible amendments to the Florida Building Code.

Mr. Dixon referenced the letter from NFPA, which was included in each Commissioner's packet, requesting consideration for adopting NFPA 5000. He stated Commissioner Wiggins had recommended the Commission provide a proposed schedule for updating the Florida Building Code. (See *ICC Schedule, Option 1 - 1 Yr, Option 2 - 1 ½ Yr Attachment.*) Mr. Dixon then conducted a review of the proposed schedule.

Commissioner Calpini stated the State Fire Marshal is considering a first amendment in 2005 with respect to the Fire Prevention Code. He recommended that staff contact the appropriate personnel in the Fire Marshal's office to confirm their amendment plan then suggested efforts be made to synchronize the two processes.

Mr. Dixon stated the ICC three year cycle is not the same as NFPA Standard's update cycle and there may be a disconnect. He continued stating the amendment cycles of the FBC and the Fire Prevention Code may always be at odds and could result in implementation being one to two years behind if synchronization is attempted.

Commissioner Calpini then stated both processes are behind at present and suggested now is the appropriate time for discussion to try to resolve the coordination issue.

Commissioner Bassett stated it has been decided to take the individual revisions of the model base codes and include them in the current Florida Building Code. He asked if all the changes must be

prepared in the revision format then published on the website then be submitted to the TAC for review. He then expressed concern regarding the changes being published then prepared in writing by February 28, 2003.

Mr. Dixon responded stating the differences between the Florida Building Code and the International Building Code would be considered individually for possible inclusion in the Florida Building Code. He continued stating the chapters of the International Residential Code would be considered separately for possible integration into the Florida Building Code. Mr. Dixon further stated it was the intent in the draft policy that the updates to the technical codes could be proposed as a single change but any specific difference would be considered separately at the public's request.

Commissioner Bassett moved approval of Option 2 of the proposed schedule to update the Florida Building Code. Commissioner Kim seconded the motion. Vote to approve the motion was unanimous. Motion carried.

### **CONSIDERATION OF POLICY FOR BUILDING CODE TRAINING PROGRAM**

Mr. Dixon reported staff had met with DBPR and following several discussions the response from the agency was that they were unwilling to assume the full responsibility for the Florida Building Code Training Program. He stated DBPR was amenable to working within their existing organizational structure and authorities to perform part of the functions of the Building Code Training Program but certain areas did not fit within their business model.

Commissioner Browdy added the Education TAC had discussed alternatives for the training program following DBPR's withdrawing from being an intricate part of the program. He stated the continuance of the core is the essence of the Florida Building Commission's involvement in the process together with the advanced courses. Commissioner Browdy continued stating it was agreed that the core was a requirement and each board would treat the core differently. He stated it was concluded that the core could be treated in one of three different ways, all of which are being proposed to the Florida Building Commission for consideration: 1) the core requirement would be fulfilled by the Florida Building Commission articulating regularly the content of the core to be disseminated the various licensing boards; 2) the individual boards would have three

different options of disseminating the core content to its members; a) through licensure testing; b) through taking a 4-hour course or a course that adequately communicated and taught the requirements of the Florida Building Commission relating to the core content; c) through an equivalency exam for the core. Commissioner Browdy stated there was consensus that the three proposed options would be acceptable to one if not all of the individuals involved.

Mr. Dixon stated the proposal was for the licensing board to be responsible for approving the advanced modules and that the licensing board determine the number of hours required in the building code for each license renewal cycle.

Commissioner Shaw expressed concern regarding the specific time frames stating it was agreed to try to avoid the hourly commitment in terms of exams. He suggested further discussion concerning the time frame issue.

Commissioner Bassett expressed concern regarding the licensing of inspectors in codes that are not being used. He stated in order for an individual to become a building inspector he/she must take a course and pass the test for the IBC. Commissioner Bassett noted Florida doesn't use the IBC.

Mr. Dixon offered clarification stating the Building Code Administrators and Inspectors Board's contract for the test must be renewed in January of 2004. He suggested Commissioner Bassett could send a letter to the board recommending they consider testing in future years be moved to the Florida Building Code rather than a national model code.

Commissioner Browdy moved approval to adopt the policy recommendations for inclusion in the report to the Legislature. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#### PUBLIC COMMENT

*Ralph Hughes*

Mr. Hughes offered comment suggesting the Commission move to direct staff to contact the appropriate agency requesting a quick response explaining what action could be taken that would result in tests being

conducted that are based on the Florida Building Code.

Commissioner Bassett then moved to direct the Chairman send a letter to the appropriate licensing boards requesting they base their test material on the Florida Building Code as it is currently being enacted. Commissioner Wiggins seconded the motion.

Commissioner Greiner offered an amendment to the motion to request an immediate response. Commissioner Bassett accepted the amendment.

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

### **CONSIDERATION OF OTHER RECOMMENDATIONS FOR ANNUAL REPORT TO THE LEGISLATURE**

Commissioner Gonzalez recommended the Report to the Legislature include a recommendation that facility maintenance permits be authorized for additional occupancies currently authorized by law due to the hardship being created throughout the counties. He then moved to recommend to the Florida Legislature the commission be authorized to add occupancies to the facility permit that currently exists in the Florida Building Code and to determine criteria for the permitted work.. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Chairman Rodriguez opened discussion regarding a second consideration to add the International Code Council to the list of product approval entities approved by statute.

Commissioner Carson stated there are five entities approved for product evaluation with SBCCI merging with ICBO & BOCA to form the ICC. He stated there was general consensus among committee members in favor of the International Code Council being recognized. .

Commissioner Parrino moved approval to add the International Code Council to the list of product approval entities approved by statute. Commissioner Browdy seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Carson then stated an issue had been raised by staff regarding the need for disciplinary action in the manufactured building

program. He then moved to request from the Legislature rule making authority to proceed with rule making for the disciplinary actions regarding manufactured building program. Commissioner Parrino seconded the motion.

Commissioner Parrino added the disciplinary action is for all the Commission programs including prototype as well as product approval.

Commissioner Browdy requested clarification regarding the authority granted.

Mr. Richmond responded statutory authority will be sought to adopt a schedule of disciplinary actions by rule.

