

FLORIDA BUILDING COMMISSION



FACILITATOR'S SUMMARY REPORT OF THE FEBRUARY 1, 2011 COMMISSION PLENARY SESSION TAMPA, FLORIDA

FACILITATION, MEETING AND PROCESS DESIGN BY



CONSENSUS CENTER

REPORT BY JEFF A. BLAIR
FCRC CONSENSUS CENTER
FLORIDA STATE UNIVERSITY



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

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FLORIDA BUILDING COMMISSION

SUPPLEMENT TO THE FEBRUARY 1, 2011 MEETING MINUTES

OVERVIEW OF COMMISSION'S KEY DECISIONS

TUESDAY, FEBRUARY 1, 2011

WELCOME

Chairman Rodriguez welcomed the Commission, staff and the public to Tampa and the February 2011 plenary session of the Florida Building Commission. The Chair indicated that the meeting represented the first meeting of a new year and decade. The primary focus of February's meeting was to consider recommendations from the Commission's various committees, to decide on product approvals, declaratory statements and accessibility waivers, to conduct a rule adoption hearing on adopted modifications to the Florida Building Code for the 2010 Code Update process, and to adopt the criteria and process for submitting and considering Glitch amendments to the 2010 Code.

The Chair explained that if one wished to address the Commission on any of the issues before the Commission they should sign-in on the appropriate sheet(s), and as always, the Commission will provide an opportunity for public comment on each of the Commission's substantive discussion topics. The Chair explained that if one wants to comment on a specific substantive Commission agenda item, they should come to the speaker's table at the appropriate time so the Commission knows they wish to speak. The Chair noted that public input is welcome, and should be offered before there is a formal motion on the floor.

COMMISSION ATTENDANCE

Raul L. Rodriguez, AIA, Chair, Hamid Bahadori, Bob Boyer, Dick Browdy, Ed Carson, Herminio Gonzalez, Jim Goodloe, Ken Gregory, Dale Greiner, Jeff Gross, Jon Hamrick, Scott Mollan, Nick Nicholson, Rafael Palacios, Drew Smith, John Scherer, Jim Schock, Chris Schulte, Jeff Stone, Tim Tolbert, Mark Turner, and Randall Vann.

Absent:

Donald Dawkins and Kiko Franco.
Anthony Grippa resigned from the Commission.

DCA STAFF PRESENT

Joe Bigelow, Rick Dixon, Jim Hammers, Ila Jones, Bruce Ketchum Mo Madani, Marlita Peters, Mary Kathryn Smith, Ann Stanton, and Jim Richmond.

MEETING FACILITATION

The meeting was facilitated by Jeff Blair from the FCRC Consensus Center at Florida State University. Information at: <http://consensus.fsu.edu/>



PROJECT WEBPAGE

Information on the Florida Building Commission project, including agenda packets, meeting reports, and related documents may be found in downloadable formats at the project webpage below:

<http://consensus.fsu.edu/FBC/index.html>

AGENDA REVIEW AND APPROVAL

The Commission voted unanimously, 22 - 0 in favor, to approve the agenda for the February 1, 2011 meeting as presented/posted. Following are the key agenda items approved for consideration:

- To Consider Regular Procedural Issues: Agenda Approval and Approval of the December 7-8, 2010 Minutes and Facilitator's Summary Report.
- To Consider/Decide on Chair's Discussion Issues/Recommendations.
- To Review Results of Commission Effectiveness Assessment Survey.
- To Review Results of Workplan Prioritization Exercise.
- To Review and Update the Commission Workplan.
- To Consider/Decide on Accessibility Waiver Applications.
- To Consider/Decide on Approvals and Revocations of Products and Product Approval Entities.
- To Consider Applications for Accreditor and Course Approval.
- To Consider/Decide on Legal Issues: Binding Interpretations, Petitions for Declaratory Statements.
- To Consider/Decide on Accessibility, Roofing, and Structural Technical Advisory Committees (TACs) Report/Recommendations.
- To Consider/Decide on Product Approval and Education Program Oversight Committee (POCs) Reports/Recommendations.
- To Consider/Decide on Workgroup/Subcommittee Reports/Recommendations: Accessibility Code and Law Workshop.
- To Conduct a Rule Adoption Hearing on the 2010 Florida Building Code.
- To Discuss Next Steps in Code Adoption Proceedings.
- To Consider Recommendations to 2011 Legislature Regarding Accessibility Code Law and other Issues.
- To Discuss Commissioner Comments and Issues.
- To Receive Public Comment.
- To Review Committee Assignments and Issues for the Next Meeting—April 4 - 6, 2011 in Tampa.

Amendments to the Agenda:

None were offered.

REVIEW AND APPROVAL OF THE DECEMBER 7-8, 2010 MINUTES AND FACILITATOR'S SUMMARY REPORT

Motion—The Commission voted unanimously, 22 - 0 in favor, to approve the December 7-8, 2010 Minutes and Facilitator's Summary Report as presented.

Amendments:

None.

CHAIR'S DISCUSSION ISSUES AND RECOMMENDATIONS

Appointments

Chairman Rodriguez made the following appointments at the February 2011 meeting:

Tony Grippa rolled-off of the Code Administration TAC as a result of resigning from the Commission.

Legislative Session Update Teleconference Calls

The Chair noted that as in past years the Commission will be conducting regularly scheduled teleconference calls during the 2011 Legislative Session. The calls will commence on Monday of the second week of the Session and will likely be conducted every two weeks throughout the Session as follows: March 7, 21, April 18, 25 and May 2, 2011. As a contingency the Commission agreed to notice in the FAW a teleconference meeting for every Monday of the Session as follows: March 7, 14, 21, 28, April 11, 18, 25 and May 2, 2011. Jim Richmond will let the Commission know whether specific teleconference meeting will be conducted or cancelled based on need. The teleconference calls will be an opportunity to receive updates from Jim and provide him with any needed guidance and recommendations on issues of interest/concern to the Commission. The calls will start at 10:00 AM. Following discussion the Commission took the following action:

Commission Actions:

Motion—The Commission voted unanimously, 22 - 0 in favor, to notice teleconference Commission meetings for the following eight dates: March 7, 14, 21, 28, April 11, 18, 25 and May 2, 2011.

Legislative Issues Update

Jim Richmond provided the Commission with an update on pending 2011 legislative issues relevant and of interest to the Commission and answered member's questions.

Report to 2011 Legislature Update

The Chair reported that he had reviewed and approved the Report to the 2011 Legislature and it will be conveyed to the Governor and with the Commission's adopted Accessibility Law recommendations. The Final Report is posted to the Commission's website.

COMMISSION EFFECTIVENESS ASSESSMENT SURVEY RESULTS

Chairman Rodriguez noted that each year the Commission conducts an Effectiveness Assessment Survey to gauge the Commission's perspective on a variety of issues. Over the years the survey input has been the basis for many enhancements to the Commission's procedures. Jeff Blair reviewed the results of the Annual Effectiveness Assessment Survey and answered member's questions.

Following are the compiled Effectiveness Assessment results from 2000 – 2011:

FBC EFFECTIVENESS ASSESSMENT SURVEY RESULTS										
ANNUAL COMPILATION 2000-2011										
Annually, Commission members are asked to pick the number that best describes how the Commission functions in key topical issue area metrics: Scale Range 10 - 1 (10 highest rating to 1 lowest rating)										
KEY TOPICAL ISSUE	2011	2010	2009	2008	2007	2006	2005	2004	2001	2000
Decision Making Process	9.6	9.8	9.7	9.4	9.2	9.3	9.3	8.8	9.1	8.8

Participation and Communication	9.4	9.3	9.4	9.0	8.9	9.2	9.1	8.4	7.5	8.2
Commission Relationship to Agency (DCA)	8.9	8.8	9.0	8.6	7.9	8.7	8.7	7.8	—	—
Commission Relationship to Staff	9.8	9.5	9.6	9.1	8.7	8.9	9.1	8.8	—	—
Time for Consideration	8.9	8.6	8.9	8.0	7.7	8.2	7.5	6.5	7.7	8.3
Information and Analysis	9.1	8.7	9.1	8.1	8.1	8.7	8.1	7.5	7.8	7.6
Process/Meeting Facilitation	9.4	9.5	9.8	9.7	9.7	9.5	9.5	—	—	—
Controversy or Planning Orientation	—	—	—	—	—	—	—	—	7.8	7.8
Overall Average	9.3	9.2	9.4	8.8	8.6	8.9	8.8	7.8	7.8	8.1

(Included as Attachment 3—Assessment Survey Results)

COMMISSION WORKPLAN PRIORITIZATION EXERCISE RESULTS

Jeff Blair reviewed the results for the 2011 Workplan Prioritization Exercise and answered member's questions. Commissioners were asked to rank each of ten (10) key *Workplan* tasks on a five-point continuum/scale where a 5 equals the highest level of priority and a 1 equals the lowest level of priority. Members were asked to rank the priority of each task independently and not in relation to the other tasks. Each of the *Workplan* task's rankings were tallied and arranged in order of highest priority (1) to lowest priority (10). The ranking results ranged from a high of 4.53 to a low of 2.79 out of 5.

The exercise was completed by the following ten (19) Commissioners:

Raul L. Rodriguez, AIA, (chair), Hamid Bahadori, Bob Boyer, Dick Browdy (vice-chair), Ed Carson, Herminio Gonzalez, Jim Goodloe, Ken Gregory, Dale Greiner, Jeff Gross, Jon Hamrick, Scott Mollan, Nick Nicholson, Drew Smith, Jim Schock, Jeff Stone, Tim Tolbert, Mark Turner, and Randall Vann.

Following are the results of the Commission's prioritization exercise for 2011:

WORKPLAN PRIORITIZATION EXERCISE RESULTS 2011		
FEBRUARY 1, 2011		
WORKPLAN TOPICS (TASK/ISSUE #)	AVERAGE (5 TO 1)	OVERALL RANKING
2010 Update to FBC (5.)	4.53	1
Glitch amendments to 2010 FBC (6.)	4.37	2
Report to 2012 Legislature (1.)	4.32	3
Integration of Accessibility Law (DOJ SAD) into FBC (8.)	4.11	4
Code amendments directed by Legislature (18.)	4.11	4
Amend rules to establish fees: waivers/declaratory statements/opinions (20.)	3.84	6
Triennial BCS Assessment (21.)	3.84	6
Bedroom definition for septic tank sizing (DOH) (9.)	3.58	8
Corrosive gypsum board (DOH) (10.)	3.16	9
Recommendations: increase recycling and composting, and recyclable construction materials (22.)	2.79	10

BCIS REPORT

Mo Madani reported that DCA is evaluating a series of enhancements to the BCIS and reviewed the potential projects and costs with Commissioners and answered questions. Mo provided a document detailing the BCIS projects.

(Included as Attachment 4—Proposed BCIS Improvements)

REVIEW AND UPDATE OF COMMISSION WORKPLAN

Rick Dixon indicated there were no substantive changes to the Commission's Workplan and no action was needed.

(Included as Attachment 2—Commission's Updated Workplan)

CONSIDERATION OF ACCESSIBILITY WAIVER APPLICATIONS

The Commission reviewed and decided on the Waiver applications submitted for their consideration. A complete summary of accessibility waiver applications is included as an attachment to this Report.

(Included as Attachment 6—Accessibility Waiver Summary Report)

CONSIDERATION OF APPLICATIONS FOR PRODUCT AND ENTITY APPROVAL

Commissioner Carson presented the committee's recommendations for entities and Jeff Blair presented the committee's recommendations for product approvals. The complete results of product and entity applications are included as an attachment to this Report.

(Included as Attachment 8—Product and Entity Approval Report)

CONSIDER APPLICATIONS FOR ACCREDITOR AND COURSE APPROVAL

Commissioner Browdy presented the POC's recommendations, and the Commission reviewed and decided on the accreditor and course applications submitted for their consideration as follows.

Commission Actions—Education POC:

There were no courses recommended for approval by the Education POC.

(See Committee's Next Agenda for Linked Committee Report)

CONSIDERATION OF LEGAL ISSUES

Appeals/Product Approval Revocations/Binding Interpretations

None/ See Product Approval Report for revocations/None

Legal Report

Appeal of Binding Interpretations

Jim Richmond reported that a Binding Interpretation involving the City of Miami Beach is currently under appeal to the Court of Appeal Third District.

Petitions For Declaratory Statements

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

Second Hearings

DCA10-DEC-209 by Michael Murray of StormWatch, Inc
DCA10-DEC-216 by Geoff Mcleod of MESA Modular Systems, Inc.
DCA10-DEC-217 by Dwight Wilkes - Consultant for AAMA
DCA10-DEC-219 by David Karins, P.E. of Karins Engineering Group, Inc.
DCA10-DEC-220 by John H. Kampmann Jr., PE of MEA Engineers Inc.
DCA10-DEC-221 by John H. Kampmann Jr., PE of MEA Engineers Inc.
DCA10-DEC-222 by John H. Kampmann Jr., PE of MEA Engineers Inc.
DCA10-DEC-224 by John H. Kampmann Jr., PE of MEA Engineers Inc.
DCA10-DEC-225 by John H. Kampmann Jr., PE of MEA Engineers Inc.

Commission Actions:

Motion—The Commission voted unanimously, 22 - 0 in favor, to defer action on all second hearing Declaratory Statements pending posting of draft Final Orders to the Commission’s website.

First Hearings

DCA10-DEC-213 by Gary Pailthorp, PE. of Bracken Engineering

Motion—The Commission voted 22 – 0 in favor, to dismiss the petition as outside the scope of the declaratory statement process.

DCA10-DEC-214 by Bemie Eustace, Director of INTERPLAN LLC

Motion—The Commission voted 22 – 0 in favor, to approve the TAC’s recommendation on the petition (Dismiss due to subject to local appeal process).

DCA10-DEC-243 by Timothy Graboski of Tim Graboski Roofing Inc.

Motion—The Commission voted 23 – 0 in favor, to dismiss the petition.

DCA10-DEC-247 by Timothy Graboski of Tim Graboski Roofing Inc.

Motion—The Commission voted 22 – 0 in favor, to approve the TAC’s recommendation on the petition.

