

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

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JEB BUSH
Governor

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Secretary

**BOARD MEETING
OF THE
FLORIDA BUILDING COMMISSION**

PLENARY SESSION

September 24, 2002

PENDING APPROVAL

The meeting of the Florida Building Commission was called to order by Chairman Raul Rodriguez at 8:00a.m. on Tuesday, September 24, 2002, at the Rosen Plaza Hotel, Orlando, Florida.

COMMISSIONERS PRESENT:

Raul L. Rodriguez, A1A, Chairman
Dan Shaw
Peggy Patterson
Hamid Bahadori
Michael Mc Combs

Ed Carson

Suzanne Marshall

Steven Bassett

Doug Murdock, Adjunct Member

COMMISSIONERS

ABSENT:

Leonard Lipka

Diana Richardson

Craig Parrino
Herminio Gonzalez
George Wiggins
John Calpini
Christ Sanidas
Karl Thorne

OTHERS

PRESENT:

Nick D' Andrea

Rick Dixon,

Executive Director

Richard Browdy

Jim

Richmond, Legal Advisor

Stephen Corn

Jeff Blair,

FCRC

Dale Greiner

Ila Jones,

DCA

Paul Kidwell
Do Y. Kim

WELCOME AGENDA REVIEW AND APPROVAL

Chairman Rodriguez began with a brief comment regarding the meeting's agenda. He stated during the meeting the Commission would discuss proposed amendments to the Prototype Buildings Rule and Private Inspection Forms. He continued stating the Commission would discuss a draft transition plan for base Code upgrades. He then directed the Commission to Mr. Blair for an outline of the meeting's agenda.

Mr. Blair conducted a brief outline of the meeting's agenda as presented.

Commissioner D'Andrea moved approval of the agenda. Commissioner Browdy seconded the motion.

Commissioner Bassett noted there was no time allotted for Commissioners to ask questions and requested it be added to the agenda.

Mr. Blair noted Commissioner Bassett's request and stated time for Commission comments would be added to the transition plan discussion.

Vote to approve the agenda as amended was unanimous. Motion carried.

REVIEW AND APPROVAL OF AUGUST 14, 2002 MEETING **MINUTES**

Commissioner Wiggins moved approval of the August 14, 2002 Commission meeting minutes. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

REVIEW AND UPDATE OF COMMISSION WORKPLAN

Mr. Blair conducted a brief overview of the Commission's workplan. He stated any committee, TAC or POC, that would be making a recommendation requiring a Legislative change must submit the recommendation to the Commission during the October meeting in order to include the draft into the report to the Legislature. He stressed the importance of submitting the recommendations at the next meeting in order to avoid waiting another year.

Mr. Blair then addressed the items on the workplan which are being modified. The updated workplan was provided to each Commissioner in their agenda packets.

Commissioner Wiggins asked if the last additional item was mandated Legislatively.

Mr. Blair responded it was not mandated but is Legislatively authorized.

Commissioner Bassett asked if the Commission had voted on whether the Code will go to the International Building Code.

Mr. Blair responded there would be discussion on that issue during the meeting.

Chairman Rodriguez offered clarification stating the full Commission would have the opportunity to vote on the transition.

Mr. Blair continued and presented the Commission's proposed 2003 meeting schedule. (See *2003 Proposed Commission Calendar Attachment*.)

Mr. Dixon noted the May meeting is scheduled the Monday following Mother's Day and suggested the meeting date be moved back.

Commissioner Shaw asked if all the meetings will be held in Orlando or if the schedule will reflect otherwise.

Mr. Dixon responded the only meeting which is generally held in a different location is in conjunction with the Building Official's Association Conference. He stated in 2003 the conference will be held in June and the schedule could not be established to include the conference and the time needed for rule making and Code amendments.

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

CHAIR'S DISCUSSION ISSUES AND RECOMMENDATIONS

Chairman Rodriguez announced the Rule Development Workshop for Amendments to Prototype Building Rule 9B-74 will be held September 30th at 1:00 p.m. He also stated the Workshop to Establish Forms for Private Inspection, 9B-3, will be held the same day at 1:30 p.m. He then stated both workshops would be held in Room 310M at the Department of Community Affairs Sadowski Building in Tallahassee.

Chairman Rodriguez then sought the Commission's preference for printing the 2003 amendments to the Florida Building Code. He stated there are two options: 1) to use replacement pages, or 2) to use a supplement. He then directed the Commission to Mr. Madani for staff's recommendation on the format.

Mr. Madani addressed the Commission regarding printing the amendments to the Code. He stated staff's recommendation for printing a supplement rather than replacement pages. He noted the reason is due to complaints regarding the efficiency and availability of replacement pages. He then stated the supplement would be provided as a hard copy to everyone.

Commissioner Greiner requested clarification regarding the nature of the complaints about replacement pages. He expressed concern regarding a supplement stating there would be two separate books. He expressed his preference toward replacement pages because there is only one book for reference.

Mr. Madani responded many people did not incorporate the replacement pages into their Code book, resulting in confusion for people trying to make decisions on outdated regulations. He then stated some people expressed frustration because they had to remove the old pages and insert the replacement pages. He continued stating the supplement is also the common practice of national code organizations.

Commissioner Bassett concurred with Commissioner Greiner's comment. He stated replacement pages should be issued. He further noted the same people who didn't receive the previous replacement pages probably wouldn't receive the supplement, either. He stated his experience in preparing and revising documents is that the most successful changes have been provided through issuing replacement pages.

Commissioner Kidwell also expressed support for printing the replacement pages.

Commissioner Shaw stated he would prefer replacement pages and he envisions replacement pages eventually being available on the Internet to download and print for insertion into the Code book.

Commissioner D'Andrea asked if the supplement would be a bound copy that cannot be taken apart.

Mr. Madani replied the supplement would be a bound copy similar to the supplements provided at the national level.

Commissioner Sanidas stated the reason for using supplements at the national level was because the supplements are not part of the Code. He stated at the time the supplements became part of the Code, replacement pages were provided or the publication was reproduced completely.

Commissioner Patterson asked if the supplement and/or the replacement pages could be printed in a different color so it would be obvious they were not part of the original Code. She also asked if the supplement or replacement pages would be available on CD-ROM for those who are not Internet savvy.

Mr. Madani replied colors would be agreeable.

Commissioner Greiner moved approval of printing insert pages in a color selected by staff, that are also available on the Internet and CD-ROM. Commissioner Corn seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Chairman Rodriguez addressed the Commission concerning assignments for the Code Administration TAC. He stated standards and criteria needed to be established for foundation permits and other specialty permits. He noted it is a requirement from CS/CS/SB, which is the Committee substitute for Senate Bill 336 and 180. 2001. He then stated the next assignment is workplan item HH, which is appeals procedures. He stated it needs to be reviewed and decided whether Code changes are needed.

Chairman Rodriguez then stated there are issues which require RFPs as well as administrative function issues that require Commission action in order to complete the tasks on schedule. He stated the Commission can direct staff to prepare the RFPs and select appropriate contractors.

Chairman Rodriguez stated the first RFP is for Voluntary Accreditation Standards for building department project workplan FF, which is the assignment of project oversight to the Code Administration TAC. He furthered by stating the second RFP is for Assistance for Development in Building Code Commentary under workplan EE, which is an assignment of project oversight to all TACs. He then addressed the third RFP stating it would be for Code Comparison Analysis for the 2004 Code amendment cycle.

Commissioner Corn moved approval of the RFPs with additional approval for DCA to select the contractor. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Chairman Rodriguez opened discussion regarding workplan additional task 6, which is a review and implementation of alternative plans review and inspection system, and report to the 2003 Legislature. He posed whether the Commission should recommend to the Legislature the reporting date be moved to 2004 to allow more time for evaluation, or to proceed and issue an RFP to hire a contractor to conduct an evaluation.

Mr. Dixon added staff is concerned because the implementation date for the private inspection option is October 1, 2002, so there would not be sufficient time for its integration into the building construction permitting practices to develop an adequate assessment to report back to the Legislature. He stated the Legislature probably would not have a problem with changing the date with the understanding that it hasn't been in place long enough to give it a fair hearing.

Commissioner Kidwell moved recommendation to the Legislature to move the date for the implementation of the private inspection option. Commissioner Corn seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Chairman Rodriguez then directed the Commission to Mr. Dixon for explanation regarding BOAF/FBC Advisory Opinion System and Contractor Selection from RFP for technical support, workplan task CC-2 and additional task 5.

Mr. Dixon stated BOAF is currently operating the Advisory Opinion System and Contractor Selection is working. He stated there was an RFP issued for providing assistance in developing the advisory opinions. He continued stating a DCA committee had reviewed two proposals and determined only one was responsive to the RFP. Therefore; the RFP will be reissued to comply with state purchasing rules.

Chairman Rodriguez offered clarification stating the goal is for all TACs to utilize BOAF advisory opinions as input when working on declaratory statements. He then directed the Commission to Mr. Richmond for a report on discussions with interested parties regarding the necessity for rules delineating specific needs criteria, workplan additional task 1.

Mr. Richmond addressed the Commission stating last year the Code Administration TAC had been charged by the Legislature to determine a list of specific needs for which local amendments could be adopted. He stated it had gone back to the Legislature in the report and it was noted in the TAC proceedings the exceptional foresight necessary to anticipate all the needs which could be encountered throughout the state. He continued stating through discussions at the Legislature it was noted that "pigeon-holing" the needs was not the concern of those effected and local governments should not be limited by designation of what the needs are, rather, the need should be confirmed and demonstrated. Mr. Richmond stated the local amendment section, with the agreement of the Association of Counties and the League of Cities, was amended to establish a process for the adoption of local amendments and to clarify that process. He then noted no rule adoption authority had been given to the Commission to address those specific needs and recommended the item should be removed from the workplan.

Mr. Blair reminded the Commission during the discussion regarding the updated workplan, it had been decided to remove the item from the workplan.

Chairman Rodriguez opened discussion regarding the transfer of the education programs to DBPR. He noted there had been a meeting on September 11 between DBPR and DCA to discuss the transition and the discussion result was inconclusive, so the issue would be coming back to the Commission for action.

Chairman Rodriguez then reminded the Commission all of the proposed amendments would be addressed during the October meeting, which will result in a multi-day session for the Commission. He stated the 2004 Code amendment cycle is tentatively scheduled to begin following February 28, 2003, for proposed amendments.

He then reminded the TACs they must consider the amendments in April 2003 for the Commission to then address them during the July 2003 meeting. Chairman Rodriguez noted during the amendment cycle, the Commission should anticipate changes beyond glitch fixes necessary to keep the Code up-to-date.

Chairman Rodriguez stated there is a Building Commission/BOAF joint project on Voluntary Standards for Building Department Accreditation and there is need for a volunteer to represent the Commission and work with BOAF. He announced Adjunct Commission Murdock had volunteered and requested one more member of the Commission. Commissioner Sanidas then volunteered for the project.