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

Mr. Dixon introduced additional recommendations stating the Legislature had required the Commission to report on the working of the private inspections authority system in 2004. He stated staff recommended the Commission request an additional year before issuing a formal report allowing debugging time on the new system.

Commissioner Bassett moved approval to request the delivery date of the report on the private inspections authority system be moved from 2004 to 2005. Commissioner Corn seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Dixon continued stating staff recommended the annual amendment process be limited to correction of errors, updating standards and integration of interpretations into the Code annually.

Commissioner Shaw stated under the current process there is complete Code revision every year.

Commissioner Wiggins moved approval to request Legislative authority to limit annual amendments between Code updates to consideration of interpretations, updates of reference standards, and correction of errors, contingent upon being granted authority for binding interpretation. Commissioner Carson seconded the motion.

Commissioner Bassett offered a friendly amendment to include conflicts and errors within the Code.



Commissioner Greiner offered a friendly amendment to include life safety issues.

Commissioner Parrino requested clarification regarding the relation of the current motion and the earlier action of a 1 ½ year update cycle.

Mr. Dixon responded stating the statute currently authorizes the Commission to amend the Code annually in terms of interpretations. He stated the difficulty in limiting the magnitude of annual amendments is that anything in Chapter 120 may be considered by the public unless specific authority is given concerning specific items.

Commissioner Kim offered support for Commissioner Bassett's friendly amendment then stated conflicts and errors could be anything different from the model code or anything not already in the Code.

Mr. Dixon replied one issue which was raised by Commissioner Calpini is conflicts with the Fire Prevention Code, which by law must be eliminated. He stated conflicts refer to only those within the Florida Building Code or correlation issues.

Mr. Richmond offered clarification stating with interpretations specifically noted, the friendly amendment may not be necessary if individuals submitted conflicts within the Code for interpretation, it would automatically lead to an annual update.

Commissioner Calpini asked for further comment regarding life safety issues.

Commissioner Greiner responded the intent was to create a criteria focusing on life safety issues separate from other issues.

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

Mr. Dixon offered clarification concerning DCA holding the authority to negotiate with the appropriate parties to accomplish the goals of the Commission in terms of binding opinion. He stated it is unlikely there would be an exception from Chapter 120 proceedings which may require certain negotiations during the legislative process.

**PRESENTATION BY ST. JOHNS WATER MANAGEMENT  
DISTRICT ON IRRIGATION STANDARDS**

Ms. Pordelli distributed support documents for the presentation. (See *Water Resource Caution Areas in Florida* map and *Landscape Irrigation & Florida's Water* Attachments.) She then conducted an overview of the key issues which appeared in the support documents.

Commissioner Wiggins asked Ms. Pordelli if the Water Management holds additional regulations concerning irrigation for golf courses.

Ms. Pordelli replied many golf courses apply for consumptive use permits and are directed on the effectiveness of their irrigation systems. She stated golf courses tend to be run in a methodical and scientific manner and they continue to refine their practices.

Commissioner Wiggins then asked about the use of reclaimed water and its effect on golf courses in terms of deterioration of the underlying limestone rock foundation.

Ms. Pordelli replied there had been no indication of any environmental problem with the use of reclaimed water. She stated in Florida the reclaimed water must test at drinking water standards in order to be used.

Commissioner Shaw stated without a standard of practice concerning irrigation systems the consumer has no way of determining the adequacy of the systems no matter the cost.

Ms. Pordelli responded stating there had been some retrofits and currently the University of Florida is conducting a study on retrofitting some of the systems and the findings indicate a 10-20% price increase is needed in order to increase the efficiency level of the systems. She continued stating there have been reports of systems of poor quality and effectiveness being installed and retrofitting them costing two and three times the amount of the original installation.

Chairman Rodriguez interjected societal issues must be considered when dealing with efficient irrigation systems. He explained the selection of plants and the canopy and environment have a great effect on the beauty and quality of a lawn or landscaping. He stated inappropriate plant selections encourage the need for systems of irrigation in order to maintain quality. Chairman Rodriguez suggested the public must be educated on attractive ways to landscape their property with environment and region considered in terms of the efficiency of maintaining that attractiveness.

Ms. Pordelli concurred stating she doesn't see society decreasing the need for irrigation systems in the immediate future. She stated irrigation systems should be used only when needed and should be installed for maximum efficiency.

Commissioner Calpini concurred then asked what the next step for the Commission would be to provide the most effective result in terms of irrigation systems requirements.

Ms. Pordelli replied the Florida Building Commission is the only authority which could create a statewide standard which would help eliminate the development of patchwork standards around the state.

Mr. Richmond added Appendix F had been adopted as an optional provision. He stated irrigation standards do not fall within the Commission's specific charge of authority, specifically those relating to conservation standards. He continued stating specific statutory authority would be required to establish a minimum foundation of standards. Mr. Richmond suggested it would be an advantage if the water authority would effectuate that process in lieu of the Commission's lack of technical expertise. He stated the Florida Building Commission would offer support for establishing a minimum foundation of standards for inclusion in the Code.

Commissioner Shaw then moved to support the efforts of the St. John's Water Management District in pursuit of Legislative action. Commissioner Calpini seconded the motion. Vote to approve the motion resulted in 11 in favor and 5 opposed. Motion failed.

Commissioner Calpini requested comment from opposing votes.

Commissioner D'Andrea responded stating he was not against the concept of water irrigation requirements and expressed concern in terms of the enforcement issue.

Commissioner Shaw added Appendix F is not the solution however Legislative authority to develop a code to provide a solution is more the intent of his previous motion.

Commissioner Calpini requested clarification regarding the motion as stated.

Mr. Blair responded stating the motion was to support the St. John's

Water Management District's Legislative effort for the Florida Building Commission be granted authority to take the issue into consideration.

Commissioner D'Andrea stated in lieu of the intent being to ask for Legislative authority for the Commission to investigate the best way to address the situation, he entered a substitute motion to ask the Florida Legislature to grant FBC authority to investigate the best method to assist in alleviating the water problem in terms of irrigation systems. Commissioner Calpini seconded the motion.

Chairman Rodriguez offered further clarification stating the Water Management Authority would be seeking the authority on behalf of the Commission in order to respond to potential questions that may be submitted.