DCA10-DEC-248 by Kraig Marckett of Living Space Sunrooms, LLC

Motion—The Commission voted 22 – 0 in favor, to dismiss the petition as outside the scope of the declaratory statement process.

DCA10-DEC-270 by Micheal Heissenberg, President, of Expert Shutter Services, Inc.

Motion—The Commission voted 22 – 0 in favor, to dismiss the petition as outside the scope of the declaratory statement process.

DCA10-DEC-285 by Larry Schneider, AIA

Motion—The Commission voted 22 – 0 in favor, to defer action on the petition pending petitioner providing additional information.

DCA10-DEC-286 by Larry Schneider, AIA

Motion—The Commission voted 21 – 0 in favor, to defer action on the petition pending petitioner providing additional information.

(Included as Attachment 7—Legal Report)

COMMITTEE REPORTS AND RECOMMENDATIONS

The Chair requested TAC/POC chairs to confine their reports to a brief summary of any key recommendations, emphasizing those issues requiring an action from the Commission. The Chair requested if the TAC/POC requires Commission action, to frame the needed action in the form of a proposed motion. This will ensure that the Commission understands exactly what the TAC/POC's are recommending, and the subsequent action requested of the Commission. The Chair explained that the complete reports/minutes will be linked to the committees' subsequent agendas for approval by the respective committees.

Accessibility Code and Law Workshop Report and Recommendations

Jeff Blair reported that the staff has recommendation regarding the Draft Document Integrating Accessibility Standards of Florida Law with the New DOJ Standards for Accessible Design (ADA Standards) and the document identifying where Florida Requirements are integrated into the ADA Standards/2004 ADAAG, and proposed statutory revisions necessary to conform Florida Requirements with the ADA Standards for inclusion in the Commission's Report to the 2011 Legislature. Recommendations for integrating Accessibility Standards of Florida Law with the new DOJ Standards for Accessible Design are consensus recommendations from the Accessibility Code Workgroup, and Staff's recommendations for statutory changes are based stakeholder's perspectives compiled from a series of three workshops. The complete Report may be viewed at the project webpage as follows: <http://consensus.fsu.edu/FBC/accessibility-code.html>

Motion—The Commission voted unanimously, 21 – 0 in favor, to accept the meeting workshop report (January 31, 2011).

Accessibility TAC

Commissioner Gross presented the Committee's report and recommendations.

Motion—The Commission voted unanimously, 21 – 0 in favor, to accept the report (January 31, 2011).
(See Committee's Next Agenda for Linked Committee Report)

Education POC

Commissioner Browdy presented the Committee's report and recommendations.

Commission Actions:

Motion—The Commission voted unanimously, 22 – 0 in favor, to accept the report (January 25, 2011).

Motion—The Commission voted unanimously, 21 – 0 in favor, to approve administratively updated Courses #'s: 430.1 and 256.1.

(See Committee's Next Agenda for Linked Committee Report)

Product Approval POC

Commissioner Carson presented the Committee's report and recommendations.

Commission Actions:

Motion—The Commission voted unanimously, 22 – 0 in favor to accept the report (January 24, 2011).

Motion—The Commission voted unanimously, 22 – 0 in favor to initiate revocation proceedings for the Following products: FL #s: 9386, 7080, 7673, 10332, 12150, 8710, 13115, 12911, 12767, 10541, 10543, 10571, 10676, 13189, 13238, 9455, 12702, 12700, 1934, 5300, 5358, 5842, 7392, 7879, 8229, 8299, 12434, 12697, 11808, 12745, 12666, 7685, and 12000 due to the expiration of Quality Assurance programs.

Motion—The Commission voted unanimously, 22 – 0 in favor to initiate the revocation process for shutters used within HVHZ that have deflection larger than allowed by S.1613.1.9. The following

products do not comply and will be subject to revocation: FL #'s: 7873-R6, 12766-R1, 13663, 13299-R1, and 10654.

(See Committee's Next Agenda for Linked Committee Report)

Roofing TAC

Commissioner Schulte presented the Committee's report and recommendations.

Motion—The Commission voted unanimously, 22 – 0 in favor, to accept the report (January 24, 2011).

(See Committee's Next Agenda for Linked Committee Report)

Structural TAC

Commissioner Schock presented the Committee's report and recommendations.

Motion—The Commission voted unanimously, 22 – 0 in favor, to accept the meeting reports (January 24, 2011).

(See Committee's Next Agenda for Linked Committee Report)

RULE ADOPTION HEARING ON 2010 FLORIDA BUILDING CODE

Chairman Rodriguez explained that the Commission conducted a rule development workshop at the December 2010 meeting for the purpose of deciding on TAC recommendations regarding proposed modifications to the Florida Building Code. The Commission's adopted modifications serve as the draft 2010 Edition of the Florida Building Code. The February rule adoption hearing on Rule 9N-01, Florida Building Code, was for the purpose of considering public comment on the draft 2010 Florida Building Code.

The Rule Adoption Hearing was opened and an opportunity was provided for public comment.

Written comments were submitted regarding the following proposed Code modifications:

R3814-R1, R3799-R1, R3800-R1 (same issue—roof coatings—for different sections of the Code); and EN 4322. In addition, the proponents addressed the Commission during the Hearing regarding the proposed modifications listed above.

At the conclusion of public comment, the public comment portion of the hearing was closed, an opportunity was offered for Commission discussion, and then the Commission took the following action:

Commission Action:

Motion—The Commission voted unanimously, 22 - 0 in favor, to refer Code Modifications #: R3814-R1, R3799-R1, and R3800-R1 to the Roofing TAC to review and provide recommendations to the Commission regarding the submitted comment for amending the 2010 Florida Building Code.

Motion—The Commission voted unanimously, 22 - 0 in favor, to conduct a supplemental Rule Adoption Hearing on Rule 9N-01, Florida Building Code.

NEXT STEPS IN CODE ADOPTION PROCEEDINGS

Chairman Rodriguez reported that The TACs developed recommendations on proposed modification to the Florida Building Code during rule development workshops conducted in July and August of 2010. During the December meeting the Commission conducted a rule development workshop to decide on proposed modifications to serve as the 2010 Edition of the Florida Building Code, and voted to proceed with rule adoption by conducting a rule adoption hearing at the

February 1, 2011 Commission meeting, and conducting an additional rule adoption hearing concurrent with the June 2011 rule adoption hearing to consider glitch amendments to the 2010 Code. The Commission's decisions on proposed Code modifications have been posted and serve as a draft of the rule. The Commission will conduct an additional rule adoption hearing concurrent with the June 2011 rule adoption hearing to consider glitch amendments to the 2010 Florida Building Code for the purpose of providing an additional opportunity for public comment, and the rule will be finalized with the concurrent adoption of glitch amendments at the June 2011 meeting.

The Chair recommended staff's proposal for the Glitch Process as follows:
The Commission adopt the following criteria that the proponent must address for submitting proposed Glitch amendments to the 2010 Florida Building Code:

- (1) Whether the proposed code change falls within the scope of the glitch criteria.
- (2) Whether the proposed code change has a Florida specific need.
- (3) What the impact is on small businesses.

Commission Action:

Motion—The Commission voted unanimously, 22 – 0 in favor, to adopt the above as criteria proponents must address for submitting Glitch amendments to the 2010 Florida Building Code.

In addition, the Commission decided on the process for evaluating whether submittals meet the Glitch submittal criteria and developing recommendations regarding the Glitch amendments. Following is the option recommended by staff and approved by the Commission:

TAC chairs meet 2 weeks before the Commission meeting via a Webinar or on-site meeting to develop recommendations on the changes to the Commission.

Commission Action:

Motion—The Commission voted unanimously, 22 – 0 in favor, to adopt the proposed Glitch review process for Glitch amendments to the 2010 Florida Building Code.

CONSIDER RECOMMENDATIONS TO 2011 LEGISLATURE REGARDING ACCESSIBILITY CODE LAW AND OTHER ISSUES

The Chair reported that at the December 2011 meeting the Commission adopted a package of recommendations for submittal to the Report to the 2011 Legislature. At the February meeting the Commission was asked to consider additional recommendations for submittal to the 2011 Legislature, including recommendations required to conform the Florida Accessibility Code for Building Construction with federal ADA requirements, and to ensure that the FACBC will be certified by the Department of Justice. DCA staff provided the Commission with a package of recommendations based on comments received by the Accessibility Code Workgroup and from a series of three Accessibility Code and Law workshops. Stakeholders were also asked to identify and evaluate additional recommendations for statutory changes (in addition to those required to conform the law to the new ADA Standards for Accessible Design) and staff's recommendations regarding those proposed statutory changes are based on acceptability rankings conducted with stakeholder interests attending the January 31, 2011 workshop.

Following question and answers, public comment, and Commission discussion the Commission took the following action:

Commission Action:

Motion—The Commission voted unanimously, 22 – 0 in favor, to adopt staff recommendations regarding statutory changes to Accessibility Code law. The Commission recommends Revisions to Part II, Chapter 553, Florida Statutes, to conform requirements with the format and terminology of the 2010 ADA Standards for Accessible Design; to resolve possible not-equivalent standards; to eliminate redundant and non-essential requirements; and to enhance certain requirements for accessibility. The recommendations are included as Attachment 5 of this Report.

(Included as Attachment 5—Accessibility Law Recommendations)

Motion—The Commission voted unanimously, 22 – 0 in favor, to adopt staff's recommendations and to authorize legal staff to provide language for a framework regarding a proposed process for considering interpretations of the Accessibility Code by the Commission.

COMMISSION MEMBER COMMENT AND ISSUES

Chairman Rodriguez invited Commission members to make any general comments to the Commission, or identify any issues or agenda items for the next Commission meeting.

Commission Member Comments:

- Gregory: Need a replacement Swimming Pool Subcommittee member. Will provide a recommendation to the Chair.
- Stone: Inquired what to do regarding expiration of Commission member terms.
- Staff response: Members serve until replaced, and members should submit a new application if they wish to serve an additional term.
- Stone: Requested that the issue of protected course training material should be added to the Education POC's agenda.

GENERAL PUBLIC COMMENT

Chairman Rodriguez invited members of the public to address the Commission on any issues under the Commission's purview.

Public Comments:

- Glenn: Described how his training course material was used by another trainer without permission, and trainers material should be protected from unethical trainers/providers.
- Glenn: Expressed that \$80K for the development of an Energy Code software manual was not needed since IECC criteria could be used for considering the approval of software. Expressed concern that if FSEC developed the software manual it would lean toward EnergyGauge software. To open the software market an RFP should be issued to avoid this.
- Stuart: Agreed with Glenn, RFP should be issued for developing a software manual.
- Harvey: Should use the IECC standards/criteria for software.
- Vierra: FSEC agrees with much of what has been stated regarding development of a software manual and someone who is expert in this area should be used for developing the manual.
- Madani: Staff plans on using a workgroup to evaluate how best to develop the manual and planned on using a bid procedure once the process and criteria are agreed to by stakeholders.

NEXT COMMISSION MEETING ISSUES

The April 2011 Commission meeting will focus on reviewing Legislative issues and assignments.

ADJOURN

The Chair adjourned the meeting at 11:27 AM on Tuesday, February 1, 2011.

ATTACHMENT 1

MEETING EVALUATION RESULTS

February 1, 2011—Tampa, Florida

Average rank using a 0 to 10 scale, where 0 means totally disagree and 10 means totally agree.

1. Please assess the overall meeting.

- 9.4 The background information was very useful.
- 9.4 The agenda packet was very useful.
- 9.4 The objectives for the meeting were stated at the outset.
- 9.4 Overall, the objectives of the meeting were fully achieved.

2. Do you agree that each of the following meeting objectives was achieved?

- 9.5 Chairs Issues and Recommendations.
- 9.4 Commission's Workplan and Meeting Schedule Review and Update.
- 9.3 Accessibility Waiver Applications.
- 9.0 Approvals and Revocations of Products and Product Approval Entities.
- 9.0 Applications for Accreditor and Course Approval.
- 9.5 Legal Issues and Requests for Declaratory Statements.
- 9.5 TAC and POC Reports and Recommendations.
- 8.6 Workgroup, Ad Hoc, and Committee Reports and Recommendations.
- 9.4 Commission Effectiveness Assessment Survey Results Review.
- 9.5 Workplan Prioritization Exercise Results Review.
- 9.4 Rule Development Workshop Rule 9B-70 Education (repeal of Core requirement).
- 9.5 Rule Adoption Hearing on the 2010 Florida Building Code.
- 8.6 Fees for Accessibility Code Waiver Applications Discussion.

3. Please tell us how well the Facilitator helped the participants engage in the meeting.

- 9.5 The members followed the direction of the Facilitator.
- 9.5 The Facilitator made sure the concerns of all members were heard.
- 9.5 The Facilitator helped us arrange our time well.
- 9.5 Participant input was documented accurately in Meeting Notes and Facilitator's Report.

4. Please tell us your level of satisfaction with the meeting?

- 9.4 Overall, I am very satisfied with the meeting.
- 9.5 I was very satisfied with the services provided by the Facilitator.
- 9.4 I am satisfied with the outcome of the meeting.

5. Please tell us how well the next steps were communicated?

- 9.3 I know what the next steps following this meeting will be.
- 9.3 I know who is responsible for the next steps.

6. What did you like best about the meeting?

- Good job by the staff, Jeff and the Chairman.
- Running or managing a meeting is an art and the Chairman is excellent at this.
- Good work by staff in getting the meeting well organized.
- Staff preparation and recommendations for Commission action.
- Room layout was good and plenty of space for Commissioners.
- The flow.
- Stayed on point very well.
- Short, sweet and organized.
- Sound system worked great. Microphone use has greatly improved.

7. How could the meeting have been improved?

- Having all documents needed so we can act.
- My name is Rafael not Raphael as shown in the minutes.
- Similar to the Chair's AIA being added after his name, all Commission members should have their titles added to their names.
- Add I-Pads for each Commissioner.

8. Do you have any other comments?

- Jeff, Marlita, Rick and Mo make a great team and work exceptionally well. My thanks to all DCA staff for a great meeting.
- The Commission's future appears uncertain, but the Commission sure does a great job for our State!

Comments on Specific Agenda Items:

None were provided.

PUBLIC-MEETING EVALUATION AND COMMENT RESULTS

None were completed.