DISCUSSION AND PUBLIC COMMENT ON AMENDMENT TO RULE 9B-74, PROTOTYPE BUILDINGS

Chairman Rodriguez called for public comment on Rule 9B-74, Prototype Buildings. No one approached for public comment. He then opened for Commission discussion. There was no discussion from the Commission.

DISCUSSION AND PUBLIC COMMENT ON AMENDMENT TO RULE 9B-3, PRIVATE INSPECTION FORMS

Chairman Rodriguez called for public comment on Rule 9B-3, Private Inspection Forms. No one approached for public comment. He then opened for Commission discussion.

Commissioner Wiggins stated one of his staff members suggested including a space for the inspector to list his state certification number and any other certifications held in terms of a private provider.

Commissioner Greiner referenced Tab 4 stating there is a space for Florida registration or certificate number.

Commissioner Wiggins recommended adding the category which their license serves.

Commissioner Kidwell requested clarification regarding the category to which Commissioner Wiggins referred.

Commissioner Wiggins responded if their licensed as a building inspector or an electrical inspector, or any other category, they would specify that along with their license or certification number.

WORKSTYLE PREFERENCE EXERCISE

Mr. Blair conducted an exercise in discussing workstyle preferences. The Commissioners were asked to identify their workstyle preferences based on personality type. The results of the exercise will be recorded and evaluated for meeting efficiency.

CONSIDERATION OF ACCESSIBILITY WAIVER APPLICATIONS

Mr. Mellick opened discussion concerning the four waiver applications which were submitted for Commission action.

#1 Primrose School

Mr. Mellick stated the waiver concerned two specific requests. He presented the first waiver request stating it addresses the heights of water closets, lavatories, mirrors, grab bars, etc. He explained the first request and stated the Council's recommendation is to approve the request in favor of the children's accessibility heights from ADAG for facilities specific to children.

Commissioner Thorne moved approval of the Council's recommendation to grant the first part of the request for waiver. Commissioner Browdy seconded the motion.

Commissioner Shaw asked if children's criteria have now been approved for standards for requirement.

Mr. Mellick replied it is still pending but has been brought forward in the new guidelines but has to be approved in that process before becoming an official chapter of the guidelines.

Vote to approve the motion was unanimous. Motion carried.

Mr. Mellick then presented the second part of the waiver request stating the request is to move the lavatories out of the children's restrooms in those specifically for children under the age of five and allow the lavatory to be outside the restroom. He stated there was much discussion and the Council recommended to deny the request to move the lavatories outside the restrooms due to lack of hardship and lack of equivalent facilitation.

Commissioner D'Andrea moved to deny the second part of the waiver request. Commissioner Thorne seconded the motion.

Commissioner Shaw suggested there may have been a reason beneficial to the student for moving the lavatories outside the restroom, such as handwashing and other tasks. He then asked if that was part of the reason.

Mr. Mellick responded that was correct stating, however, a person to monitor those children either at the door or inside with the children is required so there was not enough hardship to move the lavatory outside. He continued stating the intent of the lavatory inside was for private cleaning such as is necessary in the event of an accident and the Council felt the requirement was not met by moving the lavatory outside. He noted the applicant stated they would make any necessary changes in order to move the lavatories but the Council felt the Code is specific and does not have authority to make exceptions.

Commissioner Shaw asked for Commissioner Marshall's comment.

Commissioner Marshall stated the schools traditionally have placed the lavatories outside because of the instruction necessary to teach children in the younger grades to wash their hands. She added above grade three, lavatories are placed inside. Commissioner Marshall stated these placements were primarily prior to accessibility requirements.

Debbie Ustis, Representing Primrose Schools

Ms. Ustis stated there was extensive discussion regarding the issue in trying to find alternatives for resolve. She continued stating she had recently learned of a requirement for licensing that either a portable or permanent bath facility for bathing children be implemented. She then stated they would implement the use of a portable bath facility for clean-up if it would alleviate concerns about the issue.

Mr. Mellick requested clarification regarding the portable facility.

Ms. Ustis responded the requirement stated portable or permanent and stated in this case they would provide a portable unit to move it to whatever restroom it would be needed.

Mr. Mellick then stated the portable alternative was not presented during Council discussion and commented the portable may meet the intent for providing private clean-up.

Ms. Ustis then expressed concern regarding the difficulty in finding a functional solution to the issue. She asked if it would be appropriate to withdraw the second request due to the request for waiver referring to Chapter 417. She stated the issue at hand falls under Chapter 422, Toilet Rooms, as opposed to Toilet Stalls.

Chairman Rodriguez called for a vote on the motion.

Motion failed.

Commissioner Shaw moved approval of the waiver based on the new information presented. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

#2 The Cost of Wisconsin Mini Golf Course

Mr. Mellick presented the request for waiver for providing accessibility to all 36 holes. He explained the request and stated the Council recommended denial based on lack of financial hardship as well as lack of equivalent facilitation.

David Petersen, Representing Construction Company for Cost of Wisconsin

Mr. Petersen stated his client was seeking waiver to providing accessibility to 100% of the holes. (See *Untitled Yellow-Highlighted Diagram Attachment*.) Mr. Petersen stated in order to provide the dramatic elevation changes his client needs in order to compete with other courses in the area, providing accessibility to all holes is impractical and not feasible in terms of the size of the property.

Mr. Long stated there are two courses that are not equal at issue.

Commissioner Greiner stated he did not see any comment from the local building official from the jurisdiction. He then asked if the applicant had reviewed the issue with a building official.

Mr. Petersen responded the issue had not been reviewed with a building official due to engineers or architects not being involved at this time.

Commissioner Greiner then asked if the applicant is still in concept stage.

Mr. Petersen responded stated they were beyond concept awaiting approval from the owner to take forward for approval by all parties.

Mr. Sheiber added they had decided to feature two separate courses featuring two distinct themes. He stated one course is a volcano course and the other is a water course. He added there are varying degrees of difficulty on each course with a variety of obstacles.

Mr. Mellick stated if they are truly two distinct, separate courses, then as provided by the new guidelines, 50% of each course needs to comply.

Commissioner Shaw offered comment stating infeasibility may be an issue. He stated he had played miniature golf courses and could not see how it might be possible to provide accessibility to all levels of a course.

Mr. Long stated in the past, there have been applicants who have installed a lift to areas such as the volcano area in the course at issue.

Commissioner Kidwell asked if there had been a comparison of the course which had been presented before the Commission previously and what the criteria was for approval.

Mr. Richmond addressed the issue stating no individual waiver serves as a precedent for future waivers.

Mr. Mellick stated there were two cases before the Commission previously. He continued explaining one request was a volcano course and in the hearing, the volcano course was originally denied then approved when the applicant brought before the Commission additional areas for providing accessibility.

Mr. Petersen added he was before the Commission in August 2001 with an application from the same owner with a similar course and requested to read a letter from the Commission concerning the request for waiver. He stated the letter states the Commission would grant the waiver provided 18 holes out of the 36 are accessible.

Commissioner Sanidas moved in favor of the Council's recommendation to deny the waiver request. Commissioner Patterson seconded the motion. Vote to approve the motion resulted in a unanimously opposed vote. Motion failed.

Commissioner Kidwell stated he would like to see consistency in the Commission's rulings provided the requirements have not changed in the meantime. He then moved the issue be tabled until the next Commission meeting in order to obtain additional information. Commissioner Greiner seconded the motion.

Mr. Long stated if there was a mistake made in the Commission action for the previous request, he would like to avoid making the same mistake again. He restated his opinion of the separate but not equal courses at issue.

Mr. Petersen added it is an opinion that there are two separate and unequal courses further stating there are still 18 holes that provide accessibility.

Chairman Rodriguez offered clarification stating the issue is that neither course is 50% accessible, rather, one entire course is 100% accessible and the other course provides no accessibility. He added Mr. Long's point is that it would be better policy, and what the guidelines require, is for 50% of the holes on both courses be accessible.

Mr. Long expressed strong disagreement stating there is a civil rights violation by discrimination if there are two separate courses allowing an individual to play one entire course without having any interaction with a person with disabilities.

Vote to approve the motion to table the request resulted in 10 in favor and 9 opposed. Motion carried.

Mr. Petersen requested clarification concerning what the Commission is looking for during the next consideration.

Mr. Richmond responded he has asked staff to pull the applications and orders on the previous three to five miniature golf course actions as well as any change in the requirement.

Mr. Long added under current Florida statute, all the holes are to be accessible. He stated in an attempt to provide flexibility, the Council would like to see flexibility on the side of the applicant as well.

Chairman Rodriguez added the other extreme is where ramps and stairs are concerned. He stated there is no desire to outlaw stairs and stressed that the point Mr. Long makes is very important.

Mr. Petersen then stated while change is good and needs to occur, the majority of the courses in the area as well as throughout the state do not provide accessibility. He added it doesn't make it right, however, it becomes a challenge when designing courses to compete with others.

Chairman Rodriguez stated it is fair to say that in order to make all courses 100% accessible, the excitement of the changing grades would be significantly reduced, or the cost of providing mechanical means for accessibility would be high. He urged the applicant to reconsider the separateness of the courses.

#3 The Old Cutler Presbyterian Church Family Activity Center

Mr. Mellick presented the waiver request to waive requiring accessibility to every level of the auditorium seating. He explained the applicant's compliance in all areas of accessibility requirements and stated the Council's recommendation was to approve the request based on the new plans which had been submitted.

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

Mr. Long stated the applicant voluntarily agreed to install movable arms on the end caps so senior citizens or disables persons could have easier access to the seats.

#4 Live Oak Group Architectural Office

Mr. Mellick presented the request for waiver stating the request falls into the changes by House Bill 1307 and 20% disproportionate cost. He explained the costs associated with the requirements and stated the Council's recommendation was to approve the waiver based on the new plans submitted and with the understanding the shaft for vertical lift would be installed and within four years the vertical lift would be installed.

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

Mr. Richmond offered a brief legal report stating the rule challenge regarding swimming pool safety alarms is set for hearing October 1, 2002 in Tallahassee. He stated he had received an offer to resolve the challenge. He continued stating the challenger, the Pool & Spa Association, has requested that battery powered alarms be allowed in all construction, new and existing, resulting in a concession to their challenge. He then noted the rule currently requires hard-wired or plug-in alarms for all construction, new and existing, as an alternative means of compliance with Senator Washerman-Schultz's Pool Safety Act.

Mr. Richmond stated Mr. Bragg has argued the accessibility waiver case which was appealed, Charles Bray & Associates. He explained there may be an opinion prepared by October, however, more likely in December. He then noted many of the declaratory statements have recently been placed on the website.

Mr. Hickey presented an overview of the Florida Building Code staff including technical assistance and administrative staff; training, workshops, and conferences; product approval system presentations; the Building Code Information System; and continuing education credit issues through an overhead presentation.

Commissioner Sanidas asked if the cost for product approval had been discussed.

Mr. Hickey responded it is \$300 per type.

BREAK

Chairman Rodriguez called for a five-minute break.