Commissioner Corn expressed concern regarding the motion to request authority. He stated the issue is a "feel good" issue with broad ramifications that should be considered and investigated which may not be a process the Commission would care to undertake.

Chairman Rodriguez responded stating the Commission can only regulate the irrigation system.

Commissioner Parrino stated the water conservation issue is a larger issue that is not being addressed adequately at the state level and the irrigation system issue is a small component of a bigger problem. He stated it would place a larger burden on the public in terms of water restrictions and stated he would not support the motion.

Commissioner D'Andrea moved to reconsider. Commissioner Bassett seconded. 12 in favor, 4 opposed. Motion carried.

Commissioner D'Andrea then entered the substitute motion with a second following.

Commissioner Wiggins offered support for the motion and asked if the other water management agencies are supporting St. John's concerning the issue.

Mr. Bond, Southwest Water Management District, responded stating the water conservation initiative is a statewide effort of all the water management districts, DEP, as well as other agencies involved. He assured the Commission it is a coordinated statewide effort and all water

conservation related agencies share and support the goals discussed in Ms. Pordelli's presentation.

Chairman Rodriguez then called for a vote on the motion. Vote to approve the motion resulted in 13 in favor and 4 opposed. Motion carried.

**LEGAL REPORTS:**  
**UPDATE ON FPSA CHALLENGE OF POOL ALARM STANDARDS,**  
**ROYAL CONCEPTS 2000 DECLARATORY STATEMENT ON**  
**MODULAR SCHOOLS,**  
**CONSIDERATION OF RECOMMENDED ORDER AND OTHER**  
**ISSUES**

Mr. Richmond opened discussion on the rule challenge of pool alarm standards and reported there is currently no decision. He then requested the Chair request at a public meeting that a closed door Executive Session be held during the January Commission meeting to discuss potential alternative action relating to the challenge.

Commissioner Corn moved approval for the Chair to request an Executive Session during the January meeting. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Richmond continued stating if an administrative law judge issued a decision within the next ten days, the opportunity to appeal the decision would expire before the next meeting of the Commission. He then requested to be granted authority to file a Notice of Appeal should those events occur in order to protect the rights of the Commission.

Commissioner Greiner moved approval to grant legal authority to file a Notice of Appeal as deemed necessary. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Richmond then opened discussion regarding Royal Concepts 2000 Declaratory Statements DCA02-DEC-128 and DCA02-DEC-240. He then directed the Commission to Mr. Dennis for discussion.

Mr. Dennis explained the petitions were consolidated and referred to Richard Lotspeach, DCA Legal Staff, who entered an Order for Dismissal on October 23, 2002. Mr. Dennis then recommended the Commission adopt the recommended order with minor editorial corrections.

Commissioner Wiggins moved approval to adopt the Order for Dismissal with regard to Declaratory Statements DCA02-DEC-128 and DCA02-DEC-240. Commissioner Carson seconded the motion.

Chairman Rodriguez called for public comment. He then called for a vote on the motion. Vote to approve the motion was unanimous.

Mr. Dennis then presented the petitions for declaratory statement second hearings as they appeared in each Commissioner's agenda packet.

### **PETITIONS FOR DECLARATORY STATEMENT**

Mr. Blair presented the Commission's Declaratory Statement Process which was adopted unanimously in March 2002.

#### **SECOND HEARINGS**

##### **DCA02-DEC-250 by Norman Campbell, FRCC Products**

Mr. Dennis presented the petition stating the case was heard by the TAC and the Commission during the October meeting where the statement was issued stating approval of the use of the pad proposed by the petitioner is within the discretion of the local building official, subject to the local appeals process.

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

##### **DCA02-DEC-259 by Greg Steers, Centex Homes**

Mr. Dennis stated the petition was heard by the appropriate TACs and the Commission during the October meeting and it was determined that the applicability of the evaluation report submitted for the product can be extended or considered by the building official. A declaratory statement was approved stating such as well as stating the determination of whether the product is proper for use under the Florida Building Code is within the discretion of the local building official.

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

DCA02-DEC-252 by Sam Garber, SAMCO Plumbing

Mr. Dennis presented the petition for declaratory statement stating the Commission approved issuance of a declaratory statement stating Section 605.1 of the Florida Building Code does not require water compatibility tests previous to the installation of a particular piping product; Section 604.9 requires water hammer arresters to be used regardless of the type of pipe or is approved by the local building official; and Section 305.1 requires corrosive protection for pipes ran through concrete or similar materials since CPVC is not subject to corrosion, no sleeving is required for installation into concrete or similar materials.

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

DCA02-DEC-256 by C. R. Willis, City of Oviedo

Mr. Dennis stated the Commission approved issuance of a declaratory statement stating based on manufacturer's recommendation it is determined that fastening of pool motors and equipment is not required by Section 424.2.22 of the Florida Building Code.

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

DCA02-DEC-254 by William LeMaster, Okaloosa County  
Inspection Division

Mr. Dennis stated the Commission approved issuance of a declaratory statement stating under the facts presented a property line cannot be assumed and under the facts presented a wall facing a zero lot line must conform to Table 600 and meet the criteria of one hour with 0% openings.

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

DCA02-DEC-255 by Juliana Salas, Miami-Dade County Building  
Department

Mr. Dennis presented the petition stating the Commission approved issuance of a declaratory statement stating a garage is habitable space under the Florida Building Code and must comply with the ventilation requirements of Section 402.1 and 402.2 of the Code.

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

DCA02-DEC-265 by Herminio Enrique, Miami-Dade County  
General Services

Mr. Dennis stated the Commission had approve issuance of a declaratory statement stating under the local amendment process outlined in Section 553.79 for Florida Statutes 2002, a local government may incorporate other occupancies into its annual permitting program provided it is more stringent than the Florida Building Code.

Commissioner Wiggins moved approval of the declaratory statement. Commissioner Lipka seconded the motion. Vote to approve the motion was unanimous.

FIRST HEARING

DCA02-DEC-271 by Jack McStravic, Lee County Division of  
Development Services

Mr. Richmond stated the request has been identified as not specific and recommended that it be deferred until the next Commission meeting allowing the petitioner time to amend the petition.