ATTACHMENT 2
COMMISSION’S UPDATED WORKPLAN AND MEETING SCHEDULE

(ADOPTED UNANIMOUSLY FEBRUARY 1, 2011)

MEETING DATES

<u>2010</u>	<u>Meeting Location</u>	<u>Reservation Deadline</u>
February 1,2 & 3	Embassy Suites, Tampa, (813-977-7066)	January 1, 2010
April 5, 6 & 7	Hilton Hotel, Gainesville, (352-371-3600)	March 4, 2010
June 7, 8 & 9	Rosen Centre, Orlando, (800-204-7234)	May 6, 2010
August 9, 10 & 11	Crowne Plaza, Melbourne, (321-777-4100)	July 16, 2010
October 11, 12 & 13	Hilton Hotel, Gainesville, (352-371-3600)	September 9, 2010
December 6, 7 & 8	Crowne Plaza, Melbourne, (321-777-4100)	November 12, 2010

<u>Teleconference Meetings</u>	
March 8	10:00 AM
March 15	10:00 AM
March 29	10:00 AM
April 12	10:00 AM
April 19	10:00 AM
April 26	10:00 AM

<u>2011</u>	<u>Meeting Location</u>
Jan 31 & Feb1 & 2	Embassy Suites, Tampa (813-977-7066)
April 4, 5 & 6	Embassy Suites, Tampa (813-977-7066)
June 6, 7 & 8	Hilton Hotel, Gainesville, (352-371-3600)
August 8, 9 & 10	Rosen Centre, Orlando, (800-204-7234)
October 10, 11 & 12	[pending- Daytona or Melbourne Beach Hilton]
December 5, 6 & 7	Hilton Hotel, Gainesville, (352-371-3600)

2012**Meeting Location**

Jan 31 & Feb 1 & 2

April 2, 3 & 4

June 11, 12 & 13

Note: 10 wks between Apr-Jun due to Easter Apr 8 and BOAF conf Jun 2-7

August 6, 7 & 8

October 8, 9 & 10

December 3, 4 & 5

2013**Meeting Location**

Feb 4, 5 & 6

April 8, 9 & 10

Note: Easter is Mar 31 so moved Apr mtng back one wk

June 11, 12 & 13

August 12, 13 & 14

October 7, 8, & 9

December 9, 10 & 11

Note: Thanksgiving Nov 28 so moved Dec mtng back one wk

2014**Meeting Location**

Feb 3, 4 & 5

March 31 & April 1 & 2

June 2, 3 & 4

Note: 8 wks between Feb-Apr mtng and reg 9 wks Apr-Jun to avoid conflict BOAF conf Jun 7-14

August 4, 5 & 6

October 6, 7 & 8

December 8, 9 & 10

2015**Meeting Location**

Feb 2, 3 & 4

Mar 30, 31 & April 1

June 1, 2 & 3

Note: 8 wks between Feb-Apr mtng due to Easter Apr 5 and BOAF conf Jun 6-11

August 3, 4 & 5

October 5, 6 & 7

December 7, 8 & 9

FLORIDA BUILDING COMMISSION 2011 WORKPLAN

ANNUAL ADMINISTRATIVE TASKS

1. Report to 2011 Legislature

Schedule:

Commission identifies and receives draft recommendations	12/10
DCA editorial review	1/28/11
Chairman's final approval	2/14/11
Commission report to 2009 Legislature	2/28/11

Status: Pending

% Complete



90%

Origination: Commission. Annual task authorized by statute

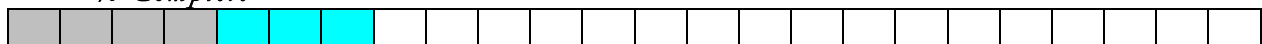
21. Conduct Triennial Assessment of the Florida Building Code System for Report to the Legislature

Schedule:

Conduct Assessment Survey	7/10-9/10
Appoint Commission AdHoc Committee	8/10/10
AdHoc Committee meetings	10/12/10
Committee report to Commission	10/13/10
Expanded assessment plan presented/approved at Commission	12/8/10
See Expanded Plan at End of the this Workplan	
Report to 2011 Legislature (See Task 1)	2/28/11
Expanded assessment conducted	1/11-10/11
Recommendations reviewed in public workshop	12/11
Commission finalizes recommendations to 2012 Legislature	12/11
Report to 2012 Legislature	2/28/12

Status: Pending

% Complete



25 %

2. Workplan Prioritization

Schedule:

Survey sent to Commissioners 11/10
 Review results at meeting 2/11

Status: Pending

% Complete



Origination: Commission. Annual task.

3. 2010 Commission Effectiveness Assessment Survey

Schedule:

Discussion of survey instrument at Commission meeting 12/10
 Review results at meeting 2/11

Status: Pending

% Complete



Origination: Commission. Annual task.

2010 FBC UPDATE DEVELOPMENT TASKS

5 2010 Update to the Florida Building Code – Combine Primary Update and Glitch Revisions in a Single Rule Proceeding**

Schedule:

Printed 2009 International Codes published and available to the public 4/2/09
2009 I Codes must be available to public for 6 months prior to selection
 Commission selects 2009 I Codes as foundation for 2010 FBC (*Oct Cmsn meeting*) 10/13/09
 Staff evaluates changes of 2006 to 2009 I Codes for overlap with Florida amendments 4/09-11/09
 TACs review existing Florida amendments that overlap with 2006 to 2009 I code 12/6/09-1/20/10
 changes and develop recommendations for retaining the Florida amendment
 or the new I code requirement. (*see subtask below*)
 All existing Florida amendments compiled in 2009 I Codes format posted to website 2/1/10
 including TAC recommendations for “overlapping” amendments

Note: Proposed amendments to existing “Florida specific” code requirements must be made to the section numbers provided in this document. Staff will not correlate proposals for proponents.

Local amendments posted to the website	2/1/10
FFPC to FBC correlations/overlaps identified and recommendations developed <i>(see subtask below)</i>	1/20/10
Submittal of new proposed amendments for the 2010 FBC opens	3/1/10
New proposed amendments for the 2010 FBC due and process closes	4/2/10
Proposed amendments reviewed by staff and posted to the Commission website	4/15/10
45 day comment period ends <i>(By law- 45 day min before TAC review)</i>	6/1/10
TACs Review Proposals at Rule Development Workshops	
TACs review proposed Florida amendments and adopt recommendations at Rule Development Workshop	7/27/10 8/9-12/10
<i>(Spcl Occup 7/15; Structural & Energy 8/23-25; all others at August 2010 Commission meeting)</i>	8/23-24/10
TAC recommendations posted to the website	9/3/10 45 day
comment period ends <i>(By law- 45 day min before Commission review)</i>	10/18/10
Commission Reviews TAC Recommendations at Rule Development Workshop	
TACs review comments on their recommendations and prepare public comment for the Rule Workshop	11/15-17/10 11/19/10
Commission considers TAC recommendations on proposed amendments at the Rule Development Workshop <i>(December 2010 Commission meeting)</i>	12/7-8/10
Commission Reviews TAC Recommendations at Rule Adoption Hearing	
Draft Code in supplement format available for review	12/31/10
Governor’s Office authorizes rule hearing	1/19/11
Rule Adoption hearing #1 <i>(Commission February 2011 meeting)</i>	2/1/11
2010 Florida Building Code Rule Submitted for Legislature’s Ratification	
Submit the Rule adopting the code to the 2011 Legislature for approval <i>(New requirement based on Legislature’s veto override of HB 1565)</i>	2/1/11**
Glitch Fix Amendments Prior to Code Taking Effect	
2010 FBC Supplement published online	2/18/11
Glitch amendment submittal DEADLINE <i>(Note: The Code publisher will identify correlation glitches and unintended consequences of Florida specific amendments in the final 2010 FBC Supplement for correction by glitch amendment. See subtask for adoption of the 2011 NEC via the glitch proceeding)</i>	3/18/11
Rule adoption hearing #2 <i>(April Commission meeting)</i>	4/5/11
Rule adoption hearing #3 <i>(June Commission meeting)</i>	6/7/11
Glitch Rule adopted (filed)	7/1/11
Code printed with first cycle glitch fixes and available to the public	10/1/11
2010 FBC effective <i>Note: By law this is the latest date the Florida Fire Prevention Code can be implemented. The goal is to implement the FFPC and FBC concurrently.</i>	12/31/11

Subtasks:

a. Review 2011 NEC (*Note: not subject to glitch proposal submittal deadline*) 1/11-2/11
 Proposal to adopt 2011 NEC submittal deadline 3/18/11
 Recommend whether to adopt as glitch (*April Commission meeting*) 4/5/11
 Adoption per schedule above

Joint Fire TAC/Fire Code Advisory Council review of **new** approved Florida mods for conflicts created between Fire Code and Building Code 2/11

Status: Pending

% Complete



Origination: Requirement of law that the Commission updates the Code triennially..

Code Books Available

Code printed with integrated Florida modifications and glitch fixes 10/1/11

Code implemented

12/31/11

Note: By law this is the latest date the Florida Fire Code can be implemented.

The goal is to implement the FFPC and FBC concurrently.

15. Evaluate Hurricane Wind Pressure and Wind Driven Rain Criteria for Soffit Systems and Establish Labeling Requirements
Workplan Priority 13

Schedule:

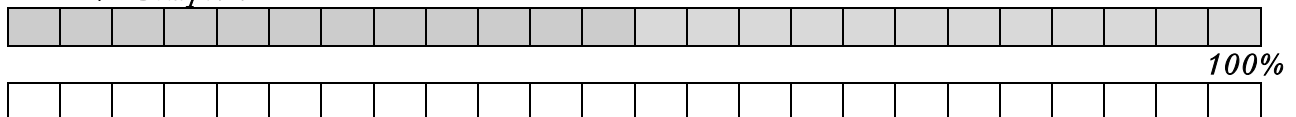
Phase I -
 Appoint workgroup 3/19/08
 Include task in UF components and cladding contract 3/08
 Workgroup meetings 11/6/08
 2/4/09
 4/8/09
 7/09-9/09
 Recommendations ready to propose for 2010 FBC 2/10
 Report to Structural TAC and Commission 2/10/10
 Proposals for 2010 FBC submitted for adoption 3/10

Phase II -

Workgroup and research for phase II, development of product evaluation standards initiated

*Status: Phase I- completed
 Phase II - pending*

% Complete



8. Develop Integration of Florida Accessibility Law into the 2010 Standards for Accessible Design (SAD) Being Adopted by the US Department of Justice

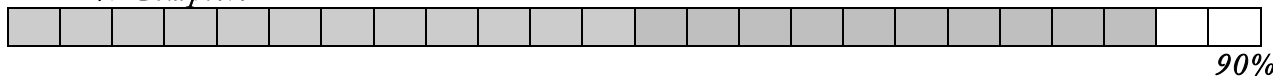
Workplan Priority 4

Schedule:

Appoint work group		12/12/08
Staff Developed Starting Draft	1/09	
Workgroup Meetings		2/2/09
		4/6/09
		6/9/09
		8/10/09
		10/12/09
		12/7/09
		2/1/10
		4/5/10
		6/7/10
		10/11/10
		12/6/10
		1/20/11
		1/31/11
DOJ published final regulations		9/15/10
Draft revised for consistency with final regulations		11/10
Draft Code Completed		12/7/10
Staff Identify Changes to Law to Maintain Consistency with 2010 ADA Stds		11/10
Consensus meetings to identify changes to law		10/13/10
		1/20/10
Recommendation to Commission		2/2/10
Public Hearings		2/2/10
Report to Legislature (See Task 1)		2/28/11
Rule Development Workshop on 2012 Code		
Rule Adoption Hearing on 2012 Code		

Status: Pending

% Complete



Workplan Tasks Resulting from 2010, HB 663

16. 2010 Florida Building Code Amendments directed by the Legislature:

- Require upgrade of elevators in condos and multi-family buildings having a C.O. before July 1, 2008 for Phase II Firefighter Service pursuant to ASME 17.1 and 17.3 when it is replaced or undergoing a major modification
- Coordinate the Code with statutory changes to SFM requirements for uniform lock boxes for elevator keys
- Require illumination in classrooms for ALL schools to be an average 40 foot-candles of light at each desk-top
- Exempt from the Code certain pre-manufactured/site assembled family mausoleums
- Exempt temporary housing provided by Department of Corrections for prisoners
- Remove from the IRC foundation code requirements for sprinklers
- Clarify AC equipment must meet wind resistance standards
- Require existing AC equipment on roof surfaces to comply when they are required to be removed or replaced
- Implement changes to statutory requirements for CO detectors
- Include energy saving options and elements for buildings added to the law that are not already included in the Code, e.g. energy efficient centralized computer data centers in office buildings
- Clarify energy performance requirements for pool pumps apply only to filtration pumps and change the maximum run time cycle override at high speed from 2 hours to 24 hours (or on changeover cycle whichever is less)
- Clarify sprinklers cannot be required for certain residential property used as rental property or changed in use category to primary rental use

Schedule:

Staff submit comments to 2010 FBC amendment proposals

5/10

Adoption per 2010 FBC Update schedule Task (see Code Update Task)

Status: Pending

% Complete



85%

17.	State Product Approval Rule 9N-3 Amendments directed by the Legislature:	<ul style="list-style-type: none"> • Require payment of Administrator portion of application fee directly to the Administrator • Implement new expedited process for approval of products based on certificate from a Certification Agency • Eliminate ICBO ES, BOCA ES and SBCCI ES from list of approved Evaluation Entities
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Schedule:

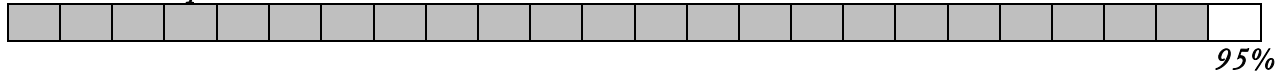
Hold rule workshop	8/10/10
Hold rule hearing	10/12/10
Approve changes pursuant to JAPC comment	12/6/10
Effective date (good faith rulemaking)	11/1/10

Further action on rule adoption suspended pursuant to Governor Scott's Executive Order