REVIEW OF OCTOBER MEETING PROCESS FOR CONSIDERING CODE AMENDMENTS

Chairman Rodriguez reminded the Commission the Code Amendments will be coming up in October. He then directed the Commission to Mr. Blair for a review of the Code Amendment Process.

Mr. Blair stated staff had developed a tracking chart of the amendments and presented a brief overview of the chart. He then proposed the amendment process to be conducted with the following issues considered: 1) a consent agenda including only those issues receiving 75% favorable recommendation from the TACs, hear public comment as well as Commission discussion, request Commission action; and 2) a discussion agenda including the remaining modifications as well as the modifications pulled by Commission members, hear public comment on each modification, hear Commission discussion, request Commission action. Mr. Blair recommended the Commission direct staff to formulate a standing motion to approve with findings of fact related to fiscal impact and rationale, to be used on all the individual modifications, along with a specific motion for the consent agenda. He noted that procedurally, a motion to suspend the rules and create the standing motions for use at the next meeting should be entered.

Commissioner Shaw stated some issues did not receive recommendation from the TACs because they did not receive a majority vote. He then asked how those issues would be discussed.

Mr. Blair responded those issues would be on the discussion agenda, whether or not they were approved. He explained the modifications which received TAC approval would be considered as a package and all other modifications would be brought before the Commission for action.

Commissioner Shaw asked how many modifications would be brought before the Commission without TAC recommendations.

Mr. Madani responded the number of modifications without TAC approval is larger than those that received approval. He stated many of them have received affirmative recommendations, and that some of them are Code changes the TAC could not consider because of the criteria for the glitch amendments.

Commissioner Corn requested the votes on the recommended modifications be included in the information provided to each Commissioner as well as whether the modifications which were denied because of Code changes could be placed on a consent agenda to disapprove.

Mr. Blair stated the denied modifications could not be placed on a consent agenda but affirmed the reasons for the denial would be provided to each Commissioner.

Mr. Madani added a package containing all the Code changes received as well as the TAC actions will be mailed to each Commissioner within two weeks.

Commissioner Bassett moved to suspend Robert's Rules of Order to prepare a standard motion for the amendments. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

PETITIONS FOR DECLARATORY STATEMENT

Chairman Rodriguez directed the Commission to Mr. Blair for a brief review of the adopted Declaratory Statement Process.

Mr. Blair conducted a brief review of the Declaratory Statement Process adopted by the Commission. The process was provided in each Commissioner's agenda packet.

Second Hearings

DCA02-DEC-190 by Allied Universal Corporation

Mr. Richmond first suggested if any Commissioner has concerns regarding the drafting of the individual declaratory statements to bring their concerns to his attention and he would make provisions to allow review prior to signature. He then presented the request for declaratory statement submitted by Allied Universal Corporation. He explained the petitioner requests the Commission find that sodium hydrochloride storage tanks are found exempt from the Code. Mr. Richmond stated the petitioner cited a DEP rule exempting certain tanks from DEP's regulations and asserts the exemption should also apply to the Florida Building Code. He continued stating the TAC's recommendation is the tanks are subject to the requirements of Section 308 of the Florida Building Code and that DEP's rule is not applicable to exempt the tanks from the Code.

Chairman Rodriguez called for public comment. No one approached for public comment.

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

DCA02-DEC-205 by Harrell Plumbing Inc.

Mr. Richmond explained the petitioner's request and stated the Commission recommends the pipes not be required to be insulated or heated.

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

DCA02-DEC-215 by T-Drill Industries Inc.

Mr. Richmond presented the request for declaratory statement submitted by T-Drill Industries Inc. He stated the request pertains to manufactured formed T-fittings which are identified in the International Plumbing Code 2000 Edition, Section 605.1. He explained the Florida Plumbing Code, Section 605.6, states pipe fittings shall be approved for insulation with the piping material installed and shall conform to the respective pipe standards, or one of the standards listed in Table T-605.6. Mr. Richmond stated Table T-605.6 does not list mechanically formed T-fittings in the materials column, and the Commission's recommendation is that the products are subject to the building official's discretion under 103.7.1 as alternate methods and materials.

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

DCA02-DEC-131 by Pinellas County, Florida

Mr. Richmond stated the request pertains to the elevation of electric water heaters located in garages. He explained the issue came before the Commission and was referred back to a joint meeting of the Mechanical and Plumbing Technical Advisory Committees. He stated the TAC recommended action consistent with the previous action stating that water heaters in garages are not required to be elevated 18 inches. Mr. Richmond requested a recommendation to bring a draft back before the Commission to ensure compliance with the Commission's intent.

Commissioner Shaw offered comment stating the TAC's recommendation was electric water heaters should be installed according to the manufacturer's recommendation. He continued stating if the manufacturer's recommendation required elevation, then the water heater should be elevated. He furthered most water heater manufacturer's do not require the elevation. He further stated discussion also concerned sources of ignition, which when defined to include all appliances, would include washing machines, refrigerators, freezers, and the infrared switch to trigger the garage door. He stated the automobile parked in the garage contains a starter at less than 18 inches and would be considered a source of ignition. He then explained the literal intent of the term sources of ignition leaves it to be necessary for the manufacturer to determine whether the product contains a liability, which would be consistent with Commission actions.

Commissioner Sanidas expressed concern regarding what some manufacturers consider point of ignition. He stated most manufacturers are very cautious and have been recommending installation 18 inches above. He cautioned the Commission not to consider lowering the height of installation encouraging the manufacturer's recommendation.

Commissioner Bassett expressed concern regarding the Commission delving into an area where there are appliances that the manufacturer does not direct whether they can be installed in a hazardous location.

Commissioner D'Andrea moved approval to bring the request back before the Commission during the October meeting. Commissioner Wiggins seconded the motion. Vote to approve the motion resulted in one (1) opposed (Bassett). Motion carried.

First Hearings

Mr. Richmond then directed the Commission to Mr. Madani for presentation of the first hearing requests for declaratory statements.

Mr. Madani stated DCA02-DEC-206 has been deferred for local appeal. He then stated DCA02-DEC-208 has been dismissed for non specificity to a project.

DCA02-DEC-213 by Sunguard Shade Structures, Inc.

Mr. Modani presented the request for declaratory statement submitted by Sunguard Shade Structures, Inc. stating the petitioner requests clarification with regard to Section 1619, Wind Design Requirements for Shade Structures. He stated the petitioners ask four (4) questions: 1) Can we design using the original South Florida Building Code, Miami-Dade version; if not 2) can we design with easy cover removal as part of the design criteria; if yes 3) if the cover can be removed, what wind speed should be used for designing the structure frame, 150 mph; if not 4) if the cover cannot be removed for design structural purposes, what windspeed do we use to standardize the design for a county with 4 design windspeed.

Mr. Madani explained the Committee recommendations. He stated regarding question 1, with regard to the South Florida Building Code, the answer was no, the structure should be designed in accordance with Section 1619 of the Florida Building Code. He continued stating regarding question 2, the answer was no, the Code does not provide for design exception for use with easy cover removal. Mr. Modani further stated with regard to question 3, the answer was the windspeed for Miami-Dade is 146 mph, the Code does not provide for design standard for use with easy cover removal. He then addressed question 4, stating the answer was Miami-Dade has only one windspeed, which is 146 mph, and the structure must meet that windspeed.

Chairman Rodriguez called for public comment.

Michael Riley, Miami Awning Company

Mr. Riley stated his company has been manufacturing fabric awnings for four (4) generations dating back to the 1920s. He explained he has worked with the Dade County Building Department helping them formulate the old chapter 43 in the South Florida Building Code. Mr. Riley stated the awning industry covers a wide area of products and the Code affects the industry in a variety of ways. He stated awnings should not be considered as structures, rather as appurtenances. He expressed interest in working with the Commission to formulate a new Code regarding fabric awnings which would include participation from members in the industry.

Commissioner Wiggins recommended the Commission consider making an addition to the Structural TAC's recommendation. He suggested including an additional statement, which is present in the South Florida Building Code, giving the local building official authority to accept an alternate method of compliance which could be implemented in any county not included in the South Florida Building Code. Commissioner Wiggins then moved to approve TAC recommendations with further provision authorizing local building officials to approve alternative methods.

Commissioner Parrino seconded the motion then offered support for the local building official option due to the current hardship on the industry.

Commissioner Bassett asked for an explanation of why removing a cover is not allowed.

Commissioner Parrino responded there is no explicit language in the Code. He continued stating the South Florida Building Code supplies language allowing the cover to be designed up to 75 mph and the frame designed for the full windload. Commissioner Parrino stated the Florida Building Code is silent on the issue which is placing a hardship on the industry.

Commissioner Kidwell added one of the issues raised concerning adding the language to the Florida Building Code was the provision would be less stringent than what is currently required.

Mr. Dixon referenced a question which has appeared through a declaratory statement from Hernando County scheduled for discussion in October. He stated where there is a prescribed requirement in the Code, a building official can make a determination that there is an alternative to the method to achieve the performance goal of the prescribed requirement's intent. He continued stating if the building official

determines the performance goal can be met with an alternative approach, in full compliance with windspeed requirements, then it can be applied.

Commissioner Bassett expressed frustration with the Code not allowing the cover to be removed. He stated a set of plans could be submitted showing the framework with no cover, then applying the cover after construction has been completed and a CO issued. He suggested the cases be addressed as individual rather than grouped together.

Commissioner Kim asked if allowing the building official to approve these structures under an alternative method process, would meet the intent of the Code. He stated according to staff's interpretation of the Code, the structure must meet the design windspeed requirements.

Mr. Dixon concurred with staff recommendation stating the issue becomes the configuration at which the structure complies.

Mr. Madani offered clarification stating the Code is specific. He stated the Code does not address whether the structure can be designed covered or uncovered. He explained the declaratory statement concerns a structure measuring 60' X 60' which is a very large sunshade structure and only a determination by a local building official for an alternative method would be reasonable.

Commissioner Sanidas stated the issue is not as simple as it appears when the size of the structures is considered. He stated there is no comparison between a 10' X 10' structure and one that covers 10,000 square feet. He continued stating the structures are an inexpensive way to accomplish covered square footage and reminded the Commission that when a storm develops, people generally head for cover. He further stated the structures should be set up according to the Codes that are available.

Commissioner Shaw offered comment stating the framework of the structure is an issue and asked if the Commission could allow the canvas cover to be an impertinence to the structure. He stated the consumer assumes in heavy wind the canvas will be lost if it is not removed. He continued stating the canvas does not appear to be much of a hazard in terms of damage to permanent structures or buildings. He then stated it would be more practical for the structure to meet the stringent requirements and not the canvas.

Commissioner Bassett offered a friendly amendment to consider Commissioner Wiggins statement as the answer to question number 2 rather than no, which would allow the structure to be designed with guidance from a local building official.

Commissioner Wiggins accepted the friendly amendment.

Vote to approve the motion was unanimous. Motion carried.

DCA02-DEC-226 by Robert B. Worman

Mr. Richmond presented the request for declaratory statement concerning Icyne. He stated the TAC voted to defer the request.