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

DCA02-DEC-272 by Ari Sklar, Sklarchitecture

Mr. Richmond stated the TAC recommended the petition be deferred for consideration by the local Appeals Board. He then requested a motion from the Commission to dismiss the petition based on inappropriate actions on behalf of the third party.

Commissioner D'Andrea moved approval to dismiss the request for



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

DCA02-DEC-289 by Grant Tolbert, Hernando County Development Department

Mr. Richmond stated the petition concerns gable end walls and asks the question whether it complies with the Florida Building Code for a building official to issue a permit based on engineered plans without calculations showing a gable end wall not continuous from floor to roof or ceiling diaphragm above. He noted the TAC recommendation was the wall must be structurally continuous and does not mean that it must be of the same materials. He further stated the issue of continuous means that the structural continuity of the wall must be maintained to ensure resistance to all lateral and vertical loads for the full height of the wall. Mr. Richmond continued stating the building official may require calculations at any time if he deems it necessary per Section 104.3.1 of the building volume.

Mr. Richmond then addressed the second question posed in the petition asking whether it complies with the Code for a building official to issue a permit based on a set of engineered plans and calculations demonstrating equivalency with Sections 2117.1.2 and 2313.4.2 not continuous from floor to roof or ceiling diaphragm above (blocker frame wall with knee wall above) complying with Section 103.7 of the FBC. He stated the answer is the same as question one.

Chairman Rodriguez called for public comment.

*Joe Belcher, Representing the Florida Concrete Products Association*

Mr. Belcher offered support of the TAC recommendation.

Commissioner Browdy asked if the TAC had reviewed the construction diagrams prior to rendering the opinion.

Commissioner Kim responded the diagrams were not received in time so they were not reviewed by the TAC.

Mr. Modani added the petitioner was present during the TAC review and supplied all necessary information.

*Roger Sanders, Hernando County Building Department*

Mr. Sanders thanked the Commission and the TAC for their consideration of the petition and expressed appreciation for the opinion that was rendered.

Commissioner Parrino stated then moved to approve the TAC recommendations. Commissioner Carson seconded the motion. Vote to approve the motion was unanimous. Motion carried.

DCA02-DEC-354 by Lawrence Bennett, Civil & Structural Engineering

Mr. Richmond stated the petition does not pertain to a set of specific facts and circumstances and was recommended to be deferred.

Commissioner Carson moved approval of the recommendation to defer the request for declaratory statement. Commissioner Kim seconded the motion. Vote to approve the motion was unanimous.

DCA02-DEC-342 by Pete Quintela, Miami-Dade County Code Compliance

Mr. Richmond stated the petition pertains to whether building officials under Section 104.1.4 may waive the permit requirement for Section 104.1.1 at their discretion with regard to replacement of the condensing unit on an air conditioning system. He stated the TAC responded as long as the waived items of the condensing unit is an ordinary minor repair, which would be at the discretion of the building official. Mr. Richmond continued stating the second question was addressed by the answer to question one.

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

DCA02-DEC-355 by Greg Doyle, Florida Roof Deck Association

Mr. Richmond presented the petition for declaratory statement stating the petition concerns two questions. He stated the first question was whether Section 104.5.2 of the FBC provides local building officials with the authority to require a lightweight insulating concrete applicator to obtain a special inspection and/or hire an architect or engineer to require

those special inspections. Mr. Richmond stated the TAC responded if in the opinion of the building official the installation of the concrete are hazardous or complex. He continued stating question two asked whether Section 104.1.1 of the FBC gives the local building official authority to require a lightweight insulation concrete applicator to obtain a special permit in order to apply the material. He stated the TAC responded Section 104.1.1 requires in general that a permit be obtained for all work that is required to meet the technical code and is not specific with regard to the scope of the required permit.

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

DCA02-DEC-360 by Doug Murdock, City of Gainesville

Mr. Richmond stated the petitioner had requested the petition be postponed.

DCA02-DEC-352 by David Bishop, Fawley-Bryant Architects, Inc.

Mr. Richmond stated the petitioner was requesting an interpretation of Florida Building Code Section 704.2.4 and Table 704.2.4 with regard to the fire rating of an existing access corridor. He explained the question specifically is whether it is required to have the exit access corridor in a middle school to be one-hour fire resistance rated when the building is designed for automatic fire sprinklers. Mr. Richmond stated the TAC responded Table 704.2.4 requires one-hour fire resistance rating for exit access corridors and sprinklered E-occupancy buildings.

Chairman Rodriguez called for public comment.

*Joe Belcher*

Mr. Belcher stated the position of the state Fire Marshal's office on the issue is in support using the NFPA-101 provisions of rating of corridors in educational occupancies when they're sprinklered.

Mr. Richmond expressed concern regarding Section 103.7, Alternate Material and Methods, allows only life safety equivalent items. He noted preceding language in the recommendation states the FBC provides for greater life safety and expressed doubt that 103.7 would be allowed.

Commissioner Greiner offered comment stating based on the information accumulated in the development of the Table, he would recommend approving the declaratory statement with the last sentence eliminated. He then moved approval of the declaratory statement with the condition set forth. Commissioner Shaw seconded the motion.

Commissioner Shaw stated he was present during the Fire TAC meeting and there was discussion regarding inconsistency between the Fire Code and the Florida Building Code. He continued stating it was discussed there was an oversight that the FBC did not comply with the Fire Code and the intent was the Fire Code would supercede the Fire Code.

Chairman Rodriguez called for a vote on the motion. Vote to approve the motion resulted in 13 in favor and 3 opposed. Motion carried.

Mr. Richmond added he would be forwarding a draft petition to the Fire Marshal's office.

DCA02-DEC-356 by Oriel Haage, Miami-Dade County Code Compliance

Mr. Richmond stated the petition concerns the definition of the term "ordinary minor repair." He explained the TAC recommended issuing a declaratory statement stating the Code does not provide a specific definition for the term "ordinary minor repair" leaving the technical scope of the term subject to the building official's discretion. Mr. Richmond explained the answer to question two is addressed in the response to question one, and further stated the third question addressing the statement "repairs shall not violate any of the provisions of the technical codes" and whether it applies to the adopted National Electrical Code. Mr. Richmond stated the TAC responded according to Section 101.1 of the FBC the provisions of Chapter 1 govern the administration and enforcement of the FBC since the National Electrical Code is adopted by reference by the Florida Building Code as a base standard subcode for electrical requirements, the National Electrical Code is considered to be part of the FBC.