Rule filed with effective date after changes per JAPC comment

Status: Pending

% Complete



18.	Amend rules to establish fees for:	<ul style="list-style-type: none"> • Accessibility Code waivers • Declaratory statements • Non-binding opinions
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Schedule:

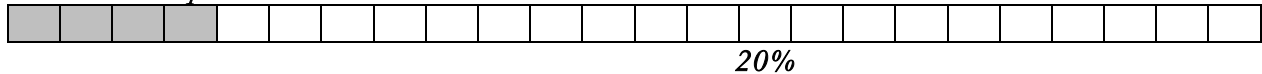
Hold workshop to discuss which fees	10/13/10
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Further action on rule adoption suspended pursuant to Governor Scott's Executive Order

Conduct rule development workshop	2/1/11
Conduct rule hearing	4/11
File with the Department of State (if no notice of change)	6/11
Effective date	7/11
	10/11

Status: Pending

% Complete



Workplan Tasks Resulting from 2010, HB 7243

22. Develop recommendations that increase recycling and composting and the use of recyclable construction materials and construction and demolition debris

Schedule:

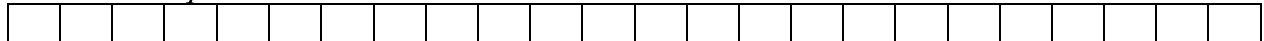
Task redirected to be addressed in Building Code System Assessment Project

Recommendations to Commission 10/11

Final report to the 2012 Legislature (See Annual Report schedule) 2/28/12

Status: Pending

% Complete



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BUILDING CODE SYSTEM ASSESSMENT AD HOC WORKPLAN BY TASK

A. COMMISSION, AD HOC COMMITTEE AND TAC TASKS

- ◆ Committee meets at Commission meetings starting October 2010 and ending Dec. 2011.
 - ◆ A large forum public workshop is held to start the project. TACs are appointed for areas corresponding to the Building Code Study Commission’s “Foundation*” principles to review issues and develop recommendations. The Ad Hoc Committee considers TAC recommendations and develops final recommendations for the Commission to transmit to the Legislature.
- * The Study Commission determined that an effective system must address five key components: the Code and Code development process, the Commission, local administration of the Code, strengthening compliance and enforcement, and product evaluation and approval.*
- ◆ The Ad Hoc Committee manages the project for the Commission.
 - ◆ Project Workplan is reviewed and updated at each meeting, as needed.

B. AD HOC COMMITTEE TASKS

	START DATE	COMP. DATE
1. Ad Hoc conducts on-line Survey Phase I.	June 2010	Aug. 2010
2. Ad Hoc Meeting I—Organizational Meeting.	Oct. 12, 2010	
3. On-Line Survey Phase II conducted.	Oct. 2010	Jan. 2011
4. Large Forum Public Workshop.	Mar. 2011	--
5. Ad Hoc Meeting II—To appoint Technical advisory committees. Held in conjunction with April Commission meeting.	April 2011	--
6. TACs meet to evaluate issues.	May 2011	--
7. TACs meet to evaluate issues and develop recommendations.	June 2011	--
8. TACs meet to finalize recommendations.	Aug. 2011	--
9. Ad Hoc meeting III—To consider TAC recommendations. Held in conjunction with October Commission meeting.	Oct. 2011	--
10. Ad Hoc meeting IV—To finalize recommendations. Held in conjunction with December 2011 Commission meeting.	Dec. 2011	--
11. Commission adopts final recommendations for submittal to the 2012 Legislature at December 2011 Commission meeting.	Dec. 2011	--

C. AD HOC COMMITTEE AGREEMENTS/RECOMMENDATIONS

	START DATE	COMP. DATE
1. Committee recommends the Commission conduct a comprehensive evaluation of the System for submittal to the 2012 Legislature.	October 12, 2010	
2. Commission adopts Ad Hoc’s recommendations.	October 13, 2010	
3. On-Line Survey Phase II will be compiled and a report issued.	Oct. 2010	Feb. 2011
4. Commission adopts final recommendations for submittal to 2012 Legislature.	--	Dec. 2011

D. PUBLIC INVOLVEMENT		
	START DATE	COMP. DATE
1. Survey Phase I conducted on-line	June 2010	Aug. 2010
2. Survey Phase II conducted on-line.	Oct. 2010	Jan. 2011
3. Public comments solicited at Ad Hoc Committee meetings. (2010: October; 2011: April, October, and December)	Oct. 12, 2010	Dec. 2011
4. Public comments received at each Commission meeting. (2010: October; 2011: February, April, June, August, October, and December)	Oct. 2010	Dec. 2011

DEVELOPMENT OF THE FLORIDA BUILDING CODE OVERVIEW

In 1997, the Governor’s Building Codes Study Commission recommended that a single state-wide building code be developed to produce a more effective system for a better Built Environment in Florida. It was determined that in order to be effective, The Building Code System must protect the health, safety and welfare of the citizens of Florida, and in doing so:

1. Be simple to use and clearly understood;
2. Be uniform and consistent in its administration and application;
3. Be affordable; and
5. Promote innovation and new technology.

The Study Commission determined that an effective system must address five key components: the Code, the Commission, code administration, compliance and enforcement, and product evaluation and approval.

The Florida Building Code is a state-wide code implemented in 2001 and updated every three years. The Florida Building Commission developed the Florida Building Code from 1999 through 2001, and is responsible for maintaining the Code through annual glitch amendments and a triennial foundation code update.

The Commission is required by Florida law to update the Florida Building Code every three years, and the 2010 Edition will represent the third update and fourth edition of the Code. The update process is based on the code development cycle of the national model building codes, which serve as the “foundation” codes for the Florida Building Code.

Triennial Report to the Legislature. Florida Statute, Chapter 553.77(1)(b), requires the Commission to make a continual study of the Florida Building Code and related laws and on a triennial basis report findings and recommendations to the Legislature for provisions of law that should be changed. The Commission conducted the first assessment in 2005, and during 2010 and 2011 Commission has appointed an Ad Hoc Committee to work with stakeholders to develop a package of recommendations for enhancements to the Florida Building Code System. The Commission’s recommendations will be a major component of their Report to the 2012 Legislature.

ATTACHMENT 3

EFFECTIVENESS ASSESSMENT SURVEY RESULTS 2011

FLORIDA BUILDING COMMISSION

EFFECTIVENESS ASSESSMENT SURVEY RESULTS 2011

(FEBRUARY 1, 2011)

RESPONDENTS (18): Raul L. Rodriguez, AIA, (chair), Hamid Bahadori, Dick Browdy (vice-chair), Ed Carson, Herminio Gonzalez, Jim Goodloe, Ken Gregory, Dale Greiner, Jeff Gross, Jon Hamrick, Scott Mollan, Nick Nicholson, Drew Smith, Jim Schock, Jeff Stone, Tim Tolbert, Mark Turner, and Randall Vann.

Commissioners were asked to circle the number that best describes how the Commission functions on each of the following scales: Scale Range 10 - 1 (10 highest rating to 1 lowest rating)

Ranking Scale Criteria									
10	9	8	7	6	5	4	3	2	1
Excellent Superior	Very Good	Good	Acceptable	Fair	Average	Mediocre Sub-Par	Poor	Very Poor	Extremely Poor

DECISION MAKING PROCESS

AVERAGE: 9.6

Commission uses process to effectively build a broad-based consensus.

Commission uses process to make a majority decision without a consensus of members.

10	9	8	7	6	5	4	3	2	1
12	5	1	0	0	0	0	0	0	0

Comments:

- The process is transparent and open to the public.
- One of the Commissions strongest points!
- Where possible without causing delays, an advance review of TAC recommendations should be considered.
- Jeff does an excellent job with keeping the commission on track with this goal in mind.

PARTICIPATION AND COMMUNICATION

AVERAGE: 9.4

Communications are respectful, balanced and points are clearly understood.

Some members dominate. Limited listening and understanding.

10	9	8	7	6	5	4	3	2	1
11	3	4	0	0	0	0	0	0	0

Comments:

- Jeff does a good job trying to keep everyone on point.
- Much better now than in the past.
- Sometimes a commissioner will have no understanding of an issue and will question it in detail, even when it's gone through a TAC. The chairman does a good job of balancing how much attention it gets.

COMMISSION RELATIONSHIP TO AGENCY AVERAGE: 8.9

Commission has developed effective working relationship and communication with Agency (DCA).

Commission has not developed effective working relationship and communication with Agency (DCA).

10	9	8	7	6	5	4	3	2	1
10	3	2	0	3	0	0	0	0	0

Comments:

- It is hard to tell what kind of relationship the Commission has with DCA. I feel like we are pretty much on our own which isn't a bad thing.
- DCA could help a little more with quicker reimbursement of travel. A commissioner shouldn't have to pay interest on a credit card waiting for a reimbursement check.
- Specifically, the Agency has not appreciated or adequately supported the role of the Commission as it seeks to timely execute its legislative mandates.

COMMISSION RELATIONSHIP TO STAFF AVERAGE: 9.8

Commission has developed effective working relationship and communication with staff.

Commission has not developed effective working relationship and communication with staff.

10	9	8	7	6	5	4	3	2	1
16	1	1	0	0	0	0	0	0	0

Comments:

- I have always had a good experience when working with staff.
- Staff is wonderful. They are always there to help commissioners and the public.
- Another one of the strong points.
- Agency staff are always accommodating.

TIME FOR CONSIDERATION AVERAGE: 8.9

Adequate time for presentation, generating options, analysis and decision making.

Snap decisions are made or decisions are deferred because of lack of time.

10	9	8	7	6	5	4	3	2	1
9	2	4	2	1	0	0	0	0	0

Comments:

- Not too bad but on some of the more complex issues more time to evaluate may be beneficial.
- We have ample time for the most part.
- At times, this is strained due to the TAC recommendation coming out just a few hours before a Commission vote. Please see earlier comment on advance review.
- With web/conference call meetings do to travel restrictions, presentations are less than par.

INFORMATION AND ANALYSIS

AVERAGE: 9.1

Critical background and assessment of options yield politically and practically feasible decisions.

Too little or too much, or hard to use information on the situation, options & impacts yield hard to implement decisions.

10	9	8	7	6	5	4	3	2	1
8	7	1	1	1	0	0	0	0	0

Comments:

- Most of the time.

PROCESS/MEETING FACILITATION

AVERAGE: 9.4

Facilitation provides a positive impact on meeting efficiency, and consensus-building for the Commission and its committees.

Facilitation obstructs the efficiency of the meeting process, and negatively impacts consensus-building for the Commission and its committees.

10	9	8	7	6	5	4	3	2	1
13	3	0	1	1	0	0	0	0	0

Comments:

- The facilitation process is essential to keep the process from bogging down.
- Jeff does a good job.
- JB keeps it all moving...nice work!
- Works excellent. Commend Jeff for this positive impact.
- Jeff does a great job as our facilitator.
- Need to start on time.

KEY TASKS AND/OR UNRESOLVED SUBSTANTIVE ISSUES THAT NEED TO BE ADDRESSED BY THE COMMISSION DURING 2011

Energy Issues

- Green Roof credits quantifiably incorporated into the Energy Code.
- LED lighting given proper credit in the Energy Code.

Code Issues

- Get the 2010 Building Code published.
- Publish the 2010 Florida Building Code.
- 2010 FBC Glitch amendments.
- Modify Florida Accessibility Code.
- Adoption of a new Accessibility Code.
- We need to re-evaluate the code adoption process.
- Streamlining the adoption process to eliminate delays.
- Revisit the code development process and create a process that is less complicated and easy for all to understand. Too much feedback from the public for not understanding what was going on.
- I would like to see the Florida Building Code updated every 6 years instead of every 3.
- Keeping the Florida specifics.
- Keep the ball rolling forward...Florida has specific needs but make sure they are critical to Florida, or let the I Codes stand.
- Working toward the base code by eliminating Florida specifics where possible and practical.

Commission Project Issues

- Recommend to the legislature that septic tanks be regulated by the Florida Building Code with local Building Inspection Department enforcement.
- We need to solve the problem with the dual responsibility of commercial swimming pools between the DOH and the Commission. We keep kicking the can down the road but the system does not work at present. We need to put together a workgroup to get all parties on the same page. I will be glad to chair the group. We need to face the problem of existing residential swimming pools. How do we get a system that will up grade these pools when they are renovated and modified.

Administrative/Logistical Issues/Legislative

- Building strong ties with the legislature to not get bogged down in rulemaking process.
- This can be answered better after we see what the Legislature does this year.
- Address the new law regarding rule review to reduce the potential for political decisions to drive the Code install of efficiency and safety.
- Increase training requirements for all State of Florida licensed construction professionals.
- Put a limit on what a local Building Official is responsible for other than his job as Building Official. With local government budget problems, the Building Official is now given a lot of responsibilities that take him away from his main duties of public safety.

MEMBER'S PERSPECTIVES ON WHAT THEY WOULD LIKE THE COMMISSION TO ACCOMPLISH WITHIN THE NEXT FIVE (5) TO TEN (10) YEARS

Code Development and Code Provisions

- Minimize Florida Specific amendments and reduce cost by using the model codes and a supplement.
- I would like to see a Florida specific Electrical code.
- ICC base code.
- I would like the Commission to be more diligent in eliminating the majority of the "Florida Specific" code amendments!
- One standardized Building Code with minimal Florida Specific items.
- I would like to see the Florida Building Code updated every 6 years instead of every 3.
- Continue to maintain the highest level of safeguard against wind and fire protection.
- Reduce or eliminate Florida specific items in code.
- Return to IBC code as much as possible.
- End conflicts in Chapter 10 FBC and the Florida Fire Prevention Code.
- Being firmly entrenched in the I-Codes and have the industry completely understand the code process and have all players on the same song sheet.

Code Enforcement and Compliance

- Recommend to the legislature that septic tanks be regulated by the Florida Building Code with local Building Inspection Department enforcement.
- Increase training requirements for all State of Florida licensed construction professionals.
- Put a limit on what a local Building Official is responsible for other than his job as Building Official. With local government budget problems, the Building Official is now given a lot of responsibilities that take him away from his main duties of public safety.