Mr. Madani reminded the Commission the issue was considered during the last meeting. He stated the Rodriguez' were present and brought the issue before the Commission. He continued stating the couple had been noticed to vacate the house due to isonene installed in the attic not meeting Code requirements with regard to sources of ignition.

Michael Crasso, Building Official, Oveida, Florida

Mr. Crasso introduced himself and invited questions from the Commission concerning the issue.

Commissioner Kidwell stated the committee recommended deferral based on a letter stating the manufacturer's data had not been submitted, which was what the denial was based on.

Mr. Crasso offered clarification stating the product has been approved for use, however, it has been incorrectly installed. He stated the Code clearly states it must be covered with a 3A drywall or equivalent and the owners have not complied. He added the Code states if the Icyne is installed in an attic or crawl space, it must be installed in such a manner that the foam plastic is not exposed. He stated in the Rodriguez' attic the foam plastic is exposed and thus he has not approved it.

Mr. Madani added staff had reviewed the issue and stated the request is specific to the Standard Building Code, 1997, not to the Florida Building Code. He stated upon review of the Standard Building Code, staff is clear the Code requires that a thermal barrier be provided between the living space and the attic. He continued stating if the thermal barrier is not provided, then the foam plastic must be protected, if installed in an attic, from sources of ignition. He further stated the petitioners state the house provides a 1/2" drywall which was installed in the attic between the attic and interior space which fulfills the requirement of Section 2603.3. Mr. Madani stated staff does not see a need for additional protection directly onto the isonene.

Mr. Dixon requested clarification concerning whether the attic is a conventional wood frame trussed attic or some other construction.

Mr. Crasso responded stating the attic is not and furthered he is not asking the petitioner to comply with both the general Code and the exception. He added the petitioner can comply with either section of the Code and has not complied with either.

Mr. Madani stated the petitioner has the drywall which is between the air conditioned space and the attic, which meets the thermal barrier requirements of Section 2603.3.

Mr. Crasso stated the barrier is required to be directly applied to the material. He furthered it must be installed to protect the interior of the building, not the living space.

Mr. Madani offered clarification by reading the section of the Code dealing with the issue. He read: "Foam plastic, except where otherwise provided, shall be separated from the interior of the building by an approved barrier of ½" gypsum wall board, or equivalent thermal barrier material, which will limit the average temperature rise of the..." Mr. Modani stated that is the general requirement.

Mr. Crasso responded Mr. Madani was incorrect because of the terms "interior of the building," stating it does not state living area nor exterior of the building. He explained the attic is part of the interior of the building. Mr. Crasso stated the Code clearly states the foam plastic must not be left exposed in the interior of the building.

Mr. Dixon asked if the attic is a conventional construction or something new such as metal truss system or if it is a wood and combustible attic system.

Mr. Crasso explained the Code does not specify type of construction so it applies to all, then explained the building is constructed of insulated concrete forms, which is foam plastic walls covered with drywall, with metal trusses. He continued stating the building contains a sprinkler system, not in the attic, a residential type which was installed due to the home not being close enough to a fire hydrant.

Commissioner Sanidas stated there are many unanswered questions regarding this issue. He explained if the air handler is in the attic, anything that occurs in the attic would be vented into the living quarters. He then stated there are no gypsum board or sheetrock ceilings that had not been penetrated for electrical or plumbing or whatever else needs to come through. He explained the thermal barrier has probably been penetrated so does not act as a solid thermal barrier.

Commissioner Greiner requested clarification regarding the jurisdiction in terms of whether an appeals board is available or any other board to which the request could be deferred.

Mr. Richmond offered further clarification explaining the case is a pre-Florida Building Code case. He stated the case is very unique to those the Commission typically

sees. He stated the case is pre-Florida Building Code and the building official has asked for a determination from the Commission to extend the CO, issue the CO, or refuse to issue the CO. Mr. Richmond continued stating the only remedy available to the homeowners is Circuit Court.

Commissioner Calpini asked if there is a source of ignition in the attic space.

Mr. Crasso replied he wasn't certain.

Commissioner Calpini continued stating that would be an important detail for resolving the issue. He further stated if there are no sources of ignition in the attic, there may not be an issue considering the building is sprinklered and there is a barrier in place. Commissioner Calpini then stated there may be a focus on the technical aspect of the Code which may not always be applicable.

Mr. Crasso responded stating he called SBCCI and spoke to Michael Reardon, who wrote the compliance report, and he advised the foam plastic should be covered when it is installed in the attic.

Commissioner D'Andrea referenced the NES Report, Item 3.0, it specifically states the sealant is to be used in areas such as plumbing, wire penetrations, rim joist areas, window frames, overhangs, porch, and garage ceilings. He stated a ceiling area in a garage is part of an attic area. He continued stating in 7.0 it states it must be separated from the interior of the building by an approved 15-minute thermal barrier, which 1/2" drywall would provide. He then moved approval of staff's recommendation not requiring an additional barrier. Commissioner Wiggins seconded the motion.

Commissioner Shaw asked whether the product is being protected because of a thermal loss or is it a fire issue.

Mr. Crasso explained the product is a foam plastic which needs a thermal barrier to prevent ignition. He stated it is not an insulation value issue.

Commissioner Parrino offered comment stating a vote was taken during the Structural TAC to support staff's recommendation and it failed by one (1) vote. He then offered support for the motion.

Vote to approve the motion was unanimous. Motion carried.
Lorraine Ross, Intech Consulting

Ms. Ross stated she served on the committee which dealt with the 1997 Standard Building Code Foam Plastic section as well as being an employee of Celotex Corporation which commercialized foam plastics and has been involved with the issue including fire

testing. She stated foam plastics constitute a fire hazard and even though the product's manufacturer claims the product is self-extinguishing, no foam plastic is self-extinguishing. Ms. Ross further stated the interpretation behind the attic provision in the Standard Building Code does contemplate that the thermal barrier be in contact with the foam, or very close to the foam. She then stated Mr. Crasso was correct according to the intent of the Code. She stated the manufacturer was requested to come back to the TAC next month with fire test results as well as more detail concerning manufacturer's installation instructions. She explained the issue is still unresolved in terms of the TAC, but stated from a fire protection, fire test performance criteria, the Code is very clear in stating the foam must be covered with a thermal barrier or an ignition barrier. She then stated the NES Report provided by the proponent was actually an NES Report referring to 1994 Standard Code, additionally the report references the requirement of covering the foam.

Commissioner Sanidas added the Commission voted to approve staff's recommendation but stressed the product must be properly installed.

DCA02-DEC-233 by Go Bolt, Inc.

Mr. Madani stated the staff recommended dismissal.

Mr. Richmond stated dismissal is not legally appropriate and recommended the question be answered consistent with declaratory statement 075. He then called for a motion from the Commission.

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

DCA02-DEC-235 by Wilson Window Glass & Mirror

Mr. Madani stated the petitioner requests clarification regarding enclosing an existing screened porch or lanai with sliding glass panel or windows. He stated the petitioner asks the following question: Is additional impact protection required on the new windows or panels as per Section 1606.1.6 of the Florida Building Code? Mr. Madani explained the TAC's recommendation stated when an existing screened porch or lanai is being enclosed with glass panels or windows, which changes the structural characteristic of the space making it a dwelling room. He continued stating with regard to Section 3401.7.2.2 of the Florida Building Code, which deals with existing structures, the proposed alteration is considered a major structural alteration and is required to comply with the requirements of the Florida Building Code for new building structures. He further stated the design of an enclosed lanai would be required to meet the structural design requirements of Chapter 16. Mr. Modani stated with regard to the design in windborne

debris region, the enclosed lanai will be required to be designed either as partially enclosed or as enclosed and will be required to meet the requirements of Chapter 16.

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

DCA02-DEC-236 by AAA Roofing Corp.

Mr. Madani stated no action was taken and the request was deferred because it was not specific to a project.

DCA02-DEC-240 by Royal Concept 2000

Mr. Madani stated no action was taken and the request was deferred for further legal administrative proceeding.

Mr. Richmond stated a representative of the interveners was present in the audience. He stated legal staff had considered a method to refer the request to DOAH, which was unacceptable to all concerned. He then stated with the adversarial nature of the proceedings, it would offer better means to resolve the issue, establishing one point of contact to make a preliminary rulings on the case, then submit a proposed recommended order to the Commission. Mr. Richmond proposed it would be an informal hearing with a hearing officer from within the Department of Community Affairs which presents technical legal issues of interpreting disparate provisions of law stating there is an attorney on staff who would be available. He then requested the Commission consolidate the case with the prior case submitted by Royal Concepts 2000 and approve referral to Rick Locksby, DCA Legal staff, to serve as the hearing officer and submit to the Commission a proposed recommended order.

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

DEC02-DEC-241 by Charlotte County, Florida

Mr. Madani stated no action was taken and the request was deferred because it was not specific to a project.

DCA02-DEC-242 by Baker County, Florida

Mr. Madani stated the request was withdrawn.

DCA02-DEC-244 by Renna Enterprises, Inc.

Mr. Madani stated no action was taken and the request was deferred because it was not specific to a project.

DCA02-DEC-239 by DASMA

Mr. Madani stated the request was withdrawn.

DCA02-DEC-212 by Klein & Fortune PA

Mr. Madani stated no action was taken and the request was deferred because it was not specific to a project.

COMMITTEE REPORTS AND RECOMMENDATIONS

Code Administration TAC

Commissioner Thorne presented the report of the Code Administration TAC. (See *Code Administration Technical Advisory Committee Report Attachment.*)

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

Energy TAC

Commissioner Bassett presented the report of the Energy TAC. (See *Energy Technical Advisory Committee Report Attachment.*)

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

Electrical TAC

Commissioner McCombs presented the report of the Electrical TAC. (See *Electrical Technical Advisory Committee Report Attachment.*)

Commissioner Browdy 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 TAC. (See *Structural Technical Advisory Committee Report Attachment.*)

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

Mechanical TAC

Commissioner Patterson presented the report of the Mechanical TAC. (See *Mechanical Technical Advisory Committee Report Attachment*.)

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

Plumbing TAC

Commissioner Shaw presented the report of the Plumbing TAC. (See *Plumbing Technical Advisory Committee Minutes Attachment*.)

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

Accessibility TAC

Mr. Mellick presented the discussions and actions of the Accessibility TAC resulting from their informal meeting. (See *Accessibility TAC Attachment*.)

No action required.

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

Commissioner Carson presented the report of the Product Approval/Prototype Building/Manufactured Buildings Programs Oversight Committee. (See *Product Approval/Prototype Buildings/Manufactured Buildings Oversight Committee Minutes Attachment*.) He stated there was a review of applications for Product Approval entities and presented the following recommendations for approval to the Commission:

American Test Laboratory, Validation Entity

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

Architectural Testing, Inc., Testing Laboratory

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

PRI Asphalt Technologies, Inc., Testing Laboratory

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

R & D Services, Incorporated, Testing Laboratory

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

Intertek Testing Services, Certification Agency

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

Commissioner Carson stated there were two additional issues for action by the Commission. He stated the committee requests the Commission hold a workshop on the Manufactured Building Program to review related issues at the October meeting.