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

DCA02-DEC-357 by Oriel Haage, Miami-Dade County Code

Compliance

Mr. Richmond stated the petition concerns street lights or pole lights. He explained the first question was whether the installation of pole lights that are installed by an electrical contract for a city or county are exempt from permit and inspections. He stated the TAC responded the installation of lighting and control systems must be as required by the National Electrical Code and the installation of the structure must be in accordance with Chapter 16 of the FBC and proper permit is required. Mr. Richmond then explained question two was whether the installation of pole lights that are installed by an electrical department for a city or county are exempt from permit and inspections. He stated the TAC responded according to Section 101.4.2.1 of the FBC the Code covers both public and private structures. Mr. Richmond stated the third question asked if the installation of pole lights as addressed in the National Electrical Code, which was adopted by the FBC, applies to private property only or both public and private property. He continued stating the TAC responded the Code addresses both public and private properties.

Mr. Richmond offered comment stating the request is extremely general and recommended deferral until the next Commission meeting allowing the petitioner an opportunity to amend the request.

Chairman Rodriguez called for public comment.

*Oriel Haage, Petitioner*

Mr. Haage stated he submitted the request specifically because building officials in Miami Beach are changing the outlook as well as bulbs and he needed clarification.

Commissioner Wiggins moved approval to defer the request for declaratory statement until the January Commission meeting. Commissioner Bassett seconded the motion. Vote to approve the motion was unanimous. Motion carried.

WITHDRAWN:

DCA02-DEC-270 by Carlos Hermida

Mr. Richmond stated the request for declaratory statement has been

withdrawn.

## **COMMITTEE REPORTS AND RECOMMENDATIONS**

### **Accessibility TAC**

Commissioner Corn presented the report of the Accessibility TAC. (See *Accessibility Technical Advisory Committee Meeting Minutes* Attachment.) He then directed the Commission to Mr. Bragg for legal issue discussion.

Mr. Bragg stated he was tasked to prepare a report of the current status of detectable warning surfaces given an action by the Department of Justice which reinstates the use of trunkated domes as detectable warning surfaces. He explained he concluded the Commission's design solution which incorporates by reference the American National Standards Institute document continues to be binding on projects governed by the Accessibility Act. He continued stating he had also addressed the potential for questions which may arise under the Disproportionate Cost Amendment to the Accessibility Act. He stated he had selected a number of questions that have and will continue to be submitted and his reports will be posted on the website as well as copies being provided upon request.

Commissioner Corn moved acceptance of the report. Commissioner Greiner seconded the motion. Vote to accept the motion was unanimous. Motion carried.

### **Code Administration TAC**

Commissioner Wiggins presented the report from the Code Administration TAC. (See *Code Administration Technical Advisory Committee Meeting Minutes* Attachment.)

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

Commissioner Bassett asked if the vice chair of a TAC must be a Commissioner.

Mr. Dixon responded stating any designated chairperson must be a Commissioner.

Commissioner Bassett then stated the Accessibility report mentioned a vice chair who was not a Commissioner.

Commissioner Browdy stated the Commission rules have no requirement at all concerning a vice chair and submitted there couldn't be a requirement that the vice chair must be a Commissioner.

Mr. Dixon responded stating there is no specific rule concerning the vice chair position then stated by past policies the rule had been observed. He then noted the rule is not binding but was the policy which had been in place.

Commissioner Browdy offered comment stating Mr. Gross is an Accessibility architect who lends a great deal of credibility to the committee and has spent a lot of time on the committee.

### **Electrical TAC**

Commissioner McCombs presented the report from the meeting of the Electrical TAC. (See *Electrical Technical Advisory Committee Meeting Minutes* Attachment.)

Commissioner Carson moved acceptance of the report. Commissioner Bassett seconded the motion. Vote to accept the motion was unanimous. Motion carried.

### **Energy TAC**

Commissioner Bassett presented the report of the Energy TAC meeting. (See *Energy Technical Advisory Committee Meeting Minutes* Attachment.) He then requested a Commission recommendation concerning bringing the ASHRA 90.1 specifics into the Florida Building Code.

Mr. Dixon stated the ASHRA 90.1 specifics would be consistent with policy established for updating the building portion of the Code.

Commissioner Carson moved acceptance of the report. Commissioner Wiggins seconded the motion. Vote to accept the motion was unanimous. Motion carried.

### **Mechanical TAC**

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

Commissioner Carson moved acceptance of the report. Commissioner Greiner seconded the motion. Vote to accept the motion was unanimous. Motion carried.

### **Fire TAC**

Commissioner D'Andrea presented the report of the Fire TAC meeting. (See *Fire Technical Advisory Committee Minutes Attachment.*)

Commissioner D'Andrea moved acceptance to adopt the TAC's report. Commissioner Corn seconded the motion. Vote to accept the motion was unanimous. Motion carried.

### **Structural TAC**

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

Commissioner Corn moved acceptance of the report. Commissioner Kim seconded the motion. Vote to accept the motion was unanimous. Motion carried.

### **Education Program Oversight Committee (POC) and TAC**

Commissioner Browdy presented the Committee report. (See *Education Technical Advisory Committee Meeting Minutes Attachment.*)

Commissioner Browdy then presented the report of the Education Program Oversight Committee meeting. (See *Education Program Oversight Committee Meeting Minutes Attachment.*)

Commissioner D'Andrea moved acceptance of the TAC and POC reports. Commissioner Wiggins seconded the motion. Vote to accept the motion was unanimous. Motion carried.