Administrative/Financial/Education

- Create avenues to reach out to the public sector more and reduce the shock of new code implementation for both fire and building code.
- We need to make the permitting process a county level process. The Cities are not able to provide this service in a timely manner and at a reasonable cost. A Commissioner cited a permit that was over \$50,000.00. We cannot allow this to continue and with the economic outlook it is going to get worst not better. This is a problem state-wide.

ATTACHMENT 4

PROPOSED BCIS IMPROVEMENTS

Proposed Improvements to the Building Information System “BCIS” and Request for Selective Consulting Services

Product Approval Module (\$100K)

1. Overhaul the business functions of the entities application process. The entities application process has been the source of frequent concerns and problems from staff and users. The following are the list of concerns as experienced by staff and users:
 - (1) There is no clear understanding of what a REVISION (editorial vs. technical) and RENEWAL mean and when to use each;
 - (2) Only one status for entities, whether logged in or not. The status should change for consistency with the application process (i.e. The status of entities applications should change when they submit renewal to “Pending Accreditation”;
 - (3) Accreditation entity should have to upload proof of compliance. Currently they only have to check a box and upload equivalency;
 - (4) No entity renewals or revisions should be allowed on DENIED, SUSPENDED, REVOKED status. They should register as a new entities;
 - (5) Notification email should be expanded to notify of new entity registration and show both TBA and DCA payment portions;
 - (6) Create a status for expired QA;
 - (7) Create verification function for QA agencies audit of manufacturers’ QA program; and
 - (8) There should be no grace period. Currently, the approval date extends 1 year when the entity application is “Pending Accreditation” and is moved to the Approved status. The date is extended 12 months each time the application is moved from pending to approved status. The only time this date should be extended is when the applicant pays for the one 12-month cycle.
2. Add provisions to the BCIS to allow all communications between entities with regard to the product approval and entity application to be conducted through a specified dialogue in-box designated on the BCIS. Add a dialog box for DCA to take notes on the applications for historical purposes (i.e. documentation of issues with the application for future reference).
3. [Establish Standard Procedures for Reviewing Applications by the Administrator.](#)
4. Improve User’s Interface. For example, allow general users to see only those items they have access to, allow logged in users to see the full menu items they have access to...etc.
5. Improve input screen/revision for product application. Improve the ability to delete or add a product to be more intuitive. The applicants are not comfortable with the way the screen operates.

6. Improve search screen. Add Search & Clear buttons to the top of the search criteria screen. Change the organization drop down to reflect alpha search instead of one long string with the option of displaying all. Product model number or name search should be more intuitive. Search should allow numbers or alpha search to identify close matches. Product description search should be more intuitive. The search results screen should have more information, product model number or name and/or description.
7. Others:
 - (1) Emails: Keeping track of the receipts for payments made on-line. The customer cannot go back and print a receipt once the transaction is complete. Maybe dump in the administrator's inbox. Have a history of the application in the administrators "Manage applications" section.
 - (2) Manage Applications: Allow color in the comment box.
 - (3) RODUCT APPLICATIONS: Add FL and Rev number to print out on the top middle of each Validation Checklist.
 - (4) **Product approval:** (a) on product applications, improve look of HVHZ section of the chart. **Possible Fix:** (1) One change would be on "Approved for Use in the HVHZ: No" to have the system via radio button selection in the application state "**Not approved for use in the HVHZ**" or "**Approved for Use in the HVHZ**"; (2) Add less than / greater than to Product Approval Search page for design pressures; (3) To delete an erroneous product in product approval you have to go inside the product and delete it. Could be easier; and (4) Under product chart have spacer to separate FL number from "History" link. They are too close together as they are now.

Code Modification Module (\$11K)

Improve the following functions of the Code Modification Module:

1. Improve reporting. Codify all reports created as part of current triennial code modification process.
2. Create reports/tracking charts for compiling and presentation of proposed code changes to be submitted under the Glitch code change process.
3. Improve reports available to users for consistency with those available to staff.
4. Create a program to allow linking base document(s) to a specific proposed code change and allow for an automatic update to the base document(s).
5. Research means to improve compatibilities between the module database and Crystal Report.

Local Amendment and Declaratory Statement Module (\$5K)

Present status: All information/data are currently had to be entered by staff. Majority of the information are entered as attachment. Input fields are limited. Search functions are limited.

Redesign the module as follows:

Program the Declaratory Statement submittal process and the local amendment process to be an integral part of the module database. This will improve the input function of the database and search function to both staff and users.

2010 Florida Building Code – consulting service needed. (\$182K)

Due to the extensive code change/revision to the flood, wind design, Energy and Accessibility provisions of the 2010 FBC, Staff anticipates these code subject areas to be a major source of confusion at the time of the code implementation. To alleviate such confusion the following list of consulting service are advised:

1. Conduct side-by-side comparison/transition to the 2010 FBC. This will help identify the new code changes to code enforcement personnel and interest groups. (\$50K)
2. Develop information/subject area flyers for the following subjects. The purpose of these flyers is to summarize the major code change provisions for each subject area and create a quick reference for review. (\$20K)
 - a. Flood provisions
 - b. Wind design/maps
 - c. Energy
 - d. Accessibility
3. Provide technical assistance to local governments to develop local wind speed maps for compliance with Section 1609.3 (see below). Under the new provisions for wind design, three wind speed maps will replace the current single wind speed map. In the past, DCA provided consulting services via UF Geoplan Center to the local governments to develop wind speed maps depicting the exact location of the wind speed lines within impacted counties. (\$32K)

1609.3 Basic wind speed. The basic wind speed in miles per hour, for the development of wind loads, shall be determined from Figure 1609. The exact location of wind speed lines shall be established by local ordinance using recognized physical landmarks such as major roads, canals, rivers and lake shores whenever possible.

4. Revise RESCheck Software “UA” for compliance with Florida specific changes. The new 2010 FBC, Energy Conservation provides for a new compliance method “UA”. RESCheck is a public domain software available from Department of Energy (DOE) for demonstration of compliance with the “UA” method. DOE allows states to modify the program for code compliance. Staff advises that the RESCheck be modified for use by Florida. By doing so, RESCheck will be available to consumer /users to use at no cost. (Working with DOE, possibly no cost)

5. Develop procedure for approving compliance software for demonstrating compliance with the performance approach to the Florida Energy Standard.

As part of the new 2010 Florida Building Code, Energy Conservation, the Commission is charged with the responsibility of approving compliance software for vendors for demonstrating compliance with the performance compliance energy methods. It is the staff objective to identify a qualified entity to help in the development of the procedure and adopt such procedure by rule late this year. (\$80K)

ATTACHMENT 5

ACCESSIBILITY LAW RECOMMENDATIONS

Following are the Commission's recommended changes to Florida Accessibility Law necessary to conform requirements with the format and terminology of the 2010 ADA Standards for Accessible Design, and to provide enhancements to the Code:

553.501 Short title.—Sections 553.501-553.513 may be cited as the "Florida Americans With Disabilities Accessibility Implementation Act."

553.502 Intent.--The purpose and intent of ss. 553.501-553.513 is to incorporate into the law of this state the accessibility requirements of the Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 42 U.S.C. ss. 12101 et seq., and to obtain and maintain United States Department of Justice certification of the Florida Accessibility Code for Building Construction as equivalent to federal standards for accessibility of buildings, structures, and facilities. All state laws, rules, standards, and codes governing facilities covered by the ~~guidelines~~ Americans with Disabilities Act Standards for Accessible Design shall be maintained to assure certification of the state's construction standards and codes. Nothing in ss. 553.501-553.513 is intended to expand or diminish the defenses available to a place of public accommodation or commercial facility under the Americans with Disabilities Act and the federal Americans with Disabilities Act Accessibility ~~Guidelines~~ Standards for Accessible Design, including, but not limited to, the readily achievable standard, and the standards applicable to alterations to ~~places of public accommodation~~ private buildings or facilities as defined by the Standards.

553.503 Adoption of ~~guidelines~~ ADA Standards for Accessible Design.-- Subject to the ~~exceptions in s. 553.504~~ modifications of this part, the federal Americans with Disabilities Act ~~Accessibility Guidelines~~ Standards for Accessible Design (the standards), and associated ~~requirements as adopted by reference in~~ requirements established by 28 C.F.R. 36, ~~subparts A and D, and Title II of Public. L. No. 101-336~~ 28 C.F.R. 35 and 49 C.F.R. 37 are hereby adopted and incorporated by reference as the law of this state. The ~~guidelines~~ requirements of this part shall establish the minimum standards for the accessibility of buildings and facilities built or altered within this state. The ~~1997~~ requirements of this part establish the Florida Accessibility Code for Building Construction and must be adopted by the Florida Building Commission in accordance with chapter 120.

553.504 Exceptions to applicability of the ~~guidelines~~ standards.--Notwithstanding the adoption of the Americans with Disabilities Act ~~Accessibility Guidelines~~ Standards for Accessible Design pursuant to ~~in~~ s. 553.503 all buildings, structures, and facilities in this state shall meet the following additional requirements when they provide increased accessibility:

(1) All new or altered public buildings and facilities, private buildings and facilities, and places of public accommodation and commercial facilities as defined in the standards subject ss. 553.501-553.513 to and the standards ~~which may be frequented in, lived in, or worked in by the public~~ shall comply with ss. 553.501-553.513.

(2) All new single-family houses, duplexes, triplexes, condominiums, and townhouses shall provide at least one bathroom, located with maximum possible privacy, where bathrooms are provided on habitable grade levels, with a door that has a 29-inch clear opening. However, if only a toilet room is provided at grade level, such toilet room shall have a clear opening of not less than 29 inches.

~~(3) All required doors and walk-through openings in buildings excluding single-family homes, duplexes, and triplexes not covered by the Americans with Disabilities Act of 1990 or the Fair Housing Act shall have at least 29 inches of clear width except under ss. 553.501-553.513.~~

~~(4) In addition to the requirements in reference 4.8.4 of the guidelines, all landings on ramps shall be not less than 60 inches clear, and the bottom of each ramp shall have not less than 72 inches of straight and level clearance.~~

~~(5) All curb ramps shall be designed and constructed in accordance with the following requirements:~~

~~(a) Notwithstanding the requirements of reference 4.8.5.2 505.10.1 of the guidelines standards, handrails on ramps which are not continuous shall extend not less than 18 inches beyond the sloped segment at both the top and bottom, and shall be parallel to the floor or ground surface.~~

~~(b) Notwithstanding the requirements of references 4.3.3 and 4.8.3 of the guidelines, curb ramps that are part of a required means of egress shall be not less than 44 inches wide.~~

~~(c) Notwithstanding the requirements of reference 4.7.5 of the guidelines, curb ramps located where pedestrians must use them and all curb ramps which are not protected by handrails or guardrails shall have flared sides with a slope not exceeding a ratio of 1 to 12.~~

~~(6) Notwithstanding the requirements in reference 4.13.11 section 404.2.9 of the guidelines standards, exterior hinged doors shall be so designed that such doors can be pushed or pulled open with a force not exceeding 8.5 foot pounds requirements for exterior doors are as follows: Exterior hinged doors: 8.5 lbf maximum.~~

~~(7) Notwithstanding the requirements in reference 4.33.1 of the guidelines, all public food service establishments all establishments licensed under the Beverage Law for consumption on the premises, and all facilities governed by reference 4.1 of the guidelines shall provide seating or spaces for seating in accordance with the following requirements:~~

~~(a) For the first 100 fixed seats, accessible and usable spaces must be provided consistent with the following table:~~

Capacity of Seating In Assembly Areas	Number of Required Wheelchair Locations
1 to 25	1
26 to 50	2

~~(b) For all remaining fixed seats, there shall be not less than one such accessible and usable space for each 100 fixed seats or fraction thereof.~~

~~(8) Notwithstanding the requirements in references 4.32.1-4.32.4 of the guidelines, all fixed seating in public food service establishments, and in establishments licensed under the Beverage Law for consumption on the premises, and in all other facilities governed by reference 4.1 of the guidelines shall be designed and constructed in accordance with the following requirements:~~

~~(a) All aisles adjacent to fixed seating shall provide clear space for wheelchairs.~~

~~(b) Where there are open positions along both sides of such aisles, the aisles shall be not less than 52 inches wide.~~

(94) In motels and hotels a number of rooms equaling at least 5 percent of the guest rooms minus the number of accessible rooms required by the guidelines standards shall provide the following special accessibility features:

(a) Grab rails in bathrooms and toilet rooms that comply with s. ~~4.16.4~~604.5 of the ~~guidelines standards~~.

(b) All beds in designed accessible guest rooms shall be open-frame type to permit passage of lift devices.

~~(c) All standard water closet seats shall be at a height of 15 inches, measured vertically from the finished floor to the top of the seat, with a variation of plus or minus $\frac{1}{2}$ inch. A portable or attached raised toilet seat shall be provided in all designated handicapped accessible rooms Water closets shall comply with 604.4 of the standards.~~

All buildings, structures, or facilities licensed as a hotel, motel, or condominium pursuant to chapter 509, F.S., shall be subject to the provisions of this subsection. Nothing in this subsection shall be construed as relieving the owner of the responsibility of providing accessible rooms in conformance with ss. ~~9.1-9.5~~ sections 224 and 806 of the ~~guidelines standards~~.

~~(10) Notwithstanding the requirements in reference 4.29.2 of the guidelines, all detectable warning surfaces required by the guidelines shall be governed by the requirements of American National Standards Institute A117.1-1986.~~

~~(11) Notwithstanding the requirements in references 4.31.2 and 4.31.3 of the guidelines, the installation and placement of all public telephones shall be governed by the rules of the Florida Public Service Commission.~~

~~(125) Notwithstanding the requirements in references 4.1.3(11) and 4.16-4.23 sections 213 and 604 of the guidelines standards, required ~~restrooms~~ bathing rooms and toilet rooms in new construction shall be designed and constructed in accordance with the following requirements:~~

(a) The standard accessible ~~restroom stall~~ toilet compartment shall contain an accessible lavatory within it, the size of such lavatory to be not less than 19 inches wide by 17 inches deep, nominal size, and wall-mounted. The lavatory shall be mounted so as not to overlap the clear floor space areas required by ~~s. 4.17 figure 30(a) of the guidelines~~ section 604 of the standards for the standard accessible ~~stall~~ toilet compartment and to comply with ~~s. 4.19 section 606 of the guidelines~~ standards. Such lavatories shall be counted as part of the required fixture count for the building.