Commissioner Wiggins moved approval of the committee's request. Commissioner Sanidas seconded the motion. Vote to approve the motion was unanimous.

Commissioner Carson stated the second issue is the committee recommended the Commission reopen Rule 9B-72 to make corrections in the Product Approval Program.

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

Commissioner Carson expressed appreciation to the respondents to the RFP for Administrator of the Prototype Building Program. He stated each presenter was professional in their proposal presentations. He also expressed thanks to the committee members, participants, and staff who worked on the project over the last couple of years. He then presented the respondents who were interviewed orally and in writing by the committee: ARA, CSA, and PEICO, Incorporated. He stated the committee ranked the respondents in that order and presented the committee's recommendation for staff to begin writing a contract with ARA for the administration of the Prototype Buildings

Program. He explained if a contract cannot be completed for any reason, then staff is to proceed contractual negotiations with CSA, and then to PEICO.

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

Commissioner Shaw asked if the entities looking for approval in the Product Approval System could be placed on a consent agenda.

Mr. Blair replied the entities must be voted individually, however, it was agreed staff would consult legal for confirmation.

Commissioner Greiner moved approval of the report. Commissioner Kidwell seconded the motion. Vote to approve the motion was unanimous.

Education Program Oversight Committee (POC) and TAC

Commissioner Browdy stated the Education TAC did not meet due to requested information from Martin County not being submitted in time. He then presented the report of the Education Program Oversight Committee. (See *Education Oversight Committee Report Attachment*.)

Chairman Rodriguez asked for clarification regarding voting on individual courses for the program.

Commissioner Browdy then requested the Commission approve the Pools & Spas Course as modified.

Commissioner Carson moved approval of the Pools & Spas course. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

Commissioner Browdy requested approval of the Energy course the Code Administration course, the Roofing course, and the Termite course.

Commissioner Thorne moved approval of the education courses recommended for approval by the committee. Commissioner D'Andrea seconded the motion. Vote to approve the motion was unanimous. Motion carried.

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

DISCUSS AND DECIDE ON DRAFT TRANSITION PLAN FOR FIRST BASE CODES UPDATE

Mr. Blair conducted a facilitated discussion regarding the draft transition plan for the first Base Code update. He stated the Base Code update and the transition are two separate and distinct discussions. He stated the first discussion would be the Base Code update to the 2003 edition of the IMC (International Mechanical Code), the IPC (International Plumbing Code), and the IFGC (International Fuel Gas Code). He stated when discussion is complete on the Base Code updates, the Commission will then discuss the transition issue.

Commissioner Bassett recommended the Commission transition to the South Florida Building Code during the next revision cycle.

Commissioner Greiner offered comment stating either the Base Code will be updated in the three categories, IMC, IPC, and IFGC, from the original Code established three years ago; or the Commission is reviewing the changes that were made to the Codes in the last three years.

Mr. Dixon offered clarification stating both scenarios presented by Commissioner Greiner are correct. He stated the settlement agreement with the Florida Home Builders Association allowed the update to a new edition of a model Base Code could be considered as a single amendment.

Commissioner Patterson expressed concern regarding undertaking the Base Code updates then moving to another Building Code change with transitioning to the International Building Code.

Mr. Dixon responded to Commissioner Patterson's concerns stating the Legislature approved the Florida Building Code in 2001 but with successive delays the Code was not implemented until March 1, 2002. Mr. Dixon continued stating the law requires three year updates which would result in either the 2004 or 2005 editions being the first update, dependent upon which year is selected as the starting point. He then expressed concern with synchronizing the FBC with the National Model Code process. Without synchronization parties seeking technology recognition from the National Model Code organizations would come to Florida asking for code changes already in National Model Codes thereby creating additional workload. He explained that how soon code change is begun will impact the construction community and is directly related to synchronizing with the National Model Codes. The 2003 editions will be approved at the end of September and would have to be considered in 2003 to go into effect in 2004.

Commissioner Shaw expressed concern stating the entire Code needs review because only Florida-specific issues were modified. He stated there have been very few

declaratory statements which were Florida-specific creating confusion concerning the part of the Code that was adopted without review. He suggested the portion of the Code which was not initially reviewed is now up for review.

Mr. Dixon offered further clarification stating when the three year updates are initiated, it also requires review of all local amendments for either inclusion in the Florida Building Code or repeal.

Commissioner Shaw asked if there has been a local amendment.

Mr. Dixon replied all the local amendments that have been verified by DCA staff should be on the Information System.

Commissioner D'Andrea moved to review the changes made to the IMC, the IPC, and the IFGC, as a part of the amendment process and review cycle in addition to any changes to be made to the existing Florida Building Code. Commissioner Shaw seconded the motion.

Commissioner Bassett requested clarification regarding the motion and the procedure. He asked whether the Florida-specific amendments made previously would remain in the Code if the latest revision of the Model Code is adopted.

Mr. Dixon responded stating the Florida-specific requirements would stay in place.

Commissioner Bassett requested further clarification regarding the motion asking if the individual changes would then be incorporated into what has already been established.

Commissioner D'Andrea responded the motion is to review the changes that were made between the I-codes and the 2003 Florida Building Code for possible incorporation into it.

Commissioner Sanidas stated many changes were made in the Florida Building Code in order to avoid conflict with the Fire Codes. He then stated those changes are very different from the ICC Codes.

Mr. Madani offered further clarification regarding Commissioner D'Andrea's motion. He stated staff had prepared a proposal, with Legislative language, to isolate the Code changes that were made to the international plumbing, mechanical, and gas base documents, to be presented to the committee for consideration. He stated that information will be available to the Commission before the March Code change process starts.

Commissioner Patterson asked if all the IBC, IMC, and IPC have reviewed the Florida Building Code for inclusion in their 2003 edition.

Mr. Dixon responded the Commission has not sent any delegation proposing changes to make their code consistent with ours.

Commissioner Bassett asked if staff has determined what physical impact in terms of reproduction costs the updates would have.

Mr. Dixon responded it is currently being discussed with all parties. He stated the three Model Code Organizations will dissolve and form a single organization at the end of September. He continued stating the Commission will continue to work with SBCCI until the change, then the new organization, the ICC, will be comprised of a new group of people to work with.

Mr. Blair offered additional clarification regarding Commissioner D'Andrea's motion. He stated the essence of the motion is the Commission is to review those changes made from the 2000 to the 2003 version for individual consideration and incorporation, or not, into the Code.

Commissioner Greiner interjected there is a terminology issue concerned. He stated the Commission is not adopting or transitioning to the IRC, rather, reviewing the changes made to the original Base Code and determining whether to add them to the Code.

Vote to approve the motion was unanimous. Motion carried.

Mr. Blair then addressed the transition issue in terms of the International Building Code or the International Residential Code. He opened discussion regarding the issues each Commissioner considers important to the transition. The issues presented were the following:

Commissioner Shaw - How different is the International Building Code is from the current Florida Building Code so the transition effort can be identified?

Commissioner Bahadori - What will be the coordination with the Florida Fire Prevention Code Chapter?

Commissioner Parrino - A process that will allow determination as to what is the best interest for the state versus the interest of developing the body of the Base Code.

Commissioner Calpini - The issue of Fire Code is an integral part of the entire process.

Commissioner Patterson - Cost impact to the contractors, homeowners, in making the transition, as well as to DCA and the overall government budget.

Commissioner Greiner - Starting all over again in terms of reviewing a code to determine whether or not it will be a Base Code.

Commissioner Browdy - The control of the Code change process if we transition to the IBC. Would we be relinquishing control over the Florida-specific Florida Code?

Commissioner Bassett - What will the testing agencies use for people who are becoming certified as plans examiners and code officials and inspectors?

Commissioner Kim - Will transitioning into the IRC constitute having a separate Florida Residential Code?

Commissioner Bahadori - Effort necessary to accomplish the transition is enormous.

Commissioner Gonzalez - Will we be able to keep the high velocity hurricane zone under the IBC?

Mr. Madani offered comment stating as part of the Request For Proposal which has been published, it will also compare the IRC with the Florida Building Code, as well as the IBC with the Florida Building Code, to include providing any cost analysis entailed.

Commissioner Patterson asked if the transition will be to the 2003 versions of the IRC and the IBC.

Mr. Dixon responded the recommendation is to stay not more than a year behind the Model Code adoption cycle to allow the processes to intertwine so the starting point would be the 2003 editions.

Mr. Blair opened discussion regarding the issues which were identified by the Commission.

Commissioner D'Andrea stated the timing is important in terms of when things need to be completed in order to meet the next deadline, which would be March 2004. He stated there is a very compressed timeframe.

Mr. Dixon concurred stating the workplan reviewed earlier indicates in order to meet all the criteria of law, the cut off dates for any proposed amendments for 2004 would be February 28, 2003.

Commissioner Browdy asked how it could be achieved if the technical comparison of the two codes would not be released until March of 2003.

Mr. Dixon replied the provision of the settlement agreement of the Florida Home Builders rule challenge is that an amendment can be proposed for an update to a new edition of a Model Code, as a single code change. He continued stating when the amendment is considered by the TACs and commission they would be individually.

Commissioner Bassett expressed confusion concerning dates. He asked for clarification concerning the Code going into effect in March of 2002 with an update due in 2005.

Mr. Dixon responded stating there are two ways to consider the updates. He stated the Legislature approved the Florida Building Code in 2000 with an implementation date of 2001. He continued stating if 2001 is used as the adoption date, the date the Legislature approved the first edition of the Florida Building Code, then 2004 would be the first three year update.

Commissioner Marshall expressed concern regarding management and control the Florida Building Commission will have for the new code.

Mr. Dixon responded stating the concept is the same as with the plumbing and mechanical codes. He stated the Commission would review the differences between the Florida Building Code and the 2003 IRC's requirements, and decide which ones should be integrated into the Florida Building Code. He continued stating once the Base Code has been established, the IRC or IBC, any future updates would be implemented through considering any differences between for instances, the 2003 IRC and 2006 IRC. Mr. Dixon stated the Commission would not relinquish the authority or right to review and to reject portions of those codes, when the Code is updated.

Chairman Rodriguez added the issue is not "if" but "when." He stated the Commission has spent ten years to accomplish all that has been accomplished. He continued stating the issue is when to transition and how.

Commissioner D'Andrea offered comment stating he supports being in sync with the I-codes. He then moved to review the chapters in the International Building Code for information to incorporate into the Florida Building Code. He continued stating it will address the high velocity wind zones and will allow the Commission to take the IBC portions and incorporate what is appropriate for Florida. He then stated the International

Residential Code is another issue. He suggested reviewing the IRC in the same way the Rehab Code in Chapter 34 was reviewed. Commissioner Greiner seconded the motion. Vote to approve the motion was unanimous. Motion carried.