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



Commissioner Carson presented the report from the meeting of the PAPBMB POC. (See *Product Approval/Prototype Building/ Manufactured Buildings Program Oversight Committee Meeting Minutes Attachment.*)

Commissioner Carson presented the Committee product approval recommendations as follows:

NSF - Certification Agency

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

National Certified Testing Laboratories, Inc. - Test Laboratory

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

Omega Point Laboratories - Testing Laboratory

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

Miami-Dade County Building Code Compliance Office - Quality Assurance Entity

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

Omega Point Laboratories - Quality Assurance Entity

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

American Test Lab - Validation Entity

Commissioner Parrino moved acceptance of the POC recommendation. Commissioner Wiggins seconded the motion. Vote to

accept the motion was unanimous. Motion carried.

Commissioner D'Andrea moved acceptance of the Committee report. Commissioner Wiggins seconded the motion. Vote to accept the motion was unanimous.

**RECONVENE RULE HEARING ON AMENDMENT TO RULE 9B-3.047, FLORIDA BUILDING CODE**

Mr. Richmond re-opened the hearing on Rule 9B-3.047 of the Florida Building Code. He stated the Joint Administrative Procedures Committee identified two citations within changes submitted by AHCA. Mr. Richmond referenced Sections 419.4.2.10.1.1 and 419.4.2.11, on page 15, and stated Susan Stafford of the JAPC identified those changes as solely technical which she would accept without the delaying form of Notice of Change.

Commissioner Wiggins moved approval to correct Sections 419.4.2.10.1.1 and 419.4.2.11 as a technical change only. Commissioner Corn seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Mr. Blair began a review of the matrix identifying the proposed glitch amendments. (*See Comments Made to the October 2002 Version, Glitch Code Amendments of the Florida Building Code Attachment.*)

Chairman Rodriguez called for public comment.

*Mr. Madani, DCA*

Mr. Madani referenced Modification #180. He stated when the change was approved there were amendments from Miami-Dade to add language regarding TAS 202. Mr. Madani noted a review of the minutes from the Commission meeting revealed the Commission did not approve the amendments, however, the language correction was approved. He stated the language has been included throughout but noted staff requested the language be removed due to the conflicting votes.

Mr. Blair presented each amendment as it appears in the chart.

419.3.11.8, 420.3.15.3

Mr. Blair stated the amendment is a request to delete the section.

Commissioner D'Andrea moved approval of the recommendations. Wiggins seconded the motion.

Mr. Dixon stated in an earlier action March 1, 2002 had been approved by the Commission as the date for implementation of future Code changes. He stated if any changes are approved during the current meeting, it is recommended the implementation date for current Code changes be moved to July 1, 2002 as well to retain consistency.

Commissioner D'Andrea withdrew his motion.

Mr. Richmond recessed the hearing.

Commissioner Greiner moved approval for the effective date for glitches be effective July 1, 2002. Commissioner Browdy seconded the motion.

*Carrie Hebrank*

Ms. Hebrank addressed the issue of moving the glitch amendments' effective date stating the glitches are needed for use immediately. She stated delaying the glitches by another eight or nine months is not in the best interest of the industry as a whole.

Mr. Richmond offered clarification stating changes approved during this meeting trigger a Notice of Change requirement which cannot be heard at the January meeting, rather at the February meeting due to notification requirements. He stated there is then a mandatory 3-month period between the final adoption of the changes and their implementation with additional time following the Notice of Change for additional comments. Mr. Richmond continued stating July would be the earliest date for implementation.

*Joe Belcher*

Mr. Belcher offered comment stating the issue of when the changes become effective should not be weighted. He stated the issue is the content of the changes and comments over the date.

Commissioner Shaw stated the integrity of the Commission to implement a Code change effectively according to the dates that it was originally designed to be implemented is in question. He expressed opposition to the motion stating sufficient time was given for

consideration.

Commissioner Greiner responded stating there were approximately 124 Code changes with the possibility that certain items were not accurately reflected. He stated implementing inaccurate amendments simply to meet the March 1 deadline is not in the best interest of the building officials or for the contractors.

Commissioner Bassett reminded Commissioners the implementation of the Code may be delayed by approving changes but the cost of not implementing the corrective changes may be greater than a slight delay. He urged the Commission to consider the best interest of the public rather than the date of implementation.

Mr. Blair added for clarification the Chapter 120 rule adoption process carries strict requirements. He stated there was a rule development workshop in October which was approved and requires the additional step of a rule development hearing, which is currently underway. Mr. Blair continued stating if a Commission member approves any change, it triggers a Notice of Change requirement which also carries strict time constraints.

Mr. Dixon offered further clarification stating the Florida Building Commission is guided by Chapter 120 and by Chapter 553 which adds a 45-day plus another 45-day notice period in order to amend the code. He added the rule challenge settlement agreement with the Home Builders Association also provides guidelines which requires approval for adoption of any amendment to be effective no less than three months following the date on which it was approved.

Commissioner Shaw asked what would prevent this process from being repeated in future meetings as an action to delay the implementation of the Code. He expressed great concern that this could be an ongoing process in order to delay the implementation of the Code.

Commissioner Bassett noted even if the Code is approved and implemented on the date decided by the Commission, there exists the possibility of a challenge which would delay implementation as well.

Mr. Richmond added a challenge would not create a delay under the Code development process of 553.

Chairman Rodriguez called for a vote on the motion. Vote resulted

in 10 in favor and 6 opposed. Motion failed.

Commissioner Wiggins moved approval for the implementation date to be effective June 1, 2002. Commissioner Carson seconded the motion. Vote to approve the motion resulted in 12 in favor and 5 opposed. Motion failed.

Chairman Rodriguez requested a straw poll from the building official members of the Commission to determine who would favor an extension in order to create a more accurate Code.

Commissioner D'Andrea offered comment stating part of the process of implementing an effective, accurate Code is public comment. He stated public comment provides insight on areas that may be ambiguous in terms of interpretation. Commissioner D'Andrea continued stating extending the period of time with the ability to clarify such items resulting in a more accurate Code should not be problematic.

Commissioner Wiggins offered comment stating the changes to the amendments should be considered and if approved implemented as soon as possible according to the original terms of the process.

Mr. Richmond re-opened the Rule Adoption Hearing on 9B-3.047 as noticed in the Florida Administrative Weekly, December 15, 2002 issue.

Mr. Blair then presented the first proposed change submitted by Joe Belcher.