(b) The accessible toilet compartment water closet shall be located in the corner, diagonal to the door.

~~(c) The accessible stall door shall be self-closing.~~

~~(13) All customer checkout aisles not required by the guidelines standards to be handicapped accessible shall have at least 32 inches of clear passage.~~

~~(14) Turnstiles shall not be used in occupancies which serve fewer than 100 persons, but turnstiles may be used in occupancies which serve at least 100 persons if there is an unlocked alternate passageway on an accessible route affording not less than 32 inches of clearance, equipped with latching devices in accordance with the guidelines standards.~~

~~(15) Barriers at common or emergency entrances and exits of business establishments conducting business with the general public that are existing, under construction, or under contract for construction which would prevent a person from using such entrances or exits shall be removed.~~

553.5041 Parking spaces for persons who have disabilities.--

(1) This section is not intended to expand or diminish the defenses available to a place of public accommodation under the Americans with Disabilities Act and the federal Americans with Disabilities Act ~~Accessibility Guidelines Standards for Accessible Design~~, including, but not limited to, the readily achievable standard, and the standards applicable to alterations to places of public accommodation and commercial facilities. Subject to the exceptions described in subsections (2), (4), (5), and (6), when the parking and loading zone requirements of the federal Americans with Disabilities Act ~~Accessibility Guidelines (ADAAG) Standards for Accessible Design (the standards)~~, and associated requirements as adopted by reference in established by 28 C.F.R. 36, subparts A and D, and Title II of Public. L. No. 101-336 28 C.F.R. 35, and 49 C.F.R. 37 provide increased accessibility, those requirements are adopted and incorporated by reference as the law of this state.

(2) State agencies and political subdivisions having jurisdiction over street parking or publicly owned or operated parking facilities are not required to provide a greater right-of-way width than would otherwise be planned under regulations, guidelines, or practices normally applied to new development.

~~(3) If parking spaces are provided for self parking by employees or visitors, or both, accessible spaces shall be provided in each such parking area. Such Designated accessible spaces shall be designed and marked for the exclusive use of those individuals who have a severe physical disability and have permanent or temporary mobility problems that substantially impair their ability to~~

ambulate and who have been issued either a disabled parking permit under s. 316.1958 or s. 320.0848 or a license plate under s. 320.084, s. 320.0842, s. 320.0843, or s. 320.0845.

(4) The number of accessible parking spaces must comply with the parking requirements in ~~ADAAG the standards s. 4.1 section 208~~ and the following:

(a) There must be one accessible parking space in the immediate vicinity of a publicly owned or leased building that houses a governmental entity or a political subdivision, including, but not limited to, state office buildings and courthouses, if no parking for the public is provided on the premises of the building.

(b) There must be one accessible parking space for each 150 metered on-street parking spaces provided by state agencies and political subdivisions.

(c) The number of parking spaces for persons who have disabilities must be increased on the basis of demonstrated and documented need.

(5) Accessible perpendicular and diagonal accessible parking spaces and loading zones must be designed and located in conformance with the ~~guidelines set forth in ADAAG standards ss. 4.1.2 and 4.6 sections 502 and 503 and Appendix s. A4.6.3 "Universal Parking Design."~~

(a) All spaces must be located on an accessible route no less than 44 inches wide so that users will not be compelled to walk or wheel behind parked vehicles. Exception – Users shall be allowed to go behind their own vehicle.

(b) ~~Each space must be located on the shortest safely accessible route from the parking space to an accessible entrance.~~ If there are multiple entrances or multiple retail stores, the parking spaces must be dispersed to provide parking at the nearest accessible entrance. If a theme park or an entertainment complex as defined in s. 509.013(9) provides parking in several lots or areas from which access to the theme park or entertainment complex is provided, a single lot or area may be designated for parking by persons who have disabilities, if the lot or area is located on the shortest ~~safely accessible route to an accessible entrance to the theme park or entertainment complex or to transportation to such an accessible entrance.~~

(c)1. Each parking space must be no less than 12 feet wide. Parking access aisles must be no less than 5 feet wide and must be part of an accessible route to the building or facility entrance. ~~In accordance with ADAAG s. 4.6.3, access aisles must be placed adjacent to accessible parking spaces; however, two accessible parking spaces may share a common access aisle.~~ The access aisle must be striped diagonally to designate it as a no-parking zone.

2. The parking access aisles are reserved for the temporary exclusive use of persons who have disabled parking permits and who require extra space to deploy a mobility device, lift, or ramp in order to exit from or enter a vehicle. Parking is not allowed in an access aisle. Violators are subject to the same penalties that are imposed for illegally parking in parking spaces that are designated for persons who have disabilities. A vehicle may not be parked in an access aisle, even if the vehicle owner or passenger is disabled or owns a disabled parking permit.

3. Any provision of this subsection to the contrary notwithstanding, a theme park or an entertainment complex as defined in s. 509.013(9) in which are provided continuous attendant services for directing individuals to marked accessible parking spaces or designated lots for parking by persons who have disabilities, may, in lieu of the required parking space design, provide parking spaces that comply with ~~ADAAG ss. 4.1 and 4.6~~ the standards sections 208 and 502.

~~(d) On-street parallel parking spaces must be located either at the beginning or end of a block or adjacent to alley entrances. Such spaces must be designed in conformance with the guidelines set forth in ADAAG ss. 4.6.2 through 4.6.5~~ standards sections 208 and 502, exception: access aisles are not required. Curbs adjacent to such spaces must be of a height that will not interfere with the opening and closing of motor vehicle doors. This subsection does not relieve the owner of the responsibility to comply with the parking requirements of ~~ADAAG ss. 4.1 and 4.6~~ the standards sections 208 and 502.

~~(e) Parallel parking spaces must be even with surface slopes, may match the grade of the adjacent travel lane, and must not exceed a cross slope of 1 to 50, where feasible.~~

~~(f) Curb ramps must be located outside of the disabled parking spaces and access aisles.~~

(g)1. The removal of architectural barriers from a parking facility in accordance with 28 C.F.R. s. 36.304 or with s. 553.508 must comply with this section unless compliance would cause the barrier removal not to be readily achievable. If compliance would cause the barrier removal not to be readily achievable, a facility may provide parking spaces at alternative locations for persons who have disabilities and provide appropriate signage directing persons who have disabilities to the alternative parking if readily achievable. The facility may not reduce the required number or dimensions of those spaces, nor may it unreasonably increase the length of the accessible route from a parking space to the facility. The removal of an architectural barrier must not create a significant risk to the health or safety of a person who has a disability or to that of others.

2. A facility that is making alterations under s. 553.507(2)(b) must comply with this section to the maximum extent feasible. If compliance with parking location requirements is not feasible, the facility may provide parking spaces at alternative locations for persons who have disabilities and provide appropriate signage directing persons who have a disability to alternative parking. The facility may not reduce the required number or dimensions of those spaces, nor may it unnecessarily increase the length of the accessible route from a parking space to the facility. The alteration must not create a significant risk to the health or safety of a person who has a disability or to that of others.

(6) Each such parking space must be striped consistent with standards of the controlling jurisdiction for other spaces and also prominently outlined with blue paint, and must be repainted when necessary, to be clearly distinguishable as a parking space designated for persons who have disabilities and must be posted with a permanent above-grade sign of a color and design approved by the Department of Transportation, which is placed on or at a distance of ~~84 inches above the ground to the bottom of the sign~~ a minimum of 60 inches above the finished floor or ground surface measured to the bottom of the sign and which bears the international symbol of accessibility meeting the requirements of ~~ADAAG s. 4.30.7~~ the standards section 703.7.2.1 and the caption "PARKING BY DISABLED PERMIT ONLY." Such a sign erected after October 1, 1996, must

indicate the penalty for illegal use of the space. Any provision of this section to the contrary notwithstanding, in a theme park or an entertainment complex as defined in s. 509.013(9) in which accessible parking is located in designated lots or areas, the signage indicating the lot as reserved for accessible parking may be located at the entrances to the lot in lieu of a sign at each parking place. This subsection does not relieve the owner of the responsibility of complying with the signage requirements of ~~ADAAG s. 4.30~~ the standards reference 502.6.

553.505 Exceptions to applicability of the Americans with Disabilities Act.--Notwithstanding the Americans with Disabilities Act of 1990, private clubs are governed by ss. 553.501-553.513. ~~Parking spaces, parking lots, and other parking facilities are governed by s. 553.5041 when that section provides increased accessibility.~~

553.506 Powers of the commission.--In addition to any other authority vested in the Florida Building Commission by law, the commission, in implementing ss. 553.501-553.513, may, by rule, adopt revised and updated versions of the Americans with Disabilities Act ~~Accessibility Guidelines Standards for Accessible Design~~ pursuant to this Part in accordance with chapter 120.

553.507 Exemptions Applicability.—

Sections 553.501-553.513 ~~do not~~ and the code shall apply to any of the following:

- (1) ~~All areas of newly designed and newly constructed Bbuildings, structures, or and facilities that were either under construction or under contract for construction on October 1, 1997 as determined by the federal standards adopted pursuant to s.553.503 and established by this part.~~
- (2) ~~Portions of altered buildings and facilities as determined by the federal standards adopted pursuant to s.553.503 and established by this part. Buildings, structures, or facilities that were in existence on October 1, 1997, unless:~~
 - (a) ~~(3) A~~The building, structure, or facility that is being converted from residential to nonresidential or mixed use; as defined by the Florida Building Code shall comply as a minimum with s.553.508 and the requirements for alterations as determined by the federal standards adopted pursuant to s.553.503 and established by this part. local law;
 - (b) ~~The proposed alteration or renovation of the building, structure, or facility will affect usability or accessibility to a degree that invokes the requirements of s. 303(a) of the Americans with Disabilities Act of 1990; or~~
 - (c) ~~(4) Buildings and facilities where T~~the original construction or any former alteration or renovation of the building, structure, or facility was carried out in violation of applicable permitting law.

553.508 Architectural barrier removal.--Removal of architectural barriers, pursuant to 28 C.F.R. s. 36.304, from buildings, structures, or facilities to which this act applies shall comply with ss. 553.501-553.513 unless compliance would render the removal not readily achievable. In no instance shall the removal of an architectural barrier create a significant risk to the health or safety of an individual with a disability or others.

553.509 Vertical accessibility.--

- (1) Nothing in ss. 553.501-553.513 or the ~~guidelines standards~~ shall be construed to relieve the owner of any building, structure, or facility governed by those sections from the duty to provide

vertical accessibility to all levels above and below the occupiable grade level, regardless of whether the ~~guidelines~~ standards require an elevator to be installed in such building, structure, or facility, except for:

- (a) Elevator pits, elevator penthouses, mechanical rooms, piping or equipment catwalks, and automobile lubrication and maintenance pits and platforms;
- (b) Unoccupiable spaces, such as rooms, enclosed spaces, and storage spaces that are not designed for human occupancy, for public accommodations, or for work areas; and
- (c) Occupiable spaces and rooms that are not open to the public and that house no more than five persons, including, but not limited to, equipment control rooms and projection booths.
- (d) Theaters, concert halls and stadiums, or other large assembly areas with stadium style seating or tiered seating, provided Sections 221 and 802 of the 2010 standards are provided
- (e) All play and recreation areas, provided the 2010 standards Chapter 10 requirements are met.
- (f) All employee areas as exempted in 2010 standards Section 208.2.8:203.9.
- (g) Facilities, sites and spaces exempted by section 203 of the standards.

~~(2)(a) Any person, firm, or corporation that owns, manages, or operates a residential multifamily dwelling, including a condominium, that is at least 75 feet high and contains a public elevator, as described in s. 399.035(2) and (3) and rules adopted by the Florida Building Commission, shall have at least one public elevator that is capable of operating on an alternate power source for emergency purposes. Alternate power shall be available for the purpose of allowing all residents access for a specified number of hours each day over a 5-day period following a natural disaster, manmade disaster, emergency, or other civil disturbance that disrupts the normal supply of electricity. The alternate power source that controls elevator operations must also be capable of powering any connected fire alarm system in the building.~~

~~(b) At a minimum, the elevator must be appropriately prewired and prepared to accept an alternate power source and must have a connection on the line side of the main disconnect, pursuant to National Electric Code Handbook, Article 700. In addition to the required power source for the elevator and connected fire alarm system in the building, the alternate power supply must be sufficient to provide emergency lighting to the interior lobbies, hallways, and other portions of the building used by the public. Residential multifamily dwellings must have an available generator and fuel source on the property or have proof of a current contract posted in the elevator machine room or other place conspicuous to the elevator inspector affirming a current guaranteed service contract for such equipment and fuel source to operate the elevator on an on-call basis within 24 hours after a request. By December 31, 2006, any person, firm or corporation that owns, manages, or operates a residential multifamily dwelling as defined in paragraph (a) must provide to the local building inspection agency verification of engineering plans for residential multifamily dwellings that provide for the capability to generate power by alternate means. Compliance with installation requirements and operational capability requirements must be verified by local building inspectors and reported to the county emergency management agency by December 31, 2007.~~

~~(c) Each newly constructed residential multifamily dwelling, including a condominium, that is at least 75 feet high and contains a public elevator, as described in s. 399.035(2) and (3) and rules~~

adopted by the Florida Building Commission, must have at least one public elevator that is capable of operating on an alternate power source for the purpose of allowing all residents access for a specified number of hours each day over a 5-day period following a natural disaster, manmade disaster, emergency, or other civil disturbance that disrupts the normal supply of electricity. The alternate power source that controls elevator operations must be capable of powering any connected fire alarm system in the building. In addition to the required power source for the elevator and connected fire alarm system, the alternate power supply must be sufficient to provide emergency lighting to the interior lobbies, hallways, and other portions of the building used by the public. Engineering plans and verification of operational capability must be provided by the local building inspector to the county emergency management agency before occupancy of the newly constructed building.