PUBLIC COMMENT

Joe Belcher,

Mr. Belcher approached to ensure that he understands the review process and the deadline of February 28, 2003.

REVIEW COMMITTEE ASSIGNMENTS AND ISSUES FOR COMMISSION'S OCTOBER MEETING

Mr. Blair conducted a brief review of the October meeting's assignments and issues.

SUMMARY AND REVIEW MEETING WORK PRODUCTS

Chairman Rodriguez presented a brief overview of the meeting's work products stating the Commission had decided on the Chair's discussion issues. He stated the Commission had discussed public comment on changes to rules for prototype buildings and to establish forms for private inspections. He continued stating the Commission had participated in a work style preference exercise, decided on accessibility waiver applications and legal staff's recommendations, and decided on requests for declaratory statements. Chairman Rodriguez stated the Commission had decided on Code Administration, Mechanical, Plumbing, Electrical, Energy, and Structural TAC reports and recommendations, as well as having heard the Accessibility Workshop report. He further stated the transition plan for the first Base Code update had been discussed and the assignments and issues for the October meeting had been reviewed.

Commissioner Bassett stated he had requested staff to check into what the SBCCI is using for testing for state licenses and has had no reply.

Mr. Madani responded stating he spoke to SBCCI and stated they are using the International Building Code as a base.

Commissioner Bassett expressed concern stating the IBC does not assist the Florida people who are testing for inspector and code official. He stated they are testing for a code that is not currently being used. He requested staff send a letter to DBPR to resolve the situation.

Commissioner Bassett then noted the cover letter which is received with the meeting agenda packet shows the current meeting date and place and not the one for the following month.

Commissioner Shaw acknowledged the tremendous effort by the audio staff, then stated he recalled the "push-button mic" seemed to be more effective in preventing the delays when someone begins speaking.

Chairman Rodriguez announced Commissioner Browdy had received a letter from Barbara Revels, President of the Florida Home Builders Association, commending him for his work on the Administration/Code Enforcement TAC subcommittee on residential rehabilitation of the Florida Building Commission. He stated Ms. Revels went on to say "...when the Commission approves the work of the TAC later in the year, it is extremely important that the Report to the Legislature include a statement of support for inclusion of this document [Rehabilitation Code] in the Florida Building Code." Chairman Rodriguez continued stating Ms. Revels stated her intent to seek a resolution at the Florida Home Builders Association Board of Directors meeting during the fall conference during the second week of October.

Chairman Rodriguez stated Ms. Revel's letter is an example of the good work of Commissioner Browdy and everyone involved in bringing some of the issues of the Florida Home Builders Association to the Commission.

Open discussion then ensued concerning committee meeting dates and times for the October meeting in Miami.

ADJOURN

No further business discussed, meeting adjourned at 1:11 pm.

FLORIDA BUILDING COMMISSION

ATTACHMENT TO THE SEPTEMBER 22 - 25, 2002 MINUTES

FACILITATOR'S REPORT OF THE SEPTEMBER 22 - 25, 2002 COMMISSION MEETING

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 September 22 - 25, 2002 Minutes

I. OVERVIEW OF COMMISSION'S KEY DECISIONS

TUESDAY, SEPTEMBER 24, 2002

COMMISSION PLENARY SESSION

Agenda Review and Approval

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

Review and Approval of August 14, 2002 Meeting Minutes

Commission voted unanimously, 17 - 0 in favor, to approve the minutes as presented for the August 14, 2002 Commission meeting.

Review and Approval of Commission's Updated Workplan and Meeting Schedule

The Commission voted unanimously, 20 - 0 in favor, to approve the Commission's updated workplan and meeting schedule as presented. (Attachment 2)

Commission Meeting Schedule Dates for 2003

Jan 13-14	July 14-16
Feb 24-25	Aug 25-26
April 7-8	Oct 13-14
May 12-14	Nov 17-18

Chair's Discussion Issues and Recommendations

Chairman Rodriguez appointed Doug Murdock and Christ Sanidas to the joint FBC/BOAF committee to develop recommendations for voluntary standards for building department accreditation.

Commission Actions:

Motion— The Commission voted unanimously, by a vote of 20 - 0 in favor, to utilize colored replacement pages for printing the 2003 amendments to the Florida building Code.

Motion— The Commission voted unanimously, by a vote of 20 - 0 in favor, to direct DCA staff to select and hire contractors for the following RFPs:

- ❖ RFP for Voluntary Accreditation Standards for Bldg. Dept project (workplan FF) and assignment of project oversight to the Code Adm TAC.
- ❖ RFP for assistance with development of Building Code Commentary (workplan EE), revised from staff to contractor) and assignment of project oversight to all TACs.

❖ RFP for code comparison analysis for 2004 code amendment cycle.

Motion – The Commission voted unanimously, by a vote of 20 – 0 in favor, to recommend to the 2003 Florida Legislature that the reporting date for the Commission’s review of the implementation of alternative plans review and inspection system be delayed to the 2004 session.

Discussion and Public Comment on Amendment to Rule 9B-74, Prototype Buildings
Chairman Rodriguez invited members of the public to address the Commission on this topic. There were no members of the public who wished to address the Commission.

Discussion and Public Comment on Amendment to Rule 9B-3, Private Inspections Forms

Chairman Rodriguez invited members of the public to address the Commission on this topic. There were no members of the public who wished to address the Commission.

Commission Code Amendment Process

Motion – The Commission voted unanimously, by a vote of 20 – 0 in favor, to suspend the rules under Robert’s Rules of Procedures, and to utilize a standing motion to approve for a consent agenda and a standing motion to approve for a discussion agenda. Both standing motions will be developed by staff and include a finding of facts related to fiscal impact and rationale for the amendment. The Commission approved the following process for review and decision on amendments to the Florida Building Code for use at the October 2002 Commission meeting.

A tracking chart will be used that includes modification number, brief description of modification, summary/analysis of any public comment, TAC action, TAC/Staff comments, and FBC action.

Consent Agenda

Modifications that received a 75% approval by TAC will be on a consent agenda.

Commission will solicit public comment on consent agenda modifications.

Any Commission member may pull off any modification for consideration on the discussion agenda.

Commission will move to approve the consent agenda after opportunity to remove modifications for individual consideration.

Discussion Agenda

All proposed modifications submitted for review that are not part of the consent agenda will be on the discussion agenda.

Each proposed modification will be considered individually.

Public comment will be solicited.

Following public comment, the Commission will consider motions to approve and will require a 75% favorable vote for approval as a modification to the Florida Building

Code. Once a motion is made the floor is closed to public comment except for specific requests as allowed by the Commission Chair for purposes of clarification.

Special Notes to TAC/POC Chairs

All requests for Legislative action should be finalized and submitted for Commission action at the October 2002 Commission meeting.

Workstyle Preference Exercise

Jeff Blair, Commission facilitator, led the Commission through a workstyle preference exercise. The results of the exercise are included in the chart below.

Detail Oriented	Big Picture Oriented
Craig, Steve B., Suzanne	John, Dan, Herminio, Dale, Steve C., paul, Do, Ed, Mike, Doug, Peggy, Raul, Nick

Dick, George, Karl, Christ, Hamid – In the middle

People Focus	Task Focus
Steve B., Craig, Raul, Peggy, Christ, Hamid, Karl, Paul, Dan, Dick, John, Nick	Suzanne, George, Heminio, Steve C., Do, Ed, Mike, Doug, Dale

Facts and Information	Intuition, Gut Feelings
Craig, Raul,	Steve B., Peggy, Christ, Hamid, Karl, Paul, Dan, Dick, John, Nick, Suzanne, George, Heminio, Steve C., Do, Ed, Mike, Doug, Dale

Spontaneous, Flexible	Structured, Organized
Nick, Raul, Steve C., Suzanne, Dan, Doug	Herminio, Peggy, John

Steve, Paul, Do, Ed, Karl, Dale, Dick, Christ, Hamid, Craig, George – In the middle

Outgoing, Talkative	Reserved, Reflective
Steve C., Nick, Dan, Paul, Suzanne, Raul, Christ, Dick, Steve B.	Dale, Peggy, Doug, Herminio, Karl, Do, Hamid, George

Ed, Mike, Craig, John – In the middle

Tactical, Short Term	Strategic, Long Range
Ed	Raul, John, Karl, Raul, Steve C., Steve B., Dale, Peggy, Doug, Herminio, Karl, Do, Hamid, George, Nick

Dan, Mike, Suzanne, Dick, Christ – In the middle

Rule with Head	Rule with Heart
Dan, Suzanne, Dick, Ed, Craig, Christ, Steve B., Paul	Doug, Mike

Nick, Hamid, Karl, Dale, Raul, john, Do, George, Herminio – In the middle

Afternoon Person	Morning Person
Do	Karl, Dan, George, Raul, Paul, Hamid, Dale, Ed, Herminio, Mike, Craig, Dick, Suzanne, Doug

Steve C., Steve B., Peggy, Nick, Christ, John – In the middle

Sprit of the Law	Letter of the Law
Doug, Karl, Hamid, Dan, Nick, Doug, George, Mike, Peggy, Raul, Dale, John, Christ, Dick, Steve C.	Suzanne, Craig, Herminio, Steve B.

Ed, Paul, Do – In the middle

Team Player	Individual Achiever
Karl, Dick, Hamid, George, Doug, John, Nick, Dale, Raul, Paul, Peggy, Mike, Craig, Ed, Steve C.	Dan, Suzanne, Do

Steve B., Herminio – In the middle

Focus on Results	Focus on Process
Steve C., Nick, George, Doug, Dale, Paul, George, Herminio, Peggy, Do, Christ, Ed, Dan, Mike	Raul, Suzanne, Karl

Hamid, Dick, John, Craig – In the middle

Doer	Planner
Doug, Steve B., Raul, Peggy, Christ, Nick, Ed, Mike, Dan, Dick, George, Herminio	Craig, John

Dale, Suzanne, Hamid, Karl, Paul, Steve C. – In the middle

Confront Issues Directly	Handle Issues Indirectly
Doug, Dale, Nick, Steve B., Do, John, Paul, Mike, Dan, Craig, Dick	Karl, Herminio, Peggy, Ed, Suzanne

Steve C., George – In the middle

Consideration of Accessibility Waiver Applications

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

PETITIONS FOR DECLARATORY STATEMENTS

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

SECOND HEARINGS

Fire:

DCA02-DEC-190 by Allied Universal Corporation **A-1**

Motion – The Commission voted unanimously, by a vote of 20 – 0 in favor, to approve their previous action on the petition.

Plumbing:

DCA02-DEC-205 by Harrell Plumbing Inc. **A-2**

Motion – The Commission voted unanimously, by a vote of 20 – 0 in favor, to approve their previous action on the petition.

DCA02-DEC-215 by T-Drill Industries Inc. A-3

Motion – The Commission voted unanimously, by a vote of 20 – 0 in favor, to approve their previous action on the petition.

DCA02-DEC-131 by Pinellas County, Florida A-4

Motion – The Commission voted 19 – 1 in favor, to approve their previous action on the petition with the proviso that legal will bring back draft language for Commission review at the October 2002 meeting.