#### CHAPTER 4, SPECIAL OCCUPANCY

##### 419.3.11.8; 420.3.15.3

Commissioner D'Andrea moved approval of the proposed changes. Commissioner Wiggins seconded the motion. Vote to approve the motion resulted in 13 in favor and 4 opposed. Motion passed.

##### 424.1.6.1.3

Mr. Blair presented the proposed change stating the change concerned public swimming pools.

Mr. Modani stated the proposed change was not part of the glitch Code amendments and no action is required.

424.2.6.6.3

Mr. Blair presented the proposed change from Commissioner Greiner which requests reformatting Section 424.2.6.6.3.

Commissioner Greiner noted the proposed change is strictly a translation error which was approved during the last meeting as cited on page 59 of the October meeting minutes.

Commissioner Greiner then moved approval of the proposed change. Commissioner Corn seconded the motion. Vote to approve the motion was unanimous. Motion carried.

424.2.17.1.15(1)

Mr. Blair stated the proposed change requests either requiring all safety barriers meet the strength requirements of “the mesh safety barrier.”

Commissioner Greiner stated the proposed change addresses a valid issue. He stated his interpretation was that the mesh safety barrier was referring to only child safety barriers and no other mesh. He further stated if left as it is worded, it could apply to the mesh in a screened room.

Commissioner Greiner entered a motion to approve the proposed change subject to adding the word “child” between “mesh” and “safety” to read: “the mesh child safety barrier.” Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

CHAPTER 10, MEANS OF EGRESS

1004.1.2

Mr. Blair presented the proposed change stating the change requests adding a comma between “guest room” and “guest suite.” He stated the changed is considered editorial. No action is required.

Commissioner Bassett expressed concern with the wording of 424.2.17.1.15(1) which was previously approved. He stated the word “mesh” should be eliminated according to the specific request of the proponent of the proposed change.

Commissioner Greiner accepted the suggestion as a friendly amendment and the word “mesh” was removed. The amended wording reads: “the child safety barrier.”

Commissioner Greiner moved to reconsider 424.2.17.1.15(1). Commissioner Sanidas seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Greiner then moved to approve the amended wording for the approved as amended proposed change to 424.2.17.15(1) removing the word “mesh” and leaving the word “child.” Commissioner Browdy seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#### 1005.4.5

Mr. Blair presented the proposed change which requests adding a cross reference to s.1626.

No action to approve.

#### 1012.1.3

Mr. Blair stated the proposed change requests adding a fourth exception to the section and suggesting reformatting the Table in exception 2 which poses a conflict.

No action to approve.

### CHAPTER 13, ENERGY EFFICIENCY CODE FOR BUILDING CONSTRUCTION

#### Appendix B

Mr. Blair presented the proposed change which requests that all references to 2001 ASHRAE Handbook of Fundamentals be consistent.

Commissioner Sanidas moved approval of the proposed change. Commissioner Bassett seconded the motion. Vote to approve the motion was unanimous. Motion carried.

### CHAPTER 15, ROOFS AND ROOF STRUCTURES

1507.3.9.2

Mr. Blair presented the proposed change stating it requests a reconsideration of the Code change to the section with regard to lining roof valleys.

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

CHAPTER 16, STRUCTURAL LOADS

1609.4.3

Mr. Blair stated the proposed change cites a contradiction with regard to the allowable stress by materials standards for hurricane protection shutters.

Commissioner Kim stated the issue was discussed during the October meeting. He stated the issue had been considered and did not require further consideration by the Commission.

No action to approve.

CHAPTER 17, STRUCTURAL TESTS AND INSPECTIONS

1707.4.3.1

Mr. Blair presented the proposed change requesting text replacement.

Commissioner Gonzalez moved approval of the proposed change. Commissioner Wiggins seconded the motion. Vote to approve the motion was unanimous. Motion carried.

CHAPTER 31, SPECIAL CONSTRUCTION

3107.4.2

No action necessary.

CHAPTER 34, EXISTING BUILDINGS



3401.8.2.3

No action necessary.

3401.8.3.2(b)

Mr. Blair presented the proposed change stating the change requests deleting exception which exempts replacement of up to 25% of the glazing from the opening protection.

Commissioner Gonzalez moved approval of the proposed change subject to additional language stating the exception would “apply at the option of the authority having jurisdiction in the high velocity hurricane zone.” D’Andrea seconded the motion.

Mr. Dixon requested that Commissioner Gonzalez submit his amended language in writing to staff for accuracy.

Mr. Richmond stated in light of a modification by the public being further amended the financial analysis must be considered.

Commissioner Gonzalez stated there would be no additional economic impact.

Chairman Rodriguez called for a vote to approve the motion. Vote to approve the motion resulted in 10 in favor and 6 opposed. Motion failed.

CHAPTER 4, VENTILATION

403.2 Exception 2

Mr. Blair stated the proposed change requests revision of exception 2.

*Mr. Glenn, Proponent*

Mr. Glenn explained his proposed change stating it would exempt 1 and 2 family dwellings from the mechanical ventilation garage requirement.

*Pete Quintela, Miami-Dade Office of Code Compliance*

Mr. Quintela stated there are two issues. He explained the first issue, 403.2 Exception 2, concerns outside air ventilation to a home which the Commission has already considered and approved. Mr. Quintela then stated the second issue, 403.3, if approved would eliminate the requirement for outside air for the home.

Commissioner Carson asked if the appropriate TACs would be reviewing the proposed changes.

Mr. Modani responded stating the TACs have not reviewed the comments due to time constraints.

No action to approve.

#### 403.3

Commissioner Wiggins moved approval of the proposed change. Commissioner D'Andrea seconded the motion. Vote to approve resulted in 14 in favor and 4 opposed. Motion carried.

### CHAPTER 5, EXHAUST SYSTEMS

#### 507.13.3

Mr. Blair presented the proposed change stating the request for editorial correction was submitted by staff.

Commissioner Corn moved approval of the proposed change. Commissioner Greiner seconded the motion. Vote to approve resulted in 1 opposed (Shaw).

### CHAPTER 6, DUCT SYSTEMS

#### 604.1

Mr. Blair presented the proposed change stating the change requests an exception be provided for Group R-3 from balanced air return.