~~(d) Each person, firm, or corporation that is required to maintain an alternate power source under this subsection shall maintain a written emergency operations plan that details the sequence of operations before, during, and after a natural or manmade disaster or other emergency situation. The plan must include, at a minimum, a lifesafety plan for evacuation, maintenance of the electrical and lighting supply, and provisions for the health, safety, and welfare of the residents. In addition, the owner, manager, or operator of the residential multifamily dwelling must keep written records of any contracts for alternative power generation equipment. Also, quarterly inspection records of lifesafety equipment and alternate power generation equipment must be posted in the elevator machine room or other place conspicuous to the elevator inspector, which confirm that such equipment is properly maintained and in good working condition, and copies of contracts for alternate power generation equipment shall be maintained on site for verification. The written emergency operations plan and inspection records shall also be open for periodic inspection by local and state government agencies as deemed necessary. The owner or operator must keep a generator key in a lockbox posted at or near any installed generator unit.~~

~~(e) Multistory affordable residential dwellings for persons age 62 and older that are financed or insured by the United States Department of Housing and Urban Development must make every effort to obtain grant funding from the Federal Government or the Florida Housing Finance Corporation to comply with this subsection. If an owner of such a residential dwelling cannot comply with the requirements of this subsection, the owner must develop a plan with the local emergency management agency to ensure that residents are evacuated to a place of safety in the event of a power outage resulting from a natural or manmade disaster or other emergency situation that disrupts the normal supply of electricity for an extended period of time. A place of safety may include, but is not limited to, relocation to an alternative site within the building or evacuation to a local shelter.~~

~~(f) As a part of the annual elevator inspection required under s. 399.061, certified elevator inspectors shall confirm that all installed generators required by this chapter are in working order, have current inspection records posted in the elevator machine room or other place conspicuous to the elevator inspector, and that the required generator key is present in the lockbox posted at or near the installed generator. If a building does not have an installed generator, the inspector shall confirm that the appropriate prewiring and switching capabilities are present and that a statement is posted in the elevator machine room or other place conspicuous to the elevator inspector affirming a current guaranteed contract exists for contingent services for alternate power is current for the operating period.~~

However, buildings, structures, and facilities must, as a minimum, comply with the requirements in the Americans with Disabilities Act Accessibility Guidelines Standards for Accessible Design.

History.--s. 1, ch. 93-183; s. 6, ch. 97-76; s. 12, ch. 2006-71.

553.511 Parking facilities; minimum height clearance requirement.--Every nonresidential structure built on or after January 1, 1991, which is designed to use covered or underground parking as the primary available parking space shall design the covered or underground parking facility to maintain a minimum height for the portion of the street-accessible level of the parking facility directly over van-accessible parking spaces and for providing ingress and egress to such parking spaces of at least 8 feet 2 inches. Signs shall be posted to warn operators of handicapped-equipped vans that they cannot pass beyond a certain point due to height limitations. If compliance with this minimum height clearance requirement will cause the structure to exceed local height limitations imposed by local zoning, planning, or fire ordinances, or will result in the imposition of any additional requirements of such ordinances, the structure may exceed the height limitation specified in those particular codes as necessary to comply with the requirements of this section and is exempt from such additional requirements. Structures for which the plans were sealed by an architect prior to January 1, 1991, are exempt from this section.

553.512 Modifications and waivers; advisory council.--

(1) The Florida Building Commission shall provide by regulation criteria for granting individual modifications of, or exceptions from, the literal requirements of this part upon a determination of unnecessary, unreasonable, or extreme hardship, provided such waivers shall not violate federal accessibility laws and regulations and shall be reviewed by the Accessibility Advisory Council. Notwithstanding any other provision of this subsection, if an applicant for a waiver demonstrates economic hardship in accordance with 28 C.F.R. s. 36.403(f)(1), a waiver shall be granted. The commission may not consider waiving any of the requirements of s. 553.5041 unless the applicant first demonstrates that she or he has applied for and been denied waiver or variance from all local government zoning, subdivision regulations, or other ordinances that prevent compliance therewith. Further, the commission may not waive the requirement of s. 553.5041(5)(a) and (c)1. governing the minimum width of accessible routes and minimum width of accessible parking spaces.

(2) The Accessibility Advisory Council shall consist of the following seven members, who shall be knowledgeable in the area of accessibility for persons with disabilities. The Secretary of Community Affairs shall appoint the following: a representative from the Advocacy Center for Persons with Disabilities, Inc.; a representative from the Division of Blind Services; a representative from the Division of Vocational Rehabilitation; a representative from a statewide organization representing the physically handicapped; a representative from the hearing impaired; a representative from the President, Florida Council of Handicapped Organizations; and a representative of the Paralyzed Veterans of America. The terms for the first three council members appointed subsequent to October 1, 1991, shall be for 4 years, the terms for the next two council members appointed shall be for 3 years, and the terms for the next two members shall be for 2 years. Thereafter, all council member appointments shall be for terms of 4 years. No council member shall serve more than two 4-year terms subsequent to October 1, 1991. Any member of the council may be replaced by the secretary upon three unexcused absences. Upon application made in the form provided, an

individual waiver or modification may be granted by the commission so long as such modification or waiver is not in conflict with more stringent standards provided in another chapter.

(3) Members of the council shall serve without compensation, but shall be entitled to reimbursement for per diem and travel expenses as provided by s.112.061.

(4) Meetings of the advisory council shall be held in conjunction with the regular meetings of the commission.

553.513 Enforcement.--It shall be the responsibility of each local government and each code enforcement agency established pursuant to s. 553.80 to enforce the provisions of this part. This act expressly preempts the establishment of handicapped accessibility standards to the state and supersedes any county or municipal ordinance on the subject. However, nothing in this section shall prohibit municipalities and counties from enforcing the provisions of this act.

ATTACHMENT 6

ACCESSIBILITY WAIVER SUMMARY

WAIVERS FROM ACCESSIBILITY CODE REQUIREMENTS—FEBRUARY 1, 2011

1. Miami Art Museum

The applicant requested a waiver from providing vertical accessibility to all rows of seats in a new, 249 seat auditorium which is part of a \$77,170,000 museum complex composed of a four story contemporary art museum, gallery space education space, administration and parking. The auditorium, as designed, has five accessible seating locations with companion seats located at the front and rear of the facility. According to the applicant, a constructing a series of ramps to make all levels accessible would increase the footprint by fifty percent.

NOTE: Five seats are permissible using the new federal guidelines; however, the ratio specified in Chapter 11, FBC, requires six.

Action: Deferred for additional information pertaining to the purpose of the space; an explanation of why accessible seating locations are designated “alternate”; to determine if there is a stage or speaker’s platform; is the area open to the public for other purposes; confirmation of lines of sight; and, whether there is a movie screen in the auditorium.

2. Wildsides BBQ Bar and Grill

The applicant requested a waiver from providing vertical accessibility to a new, raised deck in an existing two story restaurant undergoing a \$50,000 alteration. The existing first floor has 3,768 square feet with 2,208 square feet outside dining; the existing second floor has 496 square feet and the new deck with provide an additional 1,547 square feet of seating. No cost estimates were submitted, but the applicant stated providing vertical accessibility would exceed half of the construction budget.

Action: Grant, provided the applicant submit cost data including construction value for the preceding three years and quotes of installation of an elevator or lift;

3. IPIC Entertainment Coral Springs

The applicant requested a waiver from providing vertical accessibility to all rows of seats in an entertainment complex with a bowling center, restaurant and 9 screen movie complex that is undergoing a \$5,500,000 alteration. The theaters are designed provide general admission seating as well as VIP areas with upgraded seating, beverage and food service. All required accessible seats are located in the VIP areas and offered at the price of general admission.

Action: Grant, as presented because of technical infeasibility.

4. Coca Cola North America

The applicant requested a waiver from providing vertical accessibility to an 11,000 square foot mezzanine in an industrial beverage manufacturing facility undergoing a \$2,000,000 alteration. According to the applicant, the mezzanine would only be occupied by two employees per shift, who would operate product packaging equipment. Further according to the applicant, the issue is neither cost not technical feasibility, but unnecessarily requiring mechanical means of access to the area which is not open to the public and is occupied by five or fewer employees.

Action: Grant because of technical infeasibility; if any changes are made to the space, they must be reviewed by the local building official.

5. Nail Bar

The applicant requested a waiver from providing vertical accessibility between two levels of a nail salon undergoing an \$8,000 alteration. The original business is located in a single bay of a strip shopping mall and is expanding to include the bay next door, which has a 16 inch difference in floor level. Each bay is 19 feet wide, and it would, therefore, be impossible to construct a ramp with the required 72 inches of end clearance in the available space. This would also encroach on the required means of egress. Estimates of \$5,000-12,000 were submitted for installation of a lift between the two levels. Since there is no interior means of connecting the levels, patrons would have to go outside from one entrance to the other for access to the other side of the salon. An existing covered walkway with a slope less than 1:12 connects the two bays.

Action: Defer.

ATTACHMENT 7

LEGAL REPORT

DECLARATORY STATEMENT INTERPRETATIONS

SECOND HEARINGS—FEBRUARY 1, 2011

SECOND HEARING

The Commission voted unanimously to defer action on all second hearing Declaratory Statements pending posting of draft Final Orders to the Commission's website.

FIRST HEARINGS—FEBRUARY 1, 2011

DCA10-DEC-213 by Gary Pailthorp, PE. of Bracken Engineering

The TAC recommended that the petition be dismissed. The Petition falls outside the scope of the declaratory statement process.

DCA10-DEC-214 by Bemmie Eustace, Director of INTERPLAN LLC

Question: Is the toilet room configuration requirement of the federal 2010 Standards for Accessible Design an acceptable alternative under the *Florida Building Code*, Chapter 11, Section 11-2.2 equivalent facilitation?"

Answer: Dismissed due the fact that the request is subject to the local appeal process.

DCA10-DEC-243 by Timothy Graboski of Tim Graboski Roofing Inc.

The TAC recommended that the petition be dismissed. The Petitioner's question was not clear.

DCA10-DEC-247 by Timothy Graboski of Tim Graboski Roofing Inc.

Question: For the project in question and in accordance with FBC Section 1504.3 and Section 1504.3.1, is it acceptable to use a "self-adhering" cap sheet that does not have a "Structural Uplift Resistance Rating"?"

Answer: According to Sections 1507.3.3 and 1507.3.8, the use and the application of the tile systems including the cap sheet shall be in accordance with the tile manufacturer's installation instruction (i.e. the roof tile manufacturer's product approval) or recommendations of the FRSA/TRI 07320.

DCA10-DEC-248 by Kraig Marckett of Living Space Sunrooms, LLC

Question: “Does our product fall under the scope of rule 9N-3?”

Answer: To the extent that the Petitioner’s pre-engineered system “sunrooms” is constructed specific to plan or design “custom/one of a kind” and designed in accordance with specification standards referenced in the FBC, the system itself falls outside the scope of the state approval established by Rule 9N-3. However, local approval of the Petitioner’s system may be ~~achieved~~ required through building plans review and inspection providing the system be manufactured under quality assurance as specified in the Code.

DCA10-DEC-270 by Micheal Heissenberg, President, of Expert Shutter Services, Inc.

The TAC recommended that the petition be dismissed. The Petition falls outside the scope of the declaratory statement process.

DCA10-DEC-285 by Larry Schneider, AIA

~~**Question:** Is the use of the 2010 federal Standards for Accessible Design acceptable as equivalent to Chapter 11, *Florida Building Code, Building?*~~

~~**Answer:** Acceptable means, “Acceptable to the code official or authority having jurisdiction. The code official charged with the administration and enforcement of this code is the local building official or his/her authorized representative.”.~~

Deferred.

DCA10-DEC-286 by Larry Schneider, AIA

~~**Question:** Is the use of the 2010 federal Standards for Accessible Design acceptable as equivalent to Chapter 11, *Florida Building Code, Building?*~~

~~**Answer:** Acceptable means, “Acceptable to the code official or authority having jurisdiction. The code official charged with the administration and enforcement of this code is the local building official or his/her authorized representative.”.~~

Deferred

ATTACHMENT 8

PRODUCT AND ENTITY APPROVAL REPORT

ID	Manufacturer	Category	Subcategory	TBA	POC	FBC	Comments	Stat.
Evaluation by Engineer/Architect Method - FBC Voted Approval								
3915-R4	Soprema, Inc.	Roofing	Modified Bitumen Roof System	a	a	a	Recommend Approval	Revision
4459-R3	Aleris Rolled Products, Inc.	Panel Walls	Soffits	a	a	a	Recommend Approval	Revision
5215-R2	BITEC, INC.	Roofing	Underlayments	a	a	a	Recommend Approval	Revision
5259-R11	POLYGLASS USA	Roofing	Underlayments	a	a	a	Recommend Approval	Revision
5293-R3	GAF Materials Corporation	Roofing	Single Ply Roof Systems	a	a	a	Recommend Approval	Revision
5675-R5	Clopay Building Products Company	Exterior Doors	Sectional Exterior Door Assemblies	a	a	a	Recommend Approval	Revision
6102-R6	Silverline Building Products Corp.	Windows	Fixed	a	a	a	Recommend Approval	Revision
8134-R7	Alside Window Company	Windows	Double Hung	a	a	a	Recommend Approval	Revision
8889-R1	Ideal Steel Building & Components	Structural Components	Roof Deck	a	a	a	Recommend Approval	Revision
8894-R1	Ideal Steel Building &	Structural Components	Structural Wall	a	a	a	Recommend Approval	Revision

	Components							
9604-R3	MGM Industries	Windows	Double Hung	a	a	a	Recommend Approval	Revision
9625-R5	Gentek Building Products	Windows	Double Hung	a	a	a	Recommend Approval	Revision
9627-R5	Revere Building Products	Windows	Double Hung	a	a	a	Recommend Approval	Revision
9792-R2	Atlas Roofing Corporation	Roofing	Asphalt Shingles	a	a	a	Recommend Approval	Revision
10373-R2	Hurricane Armor, LLC	Shutters	Products Introduced as a Result of New Technology	a	a	a	Recommend Approval	Revision
10453-R4	Alside Window Company	Windows	Single Hung	a	a	a	Recommend Approval	Revision
10463-R4	Gentek Building Products	Windows	Single Hung	a	a	a	Recommend Approval	Revision
10464-R4	Revere Building Products	Windows	Single Hung	a	a	a	Recommend Approval	Revision
10465-R4	Associated Materials Inc.	Windows	Single Hung	a	a	a	Recommend Approval	Revision
11328-R1	Weiland Sliding Doors and Windows, Inc.	Exterior Doors	Sliding Exterior Door Assemblies	a	a	a	Recommend Approval	Editorial Change
11351-R2	Englert Inc.	Roofing	Underlayments	a	a	a	Recommend Approval	Editorial Change
11720-R5	Associated Materials Inc.	Windows	Double Hung	a	a	a	Recommend Approval	Revision
12552-R1	High Velocity Hurricane Protection Systems	Shutters	Roll-up	a	a	a	Recommend Approval	Revision
13271-R1	Eastern Metal Supply	Shutters	Fabric Storm Panel	a	a	a	Recommend Approval	Editorial Change
14049-R1	Metal Roofing of Ocala, LLC.	Roofing	Metal Roofing	a	a	a	Recommend Approval	Revision