WITHDRAWN

The following petitions were withdrawn by the petitioners before the Commission meeting:

DCA02-DEC-188 by Mid-Florida Air Conditioning Inc.

DCA02-DEC-191 by Custom Drafting, Inc.

DCA02-DEC-203 by Philip J. Childs, PE, PA

DCA02-DEC-204 by Mouriz/Salazar & Associates, Inc.

DCAA02-DEC-207 by Hartford South, LLC

FIRST HEARINGS

Structural

DCA02-DEC-206 by Charles M. Purvis, A1A, Architect B-1

The petition was deferred as inappropriate for Commission action.

DCA02-DEC-208 by City of New Port Richey, Florida B-2

Deferred as a result of not being project specific.

DCA02-DEC-213 by Sunguard Shade Structures, Inc. B-3

Motion – The Commission voted unanimously, by a vote of 20 – 0 in favor, to approve the TAC/staff recommendation on the petition as amended.

Approved Amendment

The answer to question number 2 is yes, in that local building officials may approve by utilizing the alternative methods and material provisions of the code providing the alternative meets the performance goals of the Building Code.

DCAA02-DEC-226 by Robert B. Worman B-4

Motion – The Commission voted unanimously, by a vote of 20 – 0 in favor, to approve the TAC/staff recommendation on the petition. The 1/2" drywall currently in place meets the requirements of the SBC, and that no additional barrier is required.

DCA02-DEC-233 by Go Bolt, Inc. B-5

Motion – The Commission voted unanimously, by a vote of 20 – 0 in favor, to answer the question consistently with the answer to **DEC02-DEC-075**.

DCA02-DEC-235 by Wilson Window Glass & Mirror **B-6**

Motion – The Commission voted unanimously, by a vote of 20 – 0 in favor, to approve the TAC/staff recommendation on the petition.

DCA02-DEC-236 by AAA Roofing Corp. **B-7**

Deferred as a result of not being project specific.

DCA02-DEC-240 by Royal Concept 2000 **B-8**

Motion – The Commission voted unanimously, by a vote of 20 – 0 in favor, to consolidate action on the petition and refer to DCA legal staff Rick Lotspeich to act as a hearing officer on the case.

DCA02-DEC-241 by Charlotte County, Florida **B-9**

Deferred as a result of not being project specific.

DCA02-DEC-242 by Baker County, Florida **B-10**

Petition withdrawn by petitioner.

Mechanical

DCA02-DEC-244 by Renna Enterprises, Inc. **B-11**

Deferred as a result of not being project specific.

DCA02-DEC-239 by DASMA **B-12**

Petition withdrawn by petitioner.

Commission (Pool):

DCA02-DEC-212 by Klein & Fortune PA **B-13**

Deferred as a result of not being project specific.

COMMITTEE REPORTS AND RECOMMENDATIONS

Code Administration TAC Committee Report and Recommendations

Commissioner Thorne 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)

Energy TAC Committee Report and Recommendations

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 Committee Report and Recommendations

Commissioner Parrino 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)

Electrical TAC Committee Report and Recommendations

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

Mechanical TAC Committee Report and Recommendations

Commissioner D'Andrea 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)

Plumbing TAC Committee Report and Recommendations

Commissioner Shaw 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)

Accessibility TAC Workshop Report

Neil Mellick, TAC vice-chair, presented a report of the TAC workshop. (See Commission Minutes for workshop report)

Product Approval/Prototype Buildings/Manufactured Buildings Program Oversight Committee

Commissioner Carson presented the committee's report and recommendations for Commission consideration. The Commission unanimously accepted the Committee's report by a vote of 19 - 0 in favor. (See Commission Minutes for Committee report)

Commission Actions:

Motion – The Commission voted unanimously, by a vote of 19 - 0 in favor, to hold a workshop and re-open Rule 9B-72 to make corrections in the Product Approval Program at the October 2002 Commission meeting.

Motion – The Commission voted unanimously, by a vote of 19 - 0 in favor, to have DCA staff begin writing a contract with ARA, Inc. for the administration of the Prototype Buildings Program. If for any reason a contract cannot be completed, then staff is to proceed contracting with CSA Group, and if that contract cannot be completed, then staff is to proceed contracting with Pieco, Inc.

Action on Applications for Approval for Product Approval Entities

Motion – The Commission voted unanimously, by a vote of 19 - 0 in favor, to approve American Test Lab as a validation entity.

Motion – The Commission voted unanimously, by a vote of 19 - 0 in favor, to approve Architectural Testing, Inc. a testing laboratory.

Motion – The Commission voted unanimously, by a vote of 19 - 0 in favor, to approve PRI Asphalt Technologies, Inc. as a testing laboratory.

Motion – The Commission voted unanimously, by a vote of 19 - 0 in favor, to approve R & D Services, Inc. as a testing laboratory.

Motion – The Commission voted unanimously, by a vote of 19 - 0 in favor, to approve Intertek Testing Services - ETL as a certification agency.

Education Program Oversight Committee and Education TAC Committee Report and Recommendations

Commissioner Browdy presented the committee's report and recommendations for Commission consideration. The Commission unanimously accepted the Committee's report by a vote of 19 - 0 in favor. (See Commission Minutes for Committee report)

Commission Actions:

Motion— The Commission voted unanimously, by a vote of 19 - 0 in favor, to approve the following advanced courses as modified by TAC and legal staff.

Energy, Code Administration, Roofing, Termites, and Pools and Spas.

Discussion and Decision on Draft Transition Plan for First Base Code Update

Jeff Blair, Commission facilitator, led the Commission in a facilitated discussion to reach consensus on a draft of a Commission position on the transition issue. The draft will be distributed for public comment. The Commission was asked to break the discussion into two distinct discussions and decisions. First, Commission policy on base code updates to the 2003 editions of the IMC, IPC, and IFGC. Second, Commission policy on alignment with the IBC and IRC cycle of base code updates.

FBC Policy on IMC, IPC, and IFGC Base Code Updates

Motion— The Commission voted unanimously, by a vote of 20 - 0 in favor, to review the changes/amendments between the 2000 and 2003 versions of the IMC, IPC, and IFGC for consideration of amendments for inclusion in the Florida Building Code.

Commission Comments

- ❖ We should review the changes between editions for possible inclusion in the FBC.
- ❖ We should take them as a single amendment.
- ❖ Review updates to determine possible inclusion in the FBC.
- ❖ I have concern over any changes to the new FBC, too soon for changes.
- ❖ We need to stay in sync with the model code process in order to avoid heavy lobbying efforts by industry such as exists in the model code process.
- ❖ The entire I- Codes will have to be reviewed and not as a single amendment.

FBC Policy on IBC and IRC Base Code Alignment and Updates

Motion— The Commission voted unanimously, by a vote of 20 - 0 in favor, to review the chapters of the IBC and IRC for issues/topics appropriate for Florida for consideration of amendments for inclusion in the Florida Building Code.

Commission Comments

Issue Identified for Consideration

- ❖ Need a process to determine the best results for the State.
- ❖ Need to retain the HVHZ provisions.
- ❖ Need a side-by-side study of the differences between the FBC and IBC/IRC.
- ❖ Timing is important to get aligned with the IBC/IRC code cycles.

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- ❖ How different is the IBC from the FBC? We need to know this.
- ❖ Need to coordinate with the Fire Code.
- ❖ The Fire Code is an integral part of the entire process.
- ❖ Concern over the cost impact of changing to IBC to contractors, owners, and DCA.
- ❖ This will be like starting all over again.

- ❖ It is important that the commission not lose control over the Florida Building Code if we go to IBC/IRC.
- ❖ What criteria will testing agencies use?
- ❖ Will the IRC be a separate code book?
- ❖ This will take a great deal of effort in order to review and decide on changes/amendments.
- ❖ HVHZ requirements need to be retained and considered in the review process.
- ❖ Need a process to determine the best interests of the State.

Discussion Comments

- ❖ We need to review the differences between the FBC and IBC/IRC and decide whether or not to integrate specific changes.
- ❖ Future amendments can be done more efficiently as a single amendment.

Public Comment

Chairman Rodriguez invited members of the public to address the Commission.

Commission Member Questions/Comments

- ❖ Need to make sure what base code is being used for licensure testing. Need to send a letter to DBPR to make sure they are using correct code.
- ❖ Need Commission package cover letter prior to cut-off dated for making hotel reservations.

Committee Assignments

The following committee's indicated a need to meet at the August 2002 Commission meeting:

- ❖ Education Program Oversight (POC) Committee (if needed)
- ❖ Product Approval/Prototype Buildings/Manufactured Buildings POC
- ❖ Accessibility TAC
- ❖ Code Administration TAC and Rehab subcommittees
- ❖ Education (if needed)
- ❖ Electrical (4 hours prior to rehab code committee)
- ❖ Energy (4 - 6 hours)
- ❖ Fire
- ❖ Mechanical
- ❖ Plumbing TAC
- ❖ Structural TAC
- ❖ Accessibility Advisory Council and Waiver applications

Staff Assignments

- ❖ Distribute 2004 code amendment cycle/deadlines to all TAC members well in advance of process beginning.

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- ❖ Add standing agenda item after Public Comment titled: Commission Member Questions and Comments.
- ❖ Alphabetize committee reports in agenda.

ATTACHMENT 1

**FLORIDA BUILDING COMMISSION
 MEETING EVALUATION RESULTS AUGUST 2002**

HOW WELL DID THE COMMISSION ACHIEVE THE MEETING OBJECTIVES?

September 25, 2002
 Orlando, Florida

MEETING EVALUATION RESULTS

19 Responses

HOW WELL DID THE COMMISSION ACHIEVE THE MEETING OBJECTIVES?

	<i>Circle One</i>					
	+++	↔	---			AVG
• Chair's Discussion Issues/Recommendations	5	4	3	2	1	4.84
	16	3				
• Rule Development Discussion s	5	4	3	2	1	4.84
	16	3				
• Workstyle Preference Exercise	5	4	3	2	1	4.89
	17	2				
• Accessibility Waiver Applications	5	4	3	2	1	4.63
	13	5	1			
• Legal Staff's Discussion Issues and Recommendations	5	4	3	2	1	4.68
	13	6				
• Requests for Declaratory Statements	5	4	3	2	1	4.47
	12	5	1	1		
• TAC Reports/Rec's – Accessibility, Code Administration, Plumbing, Energy, Electrical, and Structural	5	4	3	2	1	4.63
	14	4	1			
• POC Reports/Rec's – Education, Product Approval, Prototype Buildings, and Manufactured Buildings	5	4	3	2	1	4.78
	14	4				
• Discussion on Code Transition for First Base Code Updates	5	4	3	2	1	4.42
	13	4	1			
• Commission/BOAF Code Interpretation Process	5	4	3	2	1	4.80
	12	3	1			

- Public Comment

5 4 3 2 1 4.67
14 4 2

- Assignments and Issues for Next Meeting 5 4 3 2 1 4.83
15 3

RATE THE FOLLOWING ASPECTS OF THE MEETING?