Commissioner Sanidas moved approval of the proposed change. Commissioner Browdy seconded the motion.

Commissioner Bassett expressed concern stating if the change is passed it would be a disservice to the public. He continued stating non-

balanced return introduces mold and fungus in the home.

Mr. Modani stated there is an additional proposal from the committee on the issue. He explained

*Pete Quintela, Miami-Dade Office of Code Compliance*

Mr. Quintela stated the committee had worked diligently to reach a compromise proposal to submit. He stated the proposed change is a consensus to comply.

*Jack Glenn, Proponent*

Mr. Glenn stated there is no scientific evidence indicating that a building which complies with the current Code produces mold and mildew. He continued stating all of the mold and mildew litigation currently being considered is due to construction defects. He further stated the Code does not currently require balanced air.

*Phillip Simmons,*

Mr. Simmons expressed opposition to Mr. Glenn stating in Tampa the mold and mildew issue is currently being investigated. He stated classes are being offered for certification. Mr. Simmons urged the Commission to approve the Mechanical TAC's recommendation regarding the issue.

Commissioner Patterson stated the proposed modification was submitted by the City of Orlando's Chief Mechanical Inspector, Donnie Pittman relating to proposed modification 149 providing a way of balancing a residential home. She continued stating the industry as well as inspectors and building officials worked very diligently to develop a solution. She urged the Commission to approve modification 149 requiring balanced air instead of the proposed exception submitted by Mr. Glenn.

Chairman Rodriguez called for a vote on the motion. Vote to approve the motion resulted in 12 in favor and 6 opposed. Motion failed.

#### Proposed Modification 149

Commissioner Bassett moved approval of the amendment. Commissioner Wiggins seconded the motion.

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

#### CHAPTER 4, FIXTURES, FAUCETS AND FIXTURE FITTINGS

##### 403.1

Mr. Blair presented the proposed amendment.

No action to approve.

#### CHAPTER 10, TRAPS, INTERCEPTORS AND SEPARATORS

##### 1003.3.5.3

No action necessary.

#### CHAPTER 17, STRUCTURAL TESTS AND INSPECTIONS

##### 1707.4.3

Mr. Modani brought the amendment before the Commission to correct action from the October meeting. He stated staff recommends removing the language with reference to the high velocity hurricane zone from s.1707.4.3.

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

Commissioner D'Andrea moved approval to proceed with rule adoption for Rule 9B-3.047. Commissioner Browdy seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Chairman Rodriguez stated the changes have been approved and the Public should be informed as to when the changes will be in effect. He stated staff had recommended July because of the Code cycles. He then called for a recommendation from the Commission for a proposed date.

Commissioner Browdy moved approval of June 30, 2003 as the effective date for changes to be implemented. Commissioner Greiner seconded the motion. Vote to approve the motion resulted in 1 opposed (Shaw). Motion carried.

**PUBLIC COMMENT**

Chairman Rodriguez called for public comment.

*Jack Glenn*

Mr. Glenn stressed the importance of completing the commentary as soon as possible stating it is an important tool for the interpretation of the Code. He then stated there is need for correlating committees due to problems that occurred during the last cycle. He concluded his comments by commending BOAF for their website stating they are providing a tremendous service for the industry.

*Joel Rosenblatt, P. E., Munroe County*

Mr. Rosenblatt recommended adding a section in item 9 to the list of exceptions in Section 1606.1.1, Determination of Wind Forces. He stated his proposal would not be a change because the section already exists in Section 3109.9.2.1.3 providing all criteria for the design of breakaway walls.

Mr. Dixon suggested Mr. Rosenblatt confer with Mr. Modani to discuss submitting the proposal.

*Martha Harbin, National Fire Protection Association*

Ms. Harbin stated NFPA 5000 has been completed in September and is now available in hard copy and online. She urged the Commission to consider NFPA 5000 when undertaking a review and update of the Florida Building Code. She submitted a number of brochures to staff for availability to the Commission for review.

**REVIEW COMMITTEE ASSIGNMENTS AND ISSUES FOR COMMISSION'S JANUARY MEETING**

Mr. Blair conducted a review of the January 2003 meeting's issues and committee assignments. Open discussion ensued regarding TAC and committee meetings and workshop requests.

Commissioner Patterson stated the special occupancy issue concerning fire wrap had been addressed by the Special Occupancy TAC but was never presented to the Mechanical TAC and the issue effects the

Mechanical Code. She requested that all issues which may involve more than one TAC be submitted to all TACs concerned.

Mr. Dixon stated it is intended for all TACs involved to see relevant issues then noted a recommendation from only one TAC is preferred.

Commissioner Shaw noted after reviewing all the amendments which were just approved, he identified none as meeting the glitch criteria the Commission had established. He expressed concern regarding the approval of items that have never been submitted to the appropriate TACs.

Chairman Rodriguez concurred then stated some of the issues were brought by proponents from the public. He noted this was the first amendment cycle and much is to be learned from the experience.

Mr. Dixon added he would revise the Option 2 July implementation dates and will attempt to establish the process as it was originally intended and avoid the three-step process that results in the absence of TAC review noted by Commissioner Shaw .

### **SUMMARY AND REVIEW MEETING WORK PRODUCTS**

Chairman Rodriguez stated the Commission had decided on the Chair discussion item and conducted a rule hearing on 9B-74, 9B-3.053, 9B-3.047, and conducted a rule development workshop on 9B-72. He stated Accessibility Waiver Applications had been decided as well as policies for existing rehab standards and the first update of the Florida Building Code. He continued stating the Commission had decided on policy for the Building Code Training Program and other policy recommendations to add to the report to the Legislature. Chairman Rodriguez noted a presentation had been heard by St. John's Water Management District and had decided on legal staff's discussion issues and recommendations. He further stated the Commission had decided on requests for declaratory statements as well as Accessibility, Code Administration, Electrical, Energy, Fire, Mechanical, and Structural TAC reports as well as the Education and Product Approval/Prototype Buildings/Manufactured Buildings POC reports and recommendations. Chairman Rodriguez stated public comment had been heard, and the Commission had reviewed committee assignments and issues for the next Commission meeting.

**ADJOURN**

No further business discussed, meeting adjourned at 1:45 pm.