14184-R1	Ply Gem Windows	Windows	Single Hung	a	a	a	Recommend Approval	Revision
14235-R1	Town and Country Industries,	Shutters	Roll-up	a	a	a	Recommend Approval	Revision
14282	MBCI, L.P.	Structural Components	Roof Deck	a	a	a	Recommend Approval	New
14289	Crawford Tracey Corporation	Panel Walls	Storefronts	a	a	a	Recommend Approval	New
14291	Shildan, Inc.	Panel Walls	Siding	a	a	a	Recommend Approval	New
14294	All Metal Roofing and Siding, Inc.	Roofing	Metal Roofing	a	a	a	Recommend Approval	New
14298	Suncoast Window & Architectural Systems, Inc.	Windows	Single Hung	a	a	a	Recommend Approval	New
14299	Owens Corning	Roofing	Underlayments	a	a	a	Recommend Approval	New
14300	Quaker Window Products Co. Inc.	Windows	Fixed	a	a	a	Recommend Approval	New
14311	Corrim Company	Exterior Doors	Swinging Exterior Door Assemblies	a	a	a	Recommend Approval	New
14313	Crawford Tracey Corporation	Panel Walls	Curtain Walls	a	a	a	Recommend Approval	New
14316	Metal Pro Roofing	Roofing	Metal Roofing	a	a	a	Recommend Approval	New
14318	Versico Incorporated	Roofing	Single Ply Roof Systems	a	a	a	Recommend Approval	New
14319	EKRF, LLC	Roofing	Roofing Tiles	a	a	a	Recommend Approval	New
14321	Broan-NuTone, LLC.	Roofing	Roofing Accessories that are an Integral Part of the Roofing System	a	a	a	Recommend Approval	New

14322	TAMKO Building Products, Inc.	Roofing	Roofing Accessories that are an Integral Part of the Roofing System	a	a	a	Recommend Approval	New
14325	OLDCASTLE BUILDING ENVELOPE	Panel Walls	Storefronts	a	a	a	Recommend Approval	New
Evaluation by Test Report - FBC Voted Approval								
Evaluation by Evaluation Entity - FBC Voted Approval								
14257	Sunshine Windows Manufacturing Inc.	Exterior Doors	Sliding Exterior Door Assemblies	a	a	a	Recommend Approval	New
14270	CertainTeed Corporation Siding Products	Panel Walls	Siding	a	a	a	Recommend Approval	New
14271	Sunshine Windows Manufacturing Inc.	Exterior Doors	Swinging Exterior Door Assemblies	a	a	a	Recommend Approval	New
14324	Besam AES	Exterior Doors	Automatic Exterior Door Assemblies	a	a	a	Recommend Approval	New
Entities - FBC Voted								

Approval								
CER 1508	Window and Door Manufacturers Association	Product Certification Agency		a	a	a	Recommend Approval	Revision
CER 8236	IAPMO R&T	Product Certification Agency		a	a	a	Recommend Approval	Revision
TST 5913	Spec Testing, Inc., dba Specialied Testing	Product Testing Laboratory		a	a	a	Recommend Approval	Revision
TST 6679	Air-Ins Inc.	Product Testing Laboratory		a	a	a	Recommend Approval	Revision
QUA 2515	Window and Door Manufacturers Association-QA	Product Quality Assurance		a	a	a	Recommend Approval	Revision
QUA 5912	Spec Testing, Inc. dba Specialized Testing	Product Quality Assurance		a	a	a	Recommend Approval	Revision
QUA 7733	Farabaugh Engineering and Testing, Inc.	Product Quality Assurance		a	a	a	Recommend Approval	Revision
Discussion Items								
12550-R1	Advance Hurricane Technology Inc.	Panel Walls	Products Introduced as a Result of New Technology				Product does not comply with the deflection requirements or testing for panel walls.	Revision
12550-R1	Public Comment by Jaime Gascon, PE						The product is categorized under 'Panel Walls' and the drawings detail and describe a	

							shutter. Wall panels require testing to TAS202 inclusive of air and water infiltration, where there is no evidence of these in the submittal. Limit - not for use in HVHZ.	
12550-R1	Response by Jaime Zabala						We will adhere to "limit- no for use in HVHZ"	
12550-R1	Commentary and Recommendation by Administrator				c	c	c	Applicant tried to apply using the category "Panel Walls" to circumvent the shutter deflection requirement within HVHZ. <u>Recommend Conditional Approval with conditions of: Change category to shutters. Indicate "No" for use within HVHZ.</u>
3557-R2	Quick Tie Products, Inc.	Structural Components	Wood Connectors					Revision
3557-R2	Commentary by Administrator						The application indicates ASTM D1671, but the evaluation report does not make a reference to the standard. Also, it is not clear on the evaluation on which products were tested and which were by rational analysis.	
3557-R2	Public Comment by Randy Shackelford						See DOC A below and attached files: "Letter of Justification for HA8... and HA4 PSI Test Report.	
3557-R2	Response by Jim Vogt						See attached file: Response by Jim Vogt	
3557-R2	Recommendation				d	d	d	<u>Recommend Defferal with</u>

	by Administrator						<u>conditions of: Revise evaluation report to: Indicate products tested and products evaluated by rational analysis; remove product HA8; correct equation for simultaneous loads; indicate epoxy material as tested and provide performance/testing of epoxy; revise language of Sect. 10.3 of evaluation report to say “Design loads on the Quick Tie™ System and Quick Connectors shall be determined in accordance with this evaluation report.”; revise installation instructions on nails required for HA4.</u>		
ACC 9004	Perry Johnson Laboratory Accreditation Inc. (PIJA)	Product Accreditation Body			c	c	c	Applicant selected option: International Organization for Standardization/International Electrotechnical Commission (ISO/IEC) Guide 58, "Calibration and Testing Laboratory Accreditation Systems - General Requirements for Operation and Recognition" Application then requires one of: 1. Upload a document containing the certification of equivalence of standards signed by the officer of the accrediting body. 2. Upload a document containing the	NEW

							<p>comparison of the accrediting body's standard to each criteria of the ISO reference standard with an explanation of why it is considered equivalent. - Applicant's response was: I have attached a copy of our ILAC and APLAC recognition arrangements. These deem us competent to operate in accordance with ISO/IEC 17011:2004 for 17025 testing and calibration. This recognition arrangements are similar to other accreditation bodies approvals. <u>Recommend Conditional Approval with condition of: Upload the ILAC and APLAC recognition arrangements.</u></p>	
Public Comments								
Evaluation by Engineer/Architect Method								
10124-R4	GAF Materials Corporation	Roofing	Asphalt Shingles	α		-	Recommend Approval	Revision
10124-R4	Public Comment by Robert Nieminen, P.E.						GAF Materials Corporation, has noted a typographical error in one of the trade names for asphalt shingles listed in the subject file, and	

							has asked that I correct the error. I would like to correct the typographical error for Product "Timberline Ultra", which should be listed as "Timberline Ultra HD".	
10124-R4	Recommendation by Administrator			c	c	c	<u>Recommend Conditional Approval with condition of: Change trade name from "Timberline Ultra" to "Timberline Ultra HD"</u>	
13958	Complex Industries	Exterior Doors	Swinging Exterior Door Assemblies	a	-	-	Recommend Approval	New
13958	Public Comment by Jaime Gascon, PE						In products .4, .5 and .6 the use of the aluminum ADA sill requires detailing conformance to FBC 2003.8.4 - Dissimilar metals in contact.	
13958	Response by Rick Wright						We have reviewed the comment and we would like a conditional to add the following comment to the General Note section: All steel in contact with aluminum to be painted, plated or caulked as specified in the 2007 FBC Section 2003.8.4.	
13958	Recommendation by Administrator						<u>Recommend Conditional Approval: Add on General Notes: All steel in contact with aluminum to be painted, plated or caulked as specified in the 2007 FBC Section</u>	

							<u>2003.8.4.</u>	
14305	Enduro Composites	Structural Components	Roof Deck	a	-	-	Recommend Approval	New
14305	Public Comment by Phillip J. Smith, PE						FM does not recognize company or product as having a QA Contract.	
14305	Response by Doug Thomas, P.E.						Enduro has a couple QA Auditors for our TuffSpan Products. We would like to change our QA auditor to Underwriters Laboratories (UL). I have contacted UL and have discussed this with them. Enduro will provide the last factory audit as proof of contract with UL.	
14305	Recommendation by Administrator			c	c	c	<u>Recommend Conditional Approval with condition of: Change QA Agency and provide proof of QA Contract.</u>	
14309	Enduro Composites	Structural Components	Structural Wall	a	-	-	Recommend Approval	New
14309	Public Comment by Phillip J. Smith, PE						FM does not recognize company or product as having a QA Contract.	
14309	Response by Doug Thomas, P.E.						Enduro has a couple QA Auditors for our TuffSpan Products. We would like to change our QA auditor to Underwriters Laboratories (UL). I have contacted UL and have discussed this with them. Enduro will provide	

							the last factory audit as proof of contract with UL.	
14309	Recommendation by Administrator			c	c	c	<u>Recommend Conditional Approval with condition of: Change QA Agency and provide proof of QA Contract.</u>	
							-	
Certification Method - Approved by DCA								
5753-R2	Amweld International	Exterior Doors	Swinging Exterior Door Assemblies	a			Approved by DCA	Editorial Change
5753-R2	Public Comment by Jaime Gascon						Certificate does not include certification of TAS202. Therefore, indicate not for use in HVHZ.	
5753-R2	Commentary by Administrator						This is an "Editorial Change" application with the purpose of updating an expired QA Contract date. The original application FL5753-R1 was approved with the same certification agency certificate as the present application. This certificate does not include testing standard TAS 202 that is required for the performance indicated on the application. The test was performed as indicated on an uploaded test report, but was not included on the certificate. Because the certificate is the primary	

							document on this type of application, the omission of a required testing standard is technically relevant.	
5753-R2	Recommendation by POC	-	-		-	-	<u>POC Recommends that the Application shall be reviewed by the Florida Building Commission</u>	
5753-R2	Recommendation by Administrator and Vote by FBC						<u>Administrator Recommended and FBC Voted that application be revised and a new certificate be provided indicating all testing standards required for HVHZ. Otherwise, indicate "No" for HVHZ. Failure to comply shall initiate application revocation proceedings.</u>	

Comments on Quick-Tie Florida Approval Application 3557-R2

1. Evaluation report does not reference tests performed (test lab, date, test standard) on the connectors specified in Section 7.6, as required by Product Approval Rule. If the tests were performed by SBCRI, then the tests should not be accepted since SBCRI is not accredited to perform tests to ASTM D1761 (see accreditation form attached).
2. Evaluation report does not reference tests performed (test lab, date, test standard) on the Epoxy Adhesives listed in Section 4.2.9, as required by Product Approval Rule. The epoxy adhesives are an integral part of this system by connecting the wire ropes to the foundation. Since I can find no FL Product Approval for any of these adhesives, they must be tested as part of this evaluation. Testing must be for both concrete application and masonry lintels and bond beams since they are permitted by Section 10.8. The alternate adhesives that are recommended in Section 4.2.9 of the report should not be permitted, since the Quick-Tie website states that “All warranties void on Quick Tie’s installed with epoxies that do not carry the Quick Tie label.” Note 7 of Figure 12 states to “Use only Quick-Tie system materials as specified and supplied by Quick-Tie Products, Inc”. Without FL Product Approval, there is no evidence of required quality assurance on the private label epoxy adhesive.
3. Concrete anchor adhesives should be approved for resistance to creep. Because the cables are required to be pre-tensioned (Section 6.2.2.1), the adhesive will have a constant load applied to it. Many adhesives are not resistant to “creep”, which is allowing movement

and eventual failure under constant loading. Criteria has been established by ICC-ES to evaluate creep. There is no evidence that the Quick-Tie private label epoxy that is required has achieved this testing.

4. HA8 allowable loads not established by testing. Refer to Section 7.7, which references a “Letter of Justification for HA8 Seismic and Hurricane Clip Allowable Load, dated August 20, 2009”. See copy of letter attached. Recommend the HA8 be removed from the application.
5. General note 8 on page 20 is incomplete and must be corrected. What is missing is that the sum of those three components must be LESS THAN 1 when added together. It states that “Allowable simultaneous loads in more than one direction on a single connector must be evaluated using the following equation:
Design Load Uplift/Allowable Load Uplift + Design Load Parallel-to-the-Wall-Plate / Allowable Load Parallel-to-the-Wall-Plate + Design Load Perpendicular-to-the-Wall-Plate / Allowable Load Perpendicular-to-the-Wall-Plate.”
6. Section 10.3 states “Design loads on the Quick Tie™ System and Quick Connectors shall be determined in accordance with the building code adopted by the jurisdiction in which the project is to be constructed.” This should say “Design loads on the Quick Tie™ System and Quick Connectors shall be determined in accordance with this evaluation report.”
7. Evaluation report is not signed and sealed by the engineer who performed the evaluation.
8. Violation of 9N-3.009 Criteria for Certification of Independence. Paragraph (4) states that “The Florida registered architect or licensed professional engineer performing an evaluation does not have, nor will acquire, a financial interest in any other entity involved in the approval process of the product.” Mr. Dexter, who is the Florida engineer who prepared the Evaluation Report, is also listed on the BCIS as the administrator for SBCRI, which is the test lab that performed some or all of the testing and analysis for this evaluation report. (I have asked Mr. Madani his opinion of this and am waiting to hear back)