	+++	↔	---	AVG
• Clarity of the meeting purpose and plan	5 4 3 2 1			4.79
	15	4		
• Background information was helpful	5 4 3 2 1			4.61
	11	7		
• Agenda packet was helpful	5 4 3 2 1			4.68
	13	6		
• Balance of structure and flexibility	5 4 3 2 1			4.74
	14	5		
• Group involvement and productivity	5 4 3 2 1			4.72
	13	5		
• Facilitation	5 4 3 2 1			4.68
	14	4 1		
• Facility	5 4 3 2 1			4.22
	8	7 2 1		

COMMENTS:

- Good facilitation kept the meeting on track and on time.
- Wish that more info on FOAM December statement (Lorain's comments) would have been made available prior to vote
- Need a more structured way of presenting Dec. statements.
- Acoustics!!!-Sound system not very good
- Sound was inferior

WHAT DID YOU LIKE BEST ABOUT THE MEETING?

- Group development
- Addition of speakers in the middle area.
- Good participation from members

HOW COULD THE MEETING HAVE BEEN IMPROVED?

- Sound equipment?
- The speakers positioned central to the commissioners helped a tremendous amount in hearing better as opposed to the prior location. In front of the public mic. table.
- Minimize Sun. meetings

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- Come up with a way to vote on certain items as a group rather than individually.
- Must improve the sound system

ATTACHMENT 2

UPDATED COMMISSION WORKPLAN (Adopted unanimously as amended September 24, 2002)

Tasks Ranked at 2/02 Commission Meeting:

- AA (AA) 2002 Glitch Amendments and Update to New Editions of Model Building Code
Score: 140
- BB (EE) Develop Policy for Transition to International Building and Residential Codes
Score: 129
- CC (DD) Collaborative Initiatives on Technical Support of the Code
Score: 118
- DD (II) Joint Project with SFM to Develop Fire Prevention Code for Historic Buildings
Score: 110
- EE (CC) Develop Commentaries for the Code and Each Subcode
Score: 96
- FF (FF) Voluntary Standards for Building Departments [HB 4181/s.553.76(5), F.S.]
Score: 78
- GG (HH) Create a Rating System for Structural Integrity Under Storm Conditions
Score: 77
- HH (BB) Appeals Procedures [98-287, LOF/ss.553.73 & .77 & 2000-141, LOF/s.120.80,FS]
Score: 71
- II (GG) ISO Ratings Program for Building Departments [98-287, LOF/s.553.77(1)n.]
Score: 45

Additional Tasks from Programs Implementation and 2001 Report to Legislature and Assignments by 2002 Legislature:

1. Revise Rules of Procedure to list needs specific to Florida which justify Code amendment
2. Revise Building Code Training Program rule for “advanced courses” and course approval criteria.
3. Develop building code provisions to be added to the Florida Building Code to facilitate the rehabilitation and use of existing structures. [Section 2, CS/HB 1307]
4. Establish procedures for advisory opinions and adopt by rule. [s.553.77(7), F.S.; CS/HB 1307]
5. Develop forms for use with private inspections:
 - a. Notification of selection of private inspections submitted with permit application. [s.553.791(4), F.S.; CS/HB 1307]
 - b. Affidavit to be submitted by private plans reviewer indicating the individual reviewed the plans and the plans comply with the Code. [s.553.791(5), F.S.; CS/HB 1307]

Note: there are two additional forms identified by law which are left to the building official’s discretion. It is proposed that BOAF develop models for these forms.

6. 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. [s.553.891(19), F.S.; CS/HB 1307]

WORKPLAN BY TASK

AA 2002 Glitch Amendments and Update to New Editions of Model Building Code

Schedule for 2003 Glitch Amendments:

Amendment submittal cutoff	6/14/02
Post on website	6/26/02
TAC's consider	8/12/02
Post TAC recommendations on website	8/26/02
Commission considers	10/28/02
Rule hearing	12/10/02
Effective date of amendments	3/10/03

Schedule for 2004 Base Codes Update:

Amendment submittal cutoff (independent submittals)	2/28/03
Post on website (independent/base code updates/local amends)	3/21/03
TAC's consider	5/12-14/03
Post TAC recommendations on website	5/23/03
Commission considers	7/14-16/03
Rule hearing	8/25-26/03
Effective date of first update	3/01/04

BB Develop Policy for Transition to International Building and Residential Codes and update to 2003 editions of the IPC, IMC, and IFGC.

Schedule:

Public workshops	May-Jul 2002
Proposed transition plan completed	Sep 2002
Public hearing on proposed plan	Oct 2002
Final Decision on proposed plan	Dec 2002
Submit changes to 2004 base codes update (see AA)	Feb 2003
Effective date	Mar 2004

CC Collaborative Initiatives on Technical Support of the Code

Initiatives:

1. Industry outreach via initiatives of industry associations
 Contract with BASF
 Apr 2002 1st contract
 Sep 2002 2nd contract
2. Establish informal code interpretation joint venture with BOAF
See additional project 4.
3. Develop forms for use with privatized plans review and inspections
See additional project 5.
4. Voluntary Standards for Building Departments [HB 4181/s.553.76(5), F.S.]
See FF

DD Joint Project with SFM to Develop Fire Prevention Code for Historic Buildings

Schedule:

Organizational and planning meeting of joint FBC Fire TAC and SFM Fire Code Advisory Council	Mar 2002
Building Code standards complete	Oct 2002

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Submitted for 2003 code amendment cycle
Standards adopted and effective

Feb 2003
Mar 2004

EE Develop Commentaries for the Code and Each Subcode

Plan:

Phase I Investigate and determine formatting
Phase II Develop commentaries

Schedule:

Phase I	Aug-Sep 2002
Phase II (<u>recommend defer to DCA</u>)	
Authorize issuing a RFP	Sep 2002
Select a contractor	Oct 2002
Develop draft commentaries	Dec 2002-Apr 2003
TACs Review and refine commentaries	Jun-Jul 2003
Commission approves	Aug 2003

FF 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:

Initiate project at BOAF board meeting	Aug 2002
Select contractor	Oct 2002
(<u>recommend defer to FBC/BOAF committee and DCA</u>)	
Draft standards for public review completed	Jul 2002
Public comment and finalize draft	Aug-Dec 2003
Standards finalized	Jan 2004

GG Create a Rating System for Structural Integrity Under Storm Conditions

Plan:

Assess feasibility and industry/consumer interest in a rating system
Contract for development of draft system then carry through consensus
development workshops.

Schedule:

Assess feasibility	Aug-Sep 2002
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Assessment indicates a contractor is available and interested and an initial project cost would be \$200K to \$300K. Follow-on projects may be necessary. The FHBA believes there is no need for another program to provide incentives for better construction. The insurance regulatory programs require the insurance carriers to provide homeowner policy credits for enhanced wind protection specific to individual houses based on a system developed and approved by the Department of Insurance. The insurance industry also has a **Building Code Effectiveness Grading Schedule** run by the **Insurance Services Organization** which rates communities and qualifies homeowners for credits.

Recommendation is to **delete task** from workplan as costly and there is no unmet need at this time.

- HH** Appeals Procedures [98-287, LOF/ss.553.73 & .77 & 2000-141, LOF/s.120.80,FS]
Schedule:
 Assign to Code Admn TAC for review Sep 2002
 Develop any necessary Code amendments and/or changes to law Sep-Dec 2002
 Submit for 2003 Code amendment cycle Feb 2003
 Effective date Mar 2004

- II** ISO Ratings Program for Building Departments
Plan:
 Assist local governments with obtaining best ratings by establishing policies to transition to the International codes as quickly as possible and to keep the base codes updated with few amendments in the minimum time possible.

Note: The ISO Building Code Effectiveness Grading System program (BCEGS) is a private sector grading program used by insurance companies to judge building code effectiveness in communities and establish property insurance rates accordingly. The program is nationwide and staff advise the best approach to assisting Florida communities obtain the best ratings are to update and maintain the FBC in a responsible manner and to pursue efforts to assist building departments improve their physical and personnel resources.

- Additional task #1** Revise Rules of Procedure to list needs specific to Florida which justify Code amendment (from 2001 Report to Legislature)

Plan:
 The Commission evaluated what needs specific to the state would justify amendments of the Code and recommended to the 2002 Legislature the determination of a list would require “extraordinary foresight” so the process for determination should be flexible to allow updating of any guidance initially adopted. During the 2002 legislative session the industries and local governments addressed the limitation of local amendments through adoption of additional process requirements and the Legislature avoided adoption of a list of specific needs in statute or authorizing the Commission to adopt such a list by rule.
Recommendation:
 Eliminate task from workplan.

- Additional task #2** Revise Building Code Training Program rule for “advanced courses” and course approval criteria.

Schedule:
 Workshops on draft rule amendment Jul-Aug 2002
 Recommendation to Commission Aug 2002
 Discussions with DBPR on program transfer Sep-Nov 2002
 Finalize recommendations to Legislature Dec 2002

- Additional task #3** Develop building code provisions to be added to the Florida Building Code to facilitate the rehabilitation and use of existing structures.

Schedule:
 Residential and Commercial building rehab committees established Mar 2002
 Draft code amendments completed Oct 2002
 Draft revisions to law completed Oct 2002
 Report to the Legislature completed Dec 2002
 Submitted for 2003 code amendment cycle Feb 2003

Standards adopted and effective

Mar 2004

Additional task #4 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	Aug-Sep 2002
Rule development workshop	Dec 2002
Rule hearing	Jan 2003
Rule effective	Feb 2003

Additional task #5 Develop forms for use with private inspections:

- a. Notification of selection of private inspections submitted with permit application s.553.891(4), F.S.
- b. Affidavit to be submitted by private plans reviewer indicating the individual reviewed the plans and the plans comply with the Code s.553.891(5), F.S.

Note: there are two additional forms identified by law which are left to the building official's discretion. It is proposed that BOAF develop models for these forms.

Schedule:

Consider partnership with BOAF	Jul 2002
BOAF/Commission Staff develop draft forms	Jul-Aug 2002
Rule development workshop on draft forms	Sep 2002
Rule hearing	Dec 2002
Rule effective	Jan 2003

Additional task #6 Review the implementation of s.553.891, F.S., Alternative Plans Review and Inspections, and report to the Legislature on or before January 1, 2004.

Schedule:

Consider timing of study and determine whether to recommend additional time and/or authorize RFP	Sep 2002
Review and approve RFP to hire contractor	Jan 2003
Select contractor and initiate study	Mar 2003
Complete study and begin Commission review	Oct 2003
Complete report to the Legislature	Dec 2003

Additional task #7 Establish standards and criteria for foundation permits and other "specialty permits". (CS/CS/SB 336 & 180, 2001)

Schedule:

Assign to Code Administration TAC	Sep. 2002
Recommendations for criteria	Jan. 2003
Submit for 2004 FBC edition amendment	Feb. 28, 2003

